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# *House of Representatives*

The House met at 10 a.m.

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

To You, O Lord, we pray.

In praying, all of us become priests who alone can lift up our personal lives on the altar of our hearts and consecrate all the words, actions, joys and sufferings of this day to You as the Lord of life. Just as all our intentions here in Congress can be dedicated to the service of the American people, especially those in most need of Your mercy and our persevering attention.

When praying we become instruments of Your spirit. You move and act within us. Help us this day to be more aware of Your presence within us and in one another.

To You, O Lord, be all glory, honor and praise today and forever.

Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. CARDOZA 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. 57. An act to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands.

The message also announced that pursuant to section 276h–276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Texas (Mrs. HUTCHISON) as a member of the Senate Delegation to the Mexico-United States Interparliamentary Group conference for the first session of the One Hundred Tenth Congress.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 one-minute speeches on each side.

## HISTORIC INCREASES IN VETERANS FUNDING

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

Mr. STUPAK. Madam Speaker, when America's troops volunteer to serve our Nation, they do so believing that the government that sends them into harm's way will live up to its promise to care for them when they return home. However, as we have seen from the debacle at Walter Reed and the current backlog of 400,000 benefits claims pending at the VA, our veterans do not always receive the level of service and care they deserve.

Today, this Democratic Congress is taking a vital step in addressing these issues by bringing up a Military Construction and Veterans Affairs Appropriations bill that provides the largest increase in funding for veterans health care in the VA's 77-year history. The funding bill also allocates much-needed funding for mental health and PTSD services; additional funds for construction and modification of extended care facilities; and critical funding for the operation and maintenance of the Armed Forces Retirement Home.

This legislation is critical to providing our Nation's veterans with the benefits their service entitles them to and gives the VA the resources necessary to ensure we meet their growing needs. It deserves strong bipartisan support today; and under Democratic leadership, they will receive it.

## BORDER FENCE FUNDING

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

Mrs. BLACKBURN. Mr. Speaker, last year we passed the Secure Fence Act, which mandated the Department of Defense construct a fence and vehicle barriers along 800 miles of the southern border of the U.S., from California to Texas. And 283 people in this Chamber, many of them Democrats, voted to take this first step in real border security reform by funding a secure fence on our southern border.

But under a new liberal Democrat leadership, actually paying for the fence is a whole different matter. Despite the overwhelming support and a $2.4 billion increase in the Homeland Security budget, the bill before us today actually underfunds the fence by $187 million and ties up an additional $700 million in bureaucratic red tape.

The question is: Why? Nothing has changed. Hundreds of thousands of illegal immigrants, drug dealers and possible terrorists continue to slip through the cracks in our southern border while we wait for the fence on the southern border.

Where are those people on the other side of the aisle that were committed to pay for this security fence last year?

Mr. Speaker, it is time to fund the fence.



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## VA FUNDING HONORS COMMITMENT TO VETERANS

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

Mr. ALTMIRE. Mr. Speaker, after years of neglect, this House is finally going to take up a VA funding bill that honors our commitment to our Nation's veterans. In contrast to the chronic underfunding that the VA has seen in recent years, this bill that we are going to talk about today has the largest increase in VA health care spending in the 77-year history of the program.

And for the first time, this bill exceeds the recommended funding level of the service organizations, the American Legion and the VFW.

Democrats continue to demonstrate our commitment that no group should stand ahead of our Nation's veterans when it comes time to make Federal funding decisions. This bill will help us clear up the 400,000-case backlog at the VA. It is going to help us avoid issues like what happened at Walter Reed, and it will give our veterans the care that they earned and the care that they deserve.

## HONORING LIEUTENANT COLONEL GEORGE BROWN

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

Mr. WELLER of Illinois. Mr. Speaker, I rise today in honor of the life of Lieutenant Colonel George Brown of Morris, Illinois, a true American patriot. Lieutenant Colonel Brown passed away at the age of 86 in his home on June 6, 2007, on the 63rd anniversary of D–Day. He served in the U.S. Army from 1942–1964, and was a World War II veteran who also served in Korea. During his service, he received a Purple Heart and a Bronze Star.

A leader in his community, Lieutenant Colonel Brown spent many years as a well-respected member of the Grundy County Board where he was known to give full dedication to his job and cared about conservation and preservation issues.

Additionally, Lieutenant Colonel Brown educated children in our community about Native Americans by portraying Chief Shabbona, the leader of the Pottawatomie Indian tribe during the Black Hawk War, who is also buried in Morris, Illinois. He instructed these children that ''we are symbols of current and past history, and we represent father, grandfather, brother and the authority figure, and they expect us to do the right thing.''

Lieutenant Colonel Brown is remembered as a man of conviction and a pillar in our community, and I am proud to honor him today.

## HISTORIC INCREASES IN VETERANS FUNDING

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

Mr. SPACE. Mr. Speaker, today this House will debate legislation that will help us fulfill our commitment to this Nation's service men and women, their families and our veterans. The Military Construction bill that comes to the floor today was unanimously approved out of the House Appropriations Committee last week. Not one Democrat or Republican opposed the measure.

That is because it provides the largest increase in funding for veterans health care in the 77-year history of the Veterans Administration and includes other historic funding increases designed to meet the changing need of our Armed Forces.

Mr. Speaker, this bill unanimously passed out of the Appropriations Committee for a reason: it is a good bill and deserves the support of every Member of this House.

## UPHOLD BORDER SECURITY FUNDS

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

Mr. WILSON of South Carolina. Mr. Speaker, last year House Republicans acted to stop the flow of illegal aliens into our country by passing five bills specifically addressing the current border crisis. Among these bills was the Secure Fence Act, a bill that among other things authorized more than 700 miles of two-layered reinforced fencing along the southwest border.

Sadly, this week, as the House considers the Democrat Homeland Security Appropriations bill, we find that included in this legislation is a provision allowing localities to ''shut off'' funding for this vital border fence.

As the debate regarding our immigration system continues to wage on, one thing we know for certain is that controlling our borders should come first to any effort we undertake. We welcome legal immigrants who follow the rule of law. But it is unfortunate Democrats are backtracking on the progress we have made. It is time to fund the fence.

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

## HISTORIC INCREASES IN VETERANS FUNDING

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

Mrs. MCCARTHY of New York. Mr. Speaker, for far too long our veterans have been left behind. In fact, last year the Republican Congress and the Bush administration proposed cutting funding for the operation and maintenance of veterans' medical facilities by $464 million. Earlier this year, we saw the effects of these budget cuts manifested in the conditions of Walter Reed Hospital and other VA hospitals across the country.

Fortunately, this new Democratic Congress has a different set of priorities. We allocate the largest increase in funding for veterans health care in history, and we do it in a fiscally responsible way that does not produce budget deficits down the line.

The 2008 MILCON and Veterans Affairs Appropriations bill includes $70 million more than the President requested for veterans substance abuse programs, $69 million more than he requested for medical and prosthetic research, and $127 million more to address the 400,000-deep backlog of veterans benefits claims.

Mr. Speaker, we are finally keeping our promise to our veterans, not only to the veterans serving in Iraq and Afghanistan today, but all veterans.

□ 1015

## EARMARK REFORM

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

Mr. DAVIS of Kentucky. Mr. Speaker, during the 109th Congress, Republicans enacted historic earmarking reforms that allowed Members to challenge and debate wasteful earmarks contained in spending bills on the House floor. This was a good step towards increased accountability and transparency in the earmarking process.

Last fall, Democrats campaigned on a pledge to make this the most ethical Congress in history. But, as they headed into their first appropriations season, we're confronted with the reality of their reforms. It seems that instead of increasing sunshine on how Congress is spending the American people's money, they prefer to create massive secret funds for earmarks that will be inserted into the bill after the votes have been taken on legislation.

And what is perhaps most egregious is the fact that they won't even let these earmarks, which are paid for with the American people's hard-earned tax dollars, be debated in the people's House.

This is not the most ethical Congress in history. This is a sham.

## DEMOCRATS HAVE DIFFERENT FISCAL PRIORITIES THAN PRESIDENT BUSH AND SOME REPUBLICANS

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

Ms. SHEA-PORTER. Mr. Speaker, President Bush claims there are important differences between Democrats

and Republicans when it comes to spending and he is right. For 6 long years, President Bush and the Republican rubber-stamp Congress slashed budgets in critical areas such as health care, college aid and support for our veterans.

For years, Republicans have cut veterans health care funding and budgeted billions less than they need. Last year, Republicans failed to even pass a bill to fund the Department of Veterans Affairs. Imagine that, did not even pass a bill.

After 6 years of Republican damage, Democrats will do things differently. This week, we begin to invest in America's priorities, and we're fiscally responsible.

While President Bush and the Republican Congress ignored the needs of America's veterans, the Democratic House will bring a bill to the floor that includes the largest increase in funding for veterans health care in the 77-year history of the VA.

Today, I would hope that this entire House would support our veterans by supporting this bill. It is long overdue, but the Democrats intend to deliver like our troops deserve.

## WE HAVE A RESPONSIBILITY TO SHOW TAXPAYERS HOW THEIR MONEY IS BEING SPENT

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

Mr. BARRETT of South Carolina. Mr. Speaker, the very first reform passed by the new majority in the 110th Congress was a rule to create transparency publicizing projects earmarked for Federal money. Now the majority party is suggesting to the American people that it's okay to bury these earmarks in conference bills, which we know cannot be amended or challenged in any way.

Republicans last year brought more sunshine and transparency into this process, and instead of building on that, as promised by this new majority, Congress is taking a giant step backwards.

As a member of the House Budget Committee, I'm highly concerned that waiting until the very end of the lawmaking process to hide pork barrel spending is the simplest way to create a slush fund in the budget. This way of spending will lose America's trust.

Mr. Speaker, Americans have trusted us to spend their taxpayer money wisely and honestly. We have a responsibility to show them exactly how their money is being spent and defend it on the House floor.

## DEMOCRATS SET TO APPROVE FOUR APPROPRIATIONS BILLS THIS WEEK THAT SET RIGHT PRIORITIES

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

Mr. MORAN of Virginia. Mr. Speaker, this week the House should approve four appropriations bills that set the right priorities for our Nation and do it in a fiscally responsible manner.

Yesterday, we debated the homeland security bill, and we'll continue today, but we should make the public aware that beyond the issues that we seem to be distracted by, the main point about the homeland security bill is that it strengthens our borders by providing funds for 3,000 additional border patrol agents. It also prioritizes the need of our first responders while doubling the amount of cargo that will be screened at our airports.

Democrats are going to bring a veterans and a military construction bill to the floor that includes the largest increase in veterans health care funding in the 77-year history of the Veterans Administration.

We will also be bringing to the floor the Energy and Water and Interior appropriations bills. Now the Democrats will address the important issue of global warming in those bills. These bills also show that, as Democrats, we recognize what a serious problem that is.

Mr. Speaker, I want to emphasize, these bills were approved in committee with strong bipartisan support. They should receive that same kind of support here on the House floor.

## OPENNESS AND TRANSPARENCY IN THE HOUSE

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Mr. Speaker, as we come today, it marks the one-quarter mark into the 110th Congress under now the new leadership of the Democrat leadership.

And what has this leadership wrought for the American public? During this time, firstly, the largest tax increase on the American family in U.S. history; secondly, a breaking of the rules, a breaking of the rules and the promises of transparency and openness that they made to the American public and that the GOP, the Republicans, began to initiate in the last Congress; and finally, we learned last night from this new majority, they bring to us slush funds, slush funds under the direction of one man on the other side done at the late end of night to control billions of dollars.

The Homeland Security bill that we were debating last night and will be debating today is too important to trivialize in this manner. It is too important to the American public, and it is too important to my constituents in the 5th Congressional District of New Jersey who live in the shadows of the World Trade Center.

Mr. Speaker, this past November election, the American public has spoken. They say they want openness, they want transparency. We demand it of this House.

## HOW MUCH WORSE DO THINGS HAVE TO GET AT JUSTICE BEFORE REPUBLICANS HOLD HIM ACCOUNTABLE?

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

Mr. PALLONE. Mr. Speaker, just how bad do things have to get at the Justice Department before congressional Republicans say enough is enough?

On Monday, Senate Democrats tried to bring up a vote of no confidence in Attorney General Alberto Gonzales. While seven Republicans supported an effort to allow for an up-or-down vote, the rest of the Senate Republican Caucus blocked it procedurally.

Are my Republican colleagues serious? Do they actually believe, despite all the evidence to the contrary, that this Attorney General can continue to serve as the Nation's leading law enforcement officer?

Let's not forget that Gonzales still does not remember why he fired eight U.S. attorneys last year. Nor should we forget that Gonzales tried to pressure then-Attorney General Ashcroft into signing off on the secret telephone surveillance program while Ashcroft sat in a hospital bed preparing for surgery.

Mr. Speaker, Democrats are restoring real accountability to Washington, but it would be nice if we could get a little help from our Republican friends.

## CONGRESSIONAL PRAYER CAUCUS

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

Mr. FORBES. Mr. Speaker, I rise today as a member of the Congressional Prayer Caucus to formally acknowledge the importance of prayer in American life and history.

Today, I remind my colleagues, constituents and country of our need for prayer by reading a portion of the words offered on the floor of the United States Senate on June 13, 1947, by Peter Marshall. Mr. Marshall prayed:

''God of our fathers, in whose name this Republic was born, we pray that by Thy help we may be worthy to receive Thy blessings upon our labors.

''In this world where men have made deceit a habit, lying an art, and cruelty a science, help us to show the moral superiority of the way of life we cherish. Here may men see truth upheld, honesty loved and kindness practiced.

''We do not pray that other Nations may love us, but that they may know that we stand for what is right, unafraid, with the courage of our convictions.

''May our private lives and our public actions be consistent with our prayers.

''Through Jesus Christ our Lord. Amen.''

## PROSECUTOR GONE WILD

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

Mr. POE. Mr. Speaker, North Carolina District Attorney Michael Nifong finds himself the accused and not the accuser this week. It seems his overzealous desire to make headlines by appealing to political pandering and making false allegations against three innocent Duke University lacrosse players has landed him in trouble.

The State Bar Association charged Nifong with making outlandish prejudicial public comments against the players and hiding evidence, and they want him disbarred.

Independent special prosecutors have found the sexual assault charges against the players to be unfounded, but Prosecutor Nifong tried to put them in jail anyway.

The mere accusation of sexual assault, even when false, can ruin an individual.

The role of the prosecutor is to seek, not convictions.

Rouge D.A. Nifong is yet another example of a prosecutor gone wild and an abuser of power. If the allegations against him are true, he joins the wall of shame and should never be allowed near the courthouse again, except maybe as a defendant.

Because justice is the one thing we should always find.

And that's just the way it is.

## SECRECY AND NEGLECT REPLACE EARMARK TRANSPARENCY

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

Ms. FOXX. Mr. Speaker, I rise today to make a pledge to the American people. I pledge to fight secrecy in the Federal spending process. It seems that some Democratic lawmakers would like to keep earmarks in spending bills secret until August, months after the House votes on the bills that will contain the requests.

By air-dropping these earmarks in at the last minute, my Democratic colleagues are effectively cutting off debate on potentially wasteful or controversial items.

Instead of the transparency and accountability they promised, the Democrats' spending bills will essentially include a slush fund for billions of dollars in earmarks hidden from public scrutiny. I honestly can't believe it. These taxpayer-backed slush funds will fund earmarks without actually putting them into the bills before the House votes.

This is dangerous turf. Americans don't want more secrecy; they want less. As the Baltimore Sun wrote yesterday, the Democrats' new rules have ''made the process exponentially worse.''

Mr. Speaker, we must restore accountability to the process lest the path to corruption is paved smooth by secrecy and neglect.

## WHILE THE SPEAKER SLEEPS

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

Mr. MCHENRY. Mr. Speaker, people around the Nation may be wondering why the Speaker slept as we debated Democrat overspending and earmarks until 2 in the morning. But the Speaker slept.

If last night were about pure partisan politics, we probably would have turned in early, but for House Republicans it was a matter of principle. That's why we stayed here and debated and fought the Democrat overspending plan and their secret earmarks and secret slush funds.

And moreover, the American people expect a couple of basic things from their government. They expect to be protected, they expect politicians to be wise with their tax dollars, and they expect government to stay out of their way. And they expect us to accomplish this in an open and fair way. But maybe that was asking too much for the new majority, Mr. Speaker.

So when people ask where were you last night, I will proudly say I was standing with my Republican brethren and the House Republicans fighting the Democrats overspending, all while the Speaker slept.

## CONGRESS' APPROVAL RATING

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

Mrs. DRAKE. Mr. Speaker, Americans are growing frustrated. A recent Los Angeles Times poll placed Congress' approval ratings at the lowest point they have been in a decade, 27 percent down from 36 percent in January. And based on the many calls that my office receives every day, that frustration is largely embodied in the immigration issue.

Specifically, for the last 2 weeks, I have received numerous calls from my constituents asking where is the border fence. Well, Mr. Speaker, that's a good question. Where is the border fence? Last night and early this morning, while this Chamber was debating a Homeland Security funding bill, that contains no funding specifically for fencing, hundreds of people were able to make their way across the border or were trafficked into America.

And while we would like to believe that every single person made their way in order to seek out a better life for themselves or their family, we know that is not always the case. Some, as evidenced by the plot to attack Fort Dix, are here to harm us.

I would impress upon the majority to do the right thing.

## WE MUST SEIZE THE OPPORTUNITY TO ENACT REAL REFORM

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

Mr. WALBERG. Mr. Speaker, let me read you a line from today's Wall Street Journal: ''The latest Los Angeles Times-Bloomberg survey finds that Congress' approval rating is down to 27 percent, with 63 percent of the public saying Democrats are practicing 'business as usual.' ''

The frustration of the American people is real and growing. Every weekend I hear it in the voices of my constituents, regardless of their affiliation.

Almost all south central Michiganders have the same message: control runaway government spending, maintain the highest of ethical standards, and put an end to wasteful pork barrel spending.

The actions of Congress this week not only continue the culture of corruption currently plaguing the capital city, but also are an insult to an American public that longs for transparency and accountability.

Together, Democrats and Republicans must seize this opportunity and use it to enact real reform that values how taxpayer dollars are being spent.

I believe that by limiting the size and scope of government and making certain taxpayer dollars go to meaningful programs, Congress can restore public trust and build a better, brighter future for our country.

□ 1030

## THE OBEY RULE

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

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, last night, we were informed over and over again by the other side of the aisle that we were supposed to follow what's become known as the Obey rule, O-b-e-y. Now, out west where I come from, that's pronounced ''obey.''

So I looked up in the dictionary to see what o-b-e-y means, and it's from middle English and old French, and it means to carry out or fulfill the command, order and instruction of, to carry out or comply with the command, or to behave obediently. That's the problem.

We have been told that we are supposed to obey, that is, behave obediently at the whim of the chairman of the Committee on Appropriations and their staff.

I was not elected to obey anybody here. I was elected here to represent the people of the Third Congressional District of California. That's what the debate was about last night. That's what the debate will be about today, and that's what the debate will be about for the rest of the appropriations cycle.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CARDOZA). Pursuant to clause 8 of rule

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

Record votes on postponed questions will be taken later today.

## NICS IMPROVEMENT AMENDMENTS ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2640) to improve the National Instant Criminal Background Check System, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2640

*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 ''NICS Improvement Amendments Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. 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.

TITLE J—FOCUSING FEDERAL ASSISTANCE ON THE IMPROVEMENT OF RELEVANT RECORDS

Sec. 201. Continuing evaluations.

TITLE K—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 L—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.

**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'', ''committed to a mental institution'', and related terms have the meanings given those terms in regulations implementing section 922(g)(4) of title 18, United States Code, as in effect on the date of the enactment of this Act.

(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 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 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; or

''(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.

''(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 mentally defective or committed to a mental institution.

(c) STANDARD FOR ADJUDICATIONS, COMMITMENTS, AND DETERMINATIONS 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 or determination related to the mental health of a person, or any commitment of a person to a mental institution if—

(A) the adjudication, determination, 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, determination, or commitment, respectively, or has otherwise been found to be rehabilitated through any procedure available under law; or

(C) the adjudication, determination, or commitment, respectively, is based solely on a medical finding of disability, without a finding that the person is a danger to himself

or to others or that the person lacks the mental capacity to manage his own affairs.

(2) TREATMENT OF CERTAIN ADJUDICATIONS, DETERMINATIONS, AND COMMITMENTS.—

(A) PROGRAM FOR RELIEF FROM DISABILITIES.—Each department or agency of the United States that makes any adjudication or determination 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 a program that permits such a person to apply for relief from the disabilities imposed by such subsections. Relief and judicial review shall be available according to the standards prescribed in section 925(c) of title 18, United States Code.

(B) RELIEF FROM DISABILITIES.—In the case of an adjudication or determination 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), the adjudication, determination, 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.

(d) INFORMATION EXCLUDED FROM NICS RECORDS.—

(1) IN GENERAL.—No department or agency of the Federal Government may make available to the Attorney General, for use by the National Instant Criminal Background Check System (nor may the Attorney General make available to such system), the name or any other relevant identifying information of any person adjudicated or determined to be mentally defective or any person committed to a mental institution for purposes of assisting the Attorney General in enforcing subsections (d)(4) and (g)(4) of section 922 of title 18, United States Code, unless such adjudication, determination, or commitment, respectively, included a finding that the person is a danger to himself or to others or that the person lacks the mental capacity to manage his own affairs.

(2) EFFECTIVE DATE.—Paragraph (1) shall apply to names and other information provided before, on, or after the date of the enactment of this Act. Any name or information provided in violation of paragraph (1) before 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, 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 arrested for a crime that is punishable by imprisonment for a term exceeding one year, and for which a record of final disposition is available electronically or otherwise.

(ii) A record that identifies a person for whose arrest a warrant or process has been issued that is valid under the laws of the State involved, as of the date of the estimate.

(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) 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 mentally defective or committed to a mental institution (as determined in regulations implementing section 922(g)(4) of title 18, United States Code, as in effect on the date of the enactment of this Act) 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 of this Act 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 30 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 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; or

(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.

(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 information 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 mentally 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.

(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; and

(6) collect and analyze data needed to demonstrate levels of State compliance with this Act.

(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.—There are authorized to be appropriated to carry out this section $250,000,000 for each of the fiscal years 2008 through 2010.

(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.—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 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) if the State provides less than 60 percent of the information required to be provided under sections 102 and 103.

(2) MANDATORY REDUCTION.—After the expiration of the period 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 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756), if the State provides less than 90 percent of the information 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.

(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 title shall be reallocated to States that meet such requirements.

**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, 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.

## TITLE J—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 2008 through 2010 to complete the studies, evaluations, and reports required under this section.

## TITLE K—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 $125,000,000 for each of the fiscal years 2008 through 2010.

## TITLE L—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).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

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

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

There was no objection.

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

The legislation before us today makes important changes to the National Instant Criminal Background 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. Millions of additional records fall through the cracks as a result of backlogs and other problems.

The measure before us now 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.

Instant check improvements legislation has passed through the Judiciary Committee and this House each of the last two Congresses, only to die in the other body, and was on our agenda for the 110th Congress as well.

The need to move legislation was recently highlighted by the tragic Virginia Tech shootings. At the end of that fateful day in April, the alleged gunman, Cho Seung-Hui, had taken a total of 32 lives, wounded an additional 26 individuals. In addition, countless numbers of family members and loved ones of these students and teachers lives were forever changed.

By improving and enhancing the instant check system, the idea is that we will be able to prevent future tragedies where we know the individual should not own a gun.

In order to move the legislation to the floor, it was necessary to make some accommodations to incorporate the concerns of gun owners. The dean of the Congress, among other things, led this effort. Among the things that were changed is section 105 of the bill, which requires all States to adopt a procedure allowing those individuals who have been determined to suffer from a mental illness with an opportunity to purchase or possess a firearm at some point later in life. That's a pretty serious matter.

Section 101 of the bill automatically restores the gun rights of military personnel who have been previously diagnosed with a mental illness, provided they are no longer undergoing any treatment or monitoring.

I have a concern, as you may be able to tell, that these changes to current law may inadvertently permit certain individuals who should not own guns the opportunity to purchase them. As a result, I will be closely monitoring these sections to ascertain if they do, indeed, create an unnecessary loophole.

If they do, I will be the first one back on this floor asking the Congress to remedy the situation.

I thank CAROLYN MCCARTHY of New York; the dean of the Congress, JOHN DINGELL of Michigan, for their extraordinary work in this matter. I know that they are busy on their own committees, and I appreciate them helping the Committee on the Judiciary figure out how to do this.

The time to provide their input on this matter, which falls squarely within the Committee on the Judiciary's jurisdiction, is appreciated. It is truly tragic that violent felons, and even madmen, are able to evade the legal system and acquire guns which do us harm.

Anything which helps update the instant check system is a step forward in our fight against needless and senseless gun violence. I hope that that's what this measure does, and I urge my colleagues' support of this legislation.

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

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

Mr. Speaker, I rise in support of H.R. 2640, the NICS Improvement Act of 2007. Just 2 months ago, Cho Seung-Hui, a 23-year-old student, killed 32 people and injured 20 others in a horrendous shooting at the Virginia Tech campus. Our Nation was shocked by the senselessness and brutality of this attack.

In addition to our sadness over the identity of the innocent lives lost, we were angry to learn that Cho Seung-Hui should not have obtained the two guns he obtained to commit this act because he had a history of mental illness.

Unfortunately, Virginia State law did not provide for transmittal of records of mental illness to the National Instant Criminal Background Check System database, which would have disqualified him from purchasing firearms. Ambiguities in current Federal law also contributed to the system's failure to stop him from obtaining weapons. Today we take the first step in making sure that this tragedy is not repeated.

I commend Congresswoman MCCARTHY and Congressman DINGELL and the other cosponsors for their commitment to addressing this issue in a way that protects every American's constitutional right to bear arms.

The NICS Improvement Act will ensure that the NICS background check system really is instantaneous and accurate. The act will require Federal agencies to provide relevant criminal mental health and military records for using NICS, create financial incentives for States to provide relevant records for using NICS, improve the accuracy of NICS by requiring Federal agencies and participating States to provide relevant records, require removal of expired, incorrect or otherwise irrelevant records, prohibit Federal fees from NICS checks and to require an audit by the Government Accountability Office of funds already spent for criminal history improvements, since hundreds of millions of dollars intended for NICS were spent on non-NICS programs.

To strike a fair balance on the issue of mental adjudications, the bill clarifies existing law to include involuntary commitments to a mental institution, prevents use of Federal adjudications based on medical diagnoses without a finding of dangerousness or mental incapacity, requires all Federal agencies imposing mental health adjudications or commitments to provide a process for ''relief from disabilities'' and requires States receiving funding to have a relief from disabilities program for mental adjudications and commitments.

The tragedy of April 16 can never be erased, but this bill is a step forward in protecting our country from violence by persons who have no right to possess a firearm.

Mr. Speaker, I support this bill and urge my colleagues to vote in favor of it as well.

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

Mr. CONYERS. Mr. Speaker, it is my pleasure now to recognize the gentlelady from New York, who has probably worked harder on gun regulations and sanity and the licensing of guns than anyone in the House, Mrs. MCCARTHY. I yield her as much time as she may consume.

Mrs. MCCARTHY of New York. I thank you, Mr. CONYERS, for yielding. I want to thank you for your leadership on these issues, and I appreciate the time.

I would like to thank my good friend, Congressman DINGELL, for all the hard work in bringing this bill to the floor. Without his help, we would not be debating this bill today.

I also would like to thank Mr. BOUCHER, the original cosponsor and I would also like to say think you to Mr. LAMAR SMITH for working with us.

Mr. Speaker, the National Instant Criminal Background Check System, or NICS, is deeply flawed. Millions of criminals' records are not accessible by NICS, and millions of 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 the Federal level.

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. That is part of my district.

This shooting brought attention to the need to improve information sharing, and it would allow and enable Federal and State 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.

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 records to slip through the cracks. He was able to purchase two handguns and use them to brutally murder 32 individuals.

Today, Congress will stand up for the victims and pass commonsense legislation. According to a Third Way report, over 91 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 with Mr. DINGELL.

My bill will require all States to provide the NICS system with the relevant records needed to conduct effective background checks. It's the State's responsibility to ensure that this information is current and accurate. They must update the records to ensure that violent criminals do not have the right to own 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 the 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 916,000 individuals have been prohibited from purchasing a firearm for failing a background check between November 30, 1998, when the NICS system began operating on December 31 of 2004.

During this same period, nearly 49 million Brady background checks were processed through the NICS system. By improving upon the system, we can stop criminals from falling between 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 make improvements to make it better. 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 second amendment rights of law-abiding citizens.

I also would like to thank Bob Dobek of my staff and Josh Tzuker of Mr. DINGELL's staff for the tireless hours they put in to have this bill brought to the floor. This policy crosses party lines, and I urge my colleagues to support H.R. 2640.

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I think the most important thing that we must all remember, we have an opportunity to save lives. That is why I came to Congress. This has been a long, long journey for me, but it's working with people that, even though I disagree with at times on bringing this together, to make sure that more citizens are safer today than they were yesterday.

This is a good bill. I urge my colleagues to support that.

Mr. SMITH of Texas. Mr. Speaker, I just want to observe that the Dean of the House, the gentleman from Michigan (Mr. DINGELL) has arrived on the House floor. And I just want to say, again, how much I enjoyed our working relationship in the development of this bill and again, appreciate all his contributions to this legislation.

Mr. Speaker, I yield to the gentleman from Delaware (Mr. CASTLE) 3 minutes.

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Texas for yielding. I also thank those who've worked so hard on this, the gentleman from Michigan, the head of the Judiciary Committee, for his great work. Obviously, the extraordinary work of CAROLYN MCCARTHY. We know her personal story and how touching it is; and Mr. DINGELL for his work on this legislation.

I do rise in strong support of H.R. 2640, the NICS Improvement Amendments Act of 2007. As I've indicated, many people have worked hard on this legislation, and for that we owe them a great deal of thanks.

H.R. 2640 would enforce existing laws to help States automate and share disqualifying records like felony criminal convictions, mental disability and domestic violence incidents with the FBI's National Instant Criminal Background Check System database. By increasing the quantity and quality of data available for the background checks of potential gun buyers, we will strengthen a system that has proven vulnerable.

Funding has been provided through the National Criminal History Improvement Program to help States update, automate and improve their records. However, we were reminded of the gaps in the current Federal background check system in the wake of the Virginia Tech tragedy. A lack of reporting of those who are mentally adjudicated allowed the shooter, who should have been barred under Federal regulations from purchasing a firearm because of his history of mental illness, to purchase two handguns. The NICS Improvement Amendments Act of 2007 is critical to strengthen public safety and prevent gun violence.

Consideration of this legislation is long overdue. As an advocate of strengthening the NICS database for many years, I am pleased to lend my support to H.R. 2640. A background check is only as good as the records included in the database, and all relevant records relating to persons disqualified from acquiring a firearm under Federal law must be included in the NICS. It is my hope that the funding provided in bill will help States to act quickly and to improve their reporting.

This legislation represents a true compromise, a public safety measure that will prevent gun violence and protect the second amendment rights of law abiding citizens.

I think it's very important to note that we have two diverse groups coming together, the NRA and the Brady Group, coming together to help work out this legislation, and both had some benefits from it. Hopefully, perhaps a lesson we can all learn here on the floor.

I urge my colleagues to join me in supporting this vital measure, and I hope that we can support it and prevent future tragedies in our country.

Mr. CONYERS. Mr. Speaker, nobody in the House knows more about guns than the Dean of the Congress, the 110th Congress, the gentleman from Michigan, chairman of a major committee, JOHN DINGELL. I yield him as much time as he may consume, not to exceed 2 minutes.

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

Mr. DINGELL. I want to thank, Mr. Speaker, my dear friend, the chairman of the committee, for yielding this time to me, and express my great affection and respect for Mr. CONYERS.

I also want to thank my dear friend, Mr. SMITH, for the kind words that he made about me, and I want to express my affection and respect for him.

I want to say that this is a good piece of legislation. It has taken a while, but I'm happy to have worked with many of our colleagues, including the distinguished gentlewoman from New York, who has been a fine leader on this matter.

Improving the National Instant Check System is a matter of important national business, and I would urge my colleagues to take a look at the rather curious alliance which brings this matter forward. Not only is the NRA, but the gun control folks are in support of

it. Members on both sides of the aisle, both here and in the Senate, are strongly supporting it.

The bill will require the National Instant Check System to work. It will provide incentives to the States and penalties for those who do not cooperate in terms of making the system work.

This system has the capability of seeing to it that criminals are denied firearms while, at the same time, assuring that we protect the rights of law abiding citizens.

The bill makes the system better for everyone, and assures that there will be better law enforcement and better protection of the rights of all citizens, both under the second amendment and personal security.

The bill also addresses the problems of mishandling of this matter by the Veterans Administration, by making corrections which will make it possible for veterans who have not a disability of mental character or otherwise, to own firearms within the ordinary structure of the law.

It is a good piece of legislation. I want to commend my distinguished friend, Congresswoman MCCARTHY from New York for her leadership and the outstanding work which she has done.

I will tell my colleagues that this is an important matter. I'm delighted to see that we're able to come together, Democrats and Republicans, friends of firearms and hunters and sportsmen, and also those who are concerned about public safety, and who desire to see to it that we have proper protection of persons against criminal misuse of firearms.

We have given this body a good bill. I urge my colleagues to support it.

Mr. Speaker, we've heard many concerns from gun owners, especially my fellow veterans, who are concerned that a person who seeks treatment for a mental problem might be reported to NICS as a ''mental defective.'' I want to lay those concerns to rest right now.

First of all, federal law, the Gun Control Act of 1968 prohibits gun ownership by people who are ''adjudicated'' as mentally defective. ''Adjudication'' implies a decision by a court or similar body—not just a doctor's notes on a patient's charts.

Even the regulations of the Bureau of Alcohol, Tobacco, Firearms and Explosives make that clear. They define an ''adjudication'' as a decision by a ''court, board, commission or other lawful authority.'' They have never treated doctors as a ''lawful authority'' for this purpose; clearly what they had in mind were legally empowered bodies such as judges, or the county mental health boards that are in place in some states to make decisions at hearings with respect to mental illness.

Second, we in no way intend that this bill should override federal or state medical privacy laws or the basic role of a doctor. The confidentiality between a doctor and patient is sacred and we do not intend to breach it here. We make that clear in section 102 of this bill, where we require the Attorney General to work with the medical and mental health community to develop privacy regulations.

Finally, this is a particular concern for the Veterans' Administration, which examines thousands of veterans every year. Even if we wanted them to, it would be an unreasonable demand on that hard-working agency to expect them to comb every patient's file for any possible finding that the person might be dangerous. I want to be clear that that is not our intent.

It is important that we understand these points because no person should ever be deterred from seeking mental health treatment out of a concern that he might lose his Second Amendment rights due to some record of voluntary treatment being provided for the instant check system.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. LUNGREN), a senior member of the Judiciary Committee.

(Mr. DANIEL E. LUNGREN of California asked and was given permission to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, we've heard from the perspective of those who have, unfortunately, suffered tremendous loss in gun violence. We've heard from those who are champions of the second amendment. We've heard from the distinguished chairman of the Judiciary Committee, and the ranking member of the Judiciary Committee.

I would like to bring the perspective of someone who was required to enforce the laws concerning guns in the State of California as Attorney General. Background checks in the State of California go through the California Department of Justice. We have, probably before the Federal law was passed, certain requirements or restrictions from those who ought not to have weapons that I think there is absolutely general agreement on.

Under current law, you cannot do that if you have illegally entered the country, renounced your citizenship, been committed to a mental institution, or been legally declared mentally defective and a danger to others, if you have received a dishonorable discharge from the military, or illegally used drugs or are addicted to illegal drugs.

I think virtually every American can agree that that makes sense. We agreed that that makes sense in California a long time ago.

But the background check is only as good as the information in the system. And while States such as mine can do a very good job with respect to their own records, a huge loophole exists if someone who has been declared mentally deficient in another State moves into your State and you don't have those records. If someone who has a disqualifying felony from another State comes into your State, you don't have those records. And so this allows more accurate information to assist all the States in doing the job that their people have agreed ought to be done. There's very little dispute on this.

For many years, the National Rifle Association has said they supported accurate background checks, so long as there was an ability for people to challenge them if, in fact, they're improperly in those records. And that is in current legislation, strengthened in this legislation.

Some of the States have had difficulty with respect to their funding. This assists in that regard.

It seems to me, this is a responsible way of responding to a serious problem. It is one which is not driven by the extremes. It is not driven by emotion. It is driven by conscious effort to try and find a reasonable response to a continuing problem.

I support this wholeheartedly. I congratulate those on both sides who have done such a good job of working to make sure that this bill came to the floor, and that it was not in some way sidetracked by extraneous arguments.

And so I congratulate the authors. I congratulate the members of the committee leadership, and I urge unanimous support of this bill.

Mr. CONYERS. Mr. Speaker, I rise to recognize the gentleman from Virginia, Mr. RICK BOUCHER, a principal actor on this legislation, and yield him as much time as he may consume.

Mr. BOUCHER. Mr. Speaker, I want to thank my friend the gentleman from Michigan for yielding this time to me.

I rise in support of the legislation, which I'm pleased to be cosponsoring with the gentlelady from New York (Mrs. MCCARTHY) and the gentleman from Michigan Mr. DINGELL. And I want to thank both of my colleagues for their careful and constructive work that has brought this measure to the floor today.

The bill before the House is a well tailored response to the tragedy that occurred earlier this year in the Congressional District which I represent, in which is located 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 purchasers are checked to determine their eligibility 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 prohibited from purchasing firearms. The perpetrator of the Virginia Tech tragedy had been adjudicated by a State court in Montgomery County, Virginia, to be a risk to himself and committed for outpatient mental evaluation.

Accordingly, under Federal law that was in effect at the time, he should have been barred from purchasing the firearms that he used. However, at the time the purchases were made, Virginia did not submit to the national background check system mental health records of persons who were committed for outpatient as opposed to inpatient mental health 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, our State of Virginia had the best record among all the States in submitting mental health records to the national background check system. And so clearly, there is a large nationwide need for improvement in the submission of these records, both in Virginia, but elsewhere across the country.

Since the tragedy, Virginia's mental health submissions have been made much more thorough by an executive order that was signed by Virginia's governor, Tim Kaine. The bill that we will pass today will improve the submission of mental health records in other States by providing grants to the States which undertake projects to make more thorough record submissions.

The bill also imposes financial penalties on States that elect not to do so. This is a measured response to a truly terrible situation. It will improve the accuracy of the national background check system, and I want to commend Mrs. MCCARTHY, in particular, for her longstanding advocacy of these improvements, my colleague on the House Energy and Committee, JOHN DINGELL, for his outstanding work on the legislation, and the gentleman from Michigan (Mr. CONYERS), who so ably chairs the House Judiciary Committee, for moving this measure rapidly to the House floor today.

Mr. Speaker, I urge passage of the bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to my colleague from Texas (Mr. PAUL).

Further, Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from California (Mr. LUNGREN).

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

There was no objection.

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

Mr. PAUL. Mr. Speaker, I rise in opposition to H.R. 2640, the National Instant Criminal Background Check System Improvements Amendments Act, and I urge caution.

In my opinion, H.R. 2640 is a flagrantly unconstitutional expansion of restriction on the exercise of the right to bear arms protected under the second amendment.

H.R. 2640 also seriously undermines the privacy rights of all Americans, gun owners and non-gun owners alike, by creating and expanding massive Federal Government databases, including medical and other private records of every American.

H.R. 2640 illustrates how placing restrictions on the exercise of one right, in this case, the right to bear arms, inevitably leads to expanded restriction on other rights as well. In an effort to make the Brady background check on gun purchases more efficient, H.R. 2640 pressures States and mandates Federal agencies to dump massive amounts of information about the private lives of all Americans into a central Federal Government database.

□ 1100

Among the information that must be submitted to the database are medical, psychological, and drug treatment records that have traditionally been considered protected from disclosure under the physician/patient relationship, as well as records related to misdemeanor domestic violence. While supporters of H.R. 2640 say that there are restrictions on the use of this personal information, such restrictions did not stop the well-publicized IRS and FBI files privacy abuses by both Democratic and Republican administrations. Neither have such restrictions prevented children from being barred from flights because their names appeared on the massive terrorist watch list. We should not trick ourselves into believing that we can pick and choose which part of the Bill of Rights we support.

I urge my colleagues to join me in opposing this bill.

Mr. CONYERS. Mr. Speaker, I now yield 3 minutes to the gentlewoman from Texas, SHEILA JACKSON-LEE, who is one of the most active members on the House Judiciary Committee.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is important as we come to the floor this morning to remind our colleagues of the horrible death that this legislation has had over the last two Congresses. Just think how many lives could have been saved had the wisdom of Congresswoman MCCARTHY and certainly her cosponsor Congressman DINGELL and this body prevailed. Maybe the tragedy of Virginia Tech, Seung-Hui Cho, who was already judged someone who was troubled, could have saved the lives of 32 who died and 26 who were wounded.

This bill died Congress after Congress. I rise today to support this legislation because it is an answer partly to the crisis of the massive numbers of murders and death by guns in this country.

I am reminded of the phrase of those who want to see no regulation, and that is that ''people kill, guns don't.'' But it is interesting that they use guns to kill, just like the individual who recently walked into his pregnant wife's office and shot her dead, a pregnant woman.

So I support this legislation for making it easier to secure the instant background checks to get rid of the backlogs and to be able to stand in the way of a Seung-Hui Cho.

Let me thank Congressman CONYERS for his continuing advocacy and the great work of Congresswoman MCCARTHY over the years of expressing her advocacy based upon her experience, and it has been a tribute to her service in America. Let me thank Mr. DINGELL and the ranking member, Mr. SMITH, for their collaboration on moving this legislation forward.

Might I, however, note that I am concerned that there is an allowance for those who have been denied earlier to be able to purchase a gun later in life. I raise a concern about that, whether that person is fully healed and ready to own a gun. And then it also indicates that it automatically restores the gun rights of a military American who may have been diagnosed with military illness, suggesting that he or she may no longer be under a monitoring system or no longer needs care. I raise these loopholes because those are the kinds of cases that will pop up on the Nation's headlines. Why did it happen? Because we had a loophole.

So we have taken some steps, but, frankly, as I look at the numbers of dead in Chicago, young people who have died, now some 31, 32, at the hands of guns, yes, gun violence and gangs, but it still is speaking to the proliferation of guns in America.

I don't have any problem with the second amendment. You can carry a legal gun for legal purposes all you want. Go through the hoops and go through the circles so that we can protect America against the illegal selling of guns that results in 32 dead teenagers as young as 14 years old in Chicago, Illinois.

I ask my colleagues to support this legislation. It is a good step forward. And I thank the leaders for this bill.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, it is my pleasure now to yield 2 minutes to the gentleman from Austin, Texas, the lefthander (Mr. MCCAUL).

Mr. MCCAUL of Texas. I thank the gentleman from California for yielding.

Mr. Speaker, I rise today in support of this bill. I also rise as a former Federal prosecutor who prosecuted, under the Federal firearms statute, gun cases.

I want to commend Chairman DINGELL, Congresswoman MCCARTHY, and the National Rifle Association for reaching what I consider to be a good result on a bill that, in my view, is necessary.

It has been illegal for various individuals to purchase firearms for many years, illegal aliens, mentally defective individuals, those using illegal drugs, and people convicted of crimes of domestic violence. But for too long, in my experience and many of my colleagues whom I worked with in the Justice Department, the system, the background check system was not accurate. The information was not fully put into the system. In my view, if we are going to have a background check system, we ought to do it right. So let's get the system right.

I think that is what this bill does. It gets the system right. It provides the Federal funding necessary to get the

system right. And at the same time, it protects law-abiding citizens, those who are law abiding who want to purchase firearms. It protects their second amendment rights, and it keeps guns out of the hands of the bad guys.

I prosecuted cases under the Exile Program, which was a program sponsored by the National Rifle Association, and what we found was that it was bad guys that possessed firearms that caused the crime in this country. And we found when we locked up the bad guys who possessed these firearms that the crime rate actually went down.

So with that, I, again, give my support to this bill.

Mr. CONYERS. Mr. Speaker, I am delighted to yield the balance of my time to the gentleman from Virginia (Mr. MORAN) to close on our side.

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

Mr. MORAN of Virginia. I thank the distinguished chairman of the Judiciary Committee for yielding.

I will vote for this. I was a cosponsor of this. And certainly Mrs. MCCARTHY deserves credit for bringing it to the floor.

But I do have concerns, as the chairman does, that this needs to be very tightly regulated because it is quite liable to allow thousands of people who should not have access to guns to be able to do so by dropping their mental health treatment. There are 190,000 veterans who, because of their experience in combat, have had serious mental illness problems, but it appears that if they drop the treatment that they have been in, they can become eligible to purchase guns. Again, much of this is going to be in the regulation and the good judgment of States to make it work properly.

It is not a gun control measure, as Mrs. MCCARTHY, stated. It does nothing about the fact that we have hundreds of millions of guns in circulation and tens of thousands of people die from those guns, the vast majority are innocent victims, every year, more so than any civilized nation. It doesn't address issues with regard to the second amendment where the Supreme Court has made it clear there is really not a right for individuals to own guns but rather for States to have well-regulated militias. These are issues that need to be addressed at some point by our country.

But this bill, hopefully, will address a very egregious situation where the person that the court had determined to be mentally deranged was allowed access to firearms that he never should have gotten. There are other problems in other States that could have allowed such a thing to happen. Hopefully, this bill will clean up this record-keeping system that sufficient resources will be made available.

But, again, Mr. Speaker, this country ought not be allowing people to be buying assault weapons, 50 caliber sniper rifles and weapons that clearly are used for military purposes, not for purposes of recreational hunting.

Mr. Speaker, this bill will pass unanimously and at this point, it should.

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

Mr. Speaker, this is a good bill. This is a bipartisan bill. This goes across ideological lines. It goes across lines of organizations that in the past may not have worked together.

There were some comments on the floor with which I disagree. This is not open season on all the medical records of every American citizen. If you are adjudicated, you will find yourself in this system. And I think most Americans believe that if someone has been adjudicated with a mental defect which is a danger to society, they ought not to have a weapon.

There has been an effort to try to reach a reasonable compromise on how we deal with a very difficult situation dealing with veterans, where overreach in the past by the Veterans Administration has caused trouble with respect to those who ought not to be included in the system. But it doesn't automatically allow all these folks to come in. It is not an open door. They have to go through the system. They have to show that they ought not to be disabled from receiving a gun.

Whenever you talk about the second amendment, it seems to me it ought to be done with proper deference and proper respect for the Constitution. At the same time, this is not an unconstitutional deprivation of any right. The courts have been very clear that people can be denied the right to guns in these categories. We are not expanding the categories. As a matter of fact, we are creating in this legislation mechanisms to make it work better.

I can recall being on the floor in the 1980s when we were dealing with very tough debates on gun laws, and at that time the National Rifle Association's position was that they would support an instant background check system. The technology really wasn't there at that time. It really wasn't there. We are not totally there yet, but we are almost there in terms of instantaneous.

This is the kind of background check that we had hoped we could discuss on the floor back in the 1980s. It was sort of a dream, and some people thought it was a ruse at that time to stop legislation. Now it is a reality. It is something that can work, and this legislation makes it work better.

May I just reiterate: when I was the chief law enforcement officer of the State of California, we relied on the accuracy of the information contained in our records at the California Department of Justice. Similarly, the only way we could make sure that our laws work effectively and the Federal laws work effectively within our State is that we have proper information on adjudications from other States. And it is unfair to the citizens of my State to have people disabled from using firearms because they have been adjudicated legally with respect to a mental deficiency and yet others come in from other States, take up residence in our State, and because we don't have the records, they are allowed to have such weapons, which we believe to be a danger to society. So that is what this legislation does.

The other thing is, remember, there is an ability to challenge being placed on these lists, and that is enhanced in this legislation. There is, yes, funding that encourages the States to participate. But isn't that the way we would like it? We want the States to participate. We want the information to be accurate. We want to have a system that actually is accurate, informative, and instantaneously accessible by proper authorities.

So please remember we have not done something which puts Americans' medical records at risk unless you have committed a disqualifying crime or unless you have been adjudicated by a court for having a mental defect which would prove to be a danger to society.

I would ask my colleagues to support this legislation.

Mr. PAUL. Mr. Speaker, in addition the NICS Improvement Amendments Act illustrates how laws creating new infringements on liberty often also impose large financial burdens on taxpayers. In just its first three years of operation, the bill authorizes new yearly spending of $375 million plus additional spending ''as may be necessary.'' This new spending is not offset by any decrease in other government spending.

Mr. EMANUEL. Mr. Speaker, I rise today in support of H.R. 2640, the National Instant Background Check System—NICS—Improvement Act. I am proud to be an original cosponsor of this important legislation, and I urge my colleagues to join me in supporting this vital correction of NICS.

Established by the Brady bill in 1994, NICS is the main point of contact for firearms dealers to determine if an individual is ineligible to purchase a gun. Current law prohibits criminals, drug addicts, those adjudicated as mentally ill, domestic abusers and others from being able to purchase fire arms. The NICS Improvement Act will improve this system by requiring States to update the system with their own lists of individuals who are no longer qualified to buy guns under the 1968 Gun Control Act.

The recent tragedy at Virginia Tech has shown that the data used to conduct background checks clearly needs to be improved. Seung Hui Cho had been adjudicated mentally ill and should not have been able to purchase a weapon, but NICS did not have that information on file, enabling him to pass an instant background check before purchasing his weapons.

No one who is prohibited by law from buying a gun should be able to skirt the law thanks to outdated data. The NICS Improvement Act will require the transmittal of Federal and State records to NICS, as well as create incentives for the States to keep the information accurate and up to date.

During my time in the White House, I was proud to be a part of passing the Brady bill

and I know my friends Jim and Sarah Brady are as proud as I am that we are taking action to improve this system to keep guns out of the hands of dangerous individuals.

Mr. Speaker, nothing can bring back the victims of the tragedy at Virginia Tech, and my heart goes out to the families of those who were lost this past April. We need to learn from this tragedy, and I ask my colleagues to join me in doing just that by passing the NICS Improvement Act today.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield back the balance of my time.

□ 1115

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 pass the bill, H.R. 2640.

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

A motion to reconsider was laid on the table.

## DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 473 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2638.

□ 1119

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, with Mr. WEINER in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on the legislative day of Tuesday, June 12, 2007, the bill had been read through page 2, line 11, and pending was the amendment by the gentleman from North Carolina (Mr. MCHENRY) to amendment No. 33 by the gentlewoman from North Carolina (Ms. FOXX).

Is there further debate on the amendment?

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. Has the gentleman from Georgia already spoken on this amendment?

Mr. PRICE of Georgia. No, sir.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Chairman, I look forward again to a spirit of debate today on an issue that's of the highest importance, I believe, to the American people.

Before we get into the substance of the amendment, I thought it might be appropriate to review a few items of discussion as we closed last evening. We had some good friends on the other side who talked about all of this being ''a waste of time.'' Well, Mr. Chairman, I am here to tell you that my colleagues and I believe that any time that we can fight on behalf of the American people for transparency and for accountability and, yes, for democracy, that that is not a waste of time.

We heard last evening that our discussion points on this appropriations bill, which spends billions of hard-earned taxpayer money, that it was long on process and short on policy. Well, Mr. Chairman, our policy regarding the earmark issue, which has now grabbed the attention of the entire Nation, our policy was complete transparency and an opportunity not just to be informed about earmarks, but to have an up or down vote, an up or down vote and the opportunity to vote on each individual special project. That is an apparent novel thought to our new majority, and we would encourage them to visit the rule that we had in place prior to the change in leadership.

We also heard last evening that we weren't hearing any facts by the minority party. Well, Mr. Chairman, the fact is that their earmark policy, the majority party's earmark policy is simply a slush fund to spend money as they or one individual may deem fit.

As we revisit this second-order amendment, I think it's important for the American people to appreciate and for our colleagues to appreciate that what this amendment would do would be to decrease spending by the majority party by about $8.5 million. Mr. Chairman, that's $8.5 million in savings to the American people.

Now, I know to some here in Washington that may seem like a paltry sum, but $8.5 million is a lot of money. It's a lot of money, and it's appropriate for us to be discussing how that money ought be spent.

The chairman of the subcommittee said yesterday what we needed was a reality check about this amount of money that was in the bill. He said that the majority party consulted with the Office of Executive Counsel, and this is exactly the amount of money that they said they needed. Well, Mr. Chairman, we consulted some folks, too. We consulted the American taxpayer. The American taxpayer said that we are spending too much money, and that they want greater oversight on the amount of money that this Congress spends of their hard-earned tax money.

Mr. Chairman, this new majority ran on a policy of openness and honesty and candor, and I would suggest that this is hardly a process that could be considered as embracing openness or honesty or candor. If we examine the process that's proposed by the majority party, it would allow appropriations bills to have a line in them. Every appropriations bill would have a line in it, it would say ''trust us, just trust us.'' Any Member that then wanted a special project or an earmark would write a request to the Appropriations Chair, the Appropriations Chair would then decide if that project had merit, not the House, the Appropriations Chair, and then we would be informed. No opportunity to identify that particular project, projects would simply be disclosed. We would be given information.

Well, Mr. Chairman, this issue isn't about disclosure. It's not just about knowing what's in the bill. It is about having the opportunity, as our constituents would desire, for us to debate the issue, for us to debate each of those special projects, for us to deliberate on them. It would be an opportunity for us to follow the rules of the House. It would be an opportunity for transparency, and a much greater opportunity for accountability.

So, Mr. Chairman, this is about ideology, yes, about who ought to be better able to spend the hard-earned taxpayers' money, whether it's Washington or whether it's our constituents. And it's about a slush fund that we are beginning to get a sense is recurring in bill after bill, and in these appropriations bills, a slush fund in every bill that would allow the majority party to determine where those special projects would be funded.

So what's the solution? What's the solution? We had a long debate yesterday, a long discussion yesterday. And I think it is important that we put on the table the solution that would be most appropriate, and that is, I would suggest, Mr. Chairman, a moratorium. Let's have a moratorium on all earmarks. Let's make it so that we do what the American people, what our constituents would desire, which is to get together and solve this challenge that we have. It's not a Republican challenge or a Democrat challenge, it's an American challenge: How do we most wisely and most responsibly spend the American taxpayer money?

I would support a moratorium. I urge my colleagues to adopt this amendment as we learn and work to responsibly spend taxpayer money.

Mr. RODRIGUEZ. Mr. Chairman, I move to strike the last word.

Let me take this opportunity, first of all, to congratulate the chairman, Congressman PRICE, on this particular piece of legislation. Let me also share with you, as a member of this particular subcommittee, of this particular committee, we had some 22 hearings. The gentleman speaks about the importance of being able to see, in terms of transparency. We had 22 hearings. That is much more than in the previous time.

We had an opportunity, also, to visit the border. We went through Arizona all the way down to San Diego. We had a chance to look in terms of the border and the type of technology that is required in order to safeguard our border, not to mention the fact that we also looked at the different types of fences that are being utilized. And there is no

doubt that there is a need there, especially in the areas in Arizona and elsewhere where we visited, where there is a need for blocking vehicles from coming in.

I was really impressed with the type of technology that is already there. And I am impressed that the bill will also provide additional resources to allow additional technology throughout the entire border.

This bill is a bill that authorizes direct Federal funds to also help law enforcement officers on the border. I represent 700 miles along the Texas/Mexico border. I have probably the largest district that comprises those 700 miles along the border. And we have a tremendous amount of resources and need in that area in order to safeguard the community as well as provide good security.

One of the things that we provide is the Stone Garden project. That allows resources to be able to be utilized by the sheriffs and by the local law enforcement officers to help out, and all the other communities to be able to participate with the Federal officers to be able to make things happen on the border.

Let me just share a few examples. We get complaints from some of my communities that are very small, right on the Mexican border, that might have three to six policemen. One little car accident or one item can get them all engaged in that one activity while the local taxpayer has to carry the burden. The Federal Government has the responsibility, and this bill allows that opportunity to do that.

To us, homeland security is important. Homeland security is key. This bill has no earmarks. In the past, I have been informed that it has had very few earmarks. And so it is something that is critical and important. We felt that we needed to provide additional resources to some of those communities. There is also a need for us to provide those resources on not only the south, but on the northern border, also.

The bill provides grants to hire, train and equip local law enforcement officials in these communities. There is also some reimbursement for individuals that are caught, undocumented individuals on the border, whether they be trafficking with drugs or with human smuggling, which is also an area that we need to continue to work on. This bill allows that opportunity for us to begin to fill those gaps.

There is no doubt that we have not made the investment. This bill begins to provide that investment that is needed to protect our borders.

□ 1130

The reimbursement of county and city law enforcement agencies for costs also associated with detaining, housing and transporting individuals who have entered the country illegally is essential because my border community, the local taxpayer, has to carry that burden. This Federal Government has a responsibility.

So I share with my individual friends on the other side and say that it is important for us to pass this piece of legislation. I think it provides good resources for our communities throughout.

It also provides funding for the construction and maintenance and operation of detention facilities that are essential. As you well know, in some cases, sometimes we will find some 80 illegals coming in through Arizona, and you pick up a large number of individuals. So you have to have the number of staff required in order to process them and in order to bring them through. We also provide the resources that are needed to begin to enhance the technology that is being utilized in order to make that happen.

What is also important to note is we also need to begin to see what is more cost effective when it comes to the border in terms of the technology. There has been a lot of talk about the fence. The reality is that a border patrolman will tell you that the fence allows you 1 or 2 more minutes just to be able to do that.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, aren't we supposed to alternate between sides?

The Acting CHAIRMAN. The gentleman from New York is a member of the committee.

The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, last night and most of yesterday we saw a very unfortunate situation take place on the House floor: discussions, anger, tempers, and very little on the substance or the bill or the work of the committee.

I rise today to remind us of the work this committee has done in a bipartisan fashion before we came to the floor. I have been a member of the Homeland Security Committee since it was formed. So has Mr. PRICE, Mr. EDWARDS, and Ms. ROYBAL-ALLARD. I know for certain that on the other side the former chairman and ranking member, Mr. ROGERS, has been a member since the creation of the committee. From day one, the committee has taken its work very seriously.

This year, under new leadership, the committee continued to take its work seriously. We held 20 hearings plus a couple of field hearings, over 50 hours of public hearings. Decisions, information was not gathered in private. These were public hearings. Over 70 witnesses came before us both from government and those who have the knowledge to advise us on these issues.

During those hearings, every member was treated fairly. In fact, one of the highlights, I think, was the way in which Mr. PRICE worked with Mr. ROGERS and the way that Mr. ROGERS continued to play such an important role in these hearings in presenting his views, his knowledge and his expertise.

That kind of bipartisanship, that kind of presentation, that kind of work led to the bill that we have before us. It is one of the few bills in this House where those of us who are part of the committee know well how serious the issue is and how much we have to do to try to assign the proper dollars.

When the bill left committee, there were, of course, a few disagreements. But there was a bipartisan belief that we were doing that which we were challenged to do, that we were asked to do, which was to put forth a bill that secured the homeland, that protected the homeland.

Yet, what we saw yesterday did not speak to that at all. What we saw yesterday was personal attacks. It was discussions about issues that were not involved in this bill. Interestingly enough, the number one decision yesterday was to attack earmarks. Yet Mr. ROGERS set a precedent, which was followed by Mr. PRICE, that if there is a bill that does not deal with earmarks, it is this bill.

Now, that needs to be repeated. Of all the bills to pick on to deal with the issue of earmarks, this is the wrong bill. This was something instituted by Chairman ROGERS and continued by Chairman PRICE on a bipartisan level. This is so serious, this issue at hand, and these dollars are so serious and so dedicated in the way they are appropriated that the earmarking process perhaps should not play a role at all. And it hasn't, up to now, I assure you. Otherwise I would have gone to Chairman ROGERS and gotten something in the last few years. I didn't because it just did not exist.

So now we find ourselves with a decision to make today: Will we continue to behave on the floor as if we were discussing the reelection for Congress in 2008, or do we really want to send to the President's desk a bill that speaks to the needs of our community in securing our homeland?

I represent the Bronx, New York City. I was in New York City on September 11. I was not here with my colleagues. As I have said often, my son was running for the New York City Council on that day, and the election was cut off at 11 o'clock in the morning because of the terrorist attack. That is something no one writes about, that the terrorists were able to stop our electoral process in the biggest city in the Nation around 11 a.m. The elections were run 2 weeks later. So I was there helping my son on election day. I remember the pain and the horror that you all know about of seeing my city attacked.

I take this bill personally very seriously. I take the bill as a Member of Congress personally very seriously. This committee has taken this bill very seriously. This committee, on a bipartisan basis, takes protection and the safety of the homeland very seriously.

Let's make sure that all Members take it seriously. Let's pass the bill.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman who has just spoken has talked about dedication to homeland security by the members of the subcommittee and the full Appropriations Committee, and perhaps inadvertently suggested that others' concern about that does not rise to the same level. I would suggest if that is what the gentleman meant that he is wrong.

I think it is fair to say that all Members in this House were affected, both personally, professionally, and as Americans by the events of 9/11. I would suggest that while some of us may believe the sense of urgency is not maintained at all times with respect to the threat that faces us, there is in fact in much, if not everything we do, the sense of the background of the vicious attack on 9/11.

The gentleman talked about the Appropriations Committee and the appropriations subcommittee. I happen to be a member of the authorizing committee, the Homeland Security Committee. I believe we have acted in a bipartisan way.

But just to indicate a few differences between what is in this bill and what we have done in the past on a bipartisan basis or coming out of the Homeland Security Committee, the chemical protection regime that we established last year, after much discussion, after much debate and after much balancing is changed in this bill.

The border fence, which has been the subject of much debate, much attention, I happen to support it and proudly support it. I do not believe it is the panacea, but it is part of the solution. Many in the American public have wondered whether we meant what we said when we passed the legislation that authorized and appropriated funds for the border fence. They must have many more questions today, because in this bill it makes it more difficult to complete that task. Some would suggest it makes it impossible. Now, I happen to be a lawyer; I plead guilty. But if I wanted to have lawsuits to stop the fence, I would say hallelujah when I looked at this version of the law that is contained in this bill that is presented to us.

One of the gentlemen on the other side talked about detention facilities. I introduced the first piece of legislation that stopped the ''catch and release'' program followed by this administration and previous administrations dealing with OTMs, or ''other than Mexicans,'' caught on our southern border. One of the reasons why they were caught and released and told to come back in 60 or 90 days for their court appearance, and 94 percent of them never did, by the way, was because we didn't have sufficient detention facilities. So ICE has said in addition to those we own, we ought to see whether we can use privatized detention facilities. This bill makes it difficult, if not impossible, to do that.

So please don't tell us on the floor that some on that side of the aisle are more concerned about homeland security than we are.

This bill places restrictions on personnel management policies that have been adopted by the Homeland Security Department, recognizing the uniqueness of their mission.

So please don't tell us that those on that side of the aisle are more concerned about homeland security than are we.

Perhaps those on the other side of the aisle believe that the only way you show sincerity is by throwing more money at it. There is a difference. That is why the ranking member, the former chairman of this subcommittee, is going to offer an amendment to bring this back down to a level that can get passed. If you want a veto, as you did for 120 days with the question of supporting our troops, you can get it on this as well.

The former chairman, the current ranking member of the subcommittee, is going to offer an amendment that will make it more probable than not that this bill will be signed by the President. Yet, in an effort to show that you feel more on this issue by throwing more money at it, you are going to subject us to the same political routine that we just went through with respect to funding our troops. 120 days lost.

We have plenty of time to debate this bill and other bills on the floor. All we have to do is make sure we stay here and debate it.

Mrs. BLACKBURN. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIRMAN. Has the gentlewoman been recognized on this amendment yet?

Mrs. BLACKBURN. No, I have not, Mr. Chairman.

The Acting CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Chairman, it is interesting to sit here last night and then today and listen to some of our colleagues who find it incumbent to step to the microphone and say this is not a worthy debate and to talk about frustration and talk about anger and talk about this being a debate of little substance.

Mr. Chairman, with all due respect to everyone that serves in this Chamber and the people that they represent, this is indeed a very worthy debate. It is a debate that deserves our best effort. It is a debate that deserves our focus and our undivided attention.

It is also a debate that we should enter into with respect for the American taxpayers, the ones that are sending their hard-earned dollars here and their expectation that we should be, that it is incumbent upon us to be good stewards of every single penny that comes to this House.

So for those who feel that the moments we are spending on this floor are not worthy, I would commend to them to think about the taxpayer that is hard at work right now, maybe in a job they don't even like, maybe doing something they don't really love, but they are working hard to provide for their family and they are working hard to meet their obligations and pay their taxes and to make certain that they do their part to be a good American citizen.

Now, Mr. Chairman, I think that the frustration, anger and ''of little substance'' that was spoken of by one of my colleagues a bit earlier this morning, is probably exercised by the American taxpayer who looks at the increases in spending that have been brought forward by this majority. They are the ones who are frustrated. I think they are the ones who are angry. And I think that they are probably the ones who look at what is taking place and they fear that money is being put into items that are not substantive.

□ 1145

Now, this new majority has already increased appropriations $105 billion. This is a 5-year cost of what they're wanting to appropriate. For '07, we've got $587 billion they've appropriated. They've already designated $23 billion in an '08 budget and it goes on and on and on, the increases in spending.

Certainly we know that the bill before us, this homeland security bill, would be a 13.6 percent increase. And as I speak on Mr. MCHENRY's amendment, I commend him for bringing forward something that would cut just a little bit, just a little bit, out of these expenditures. But the truth, Mr. Chairman, is that there is a philosophical difference in how we approach this debate from our colleagues on the other side of the aisle.

Now, we heard last night that the decision on how appropriations should be done and how earmarks should be handled should be delegated to some of the professional staff. I heard from a couple of my constituents on this issue who really could not understand why we would want to delegate that authority, not review these earmarks ourselves, not want to cast a vote on those. They feel like that is our job, just as they feel like it is our job to oversee this budget, just as they want to know how this $36 billion is going to be spent on homeland security. They want to see a more transparent and a more open budget process. They don't want to see secret slush funds returned.

They heard about these. They didn't believe it in the 1970's. They didn't believe they really existed in the 1980's. And then we had the advent of the Internet, 24/7 news, people could log on, and they started realizing, yes, there were these secret slush funds and smoke-filled rooms and that's how money got appropriated and sequestered for specific projects, something that they really didn't like. That is one of the reasons that we saw a change in '94 and things were done differently.

I enjoyed that debate. I enjoyed that little history lesson last night. But I think as we review our situation that we find ourselves in today, what we see is a need for more transparency. We see a need to rein in this funding.

Mr. FATTAH. Mr. Chairman, I move to strike the requisite number of words.

I think that this discussion on this bill today should begin with an appropriate appreciation for the great work of the chairman and the ranking member. Both Chairman PRICE and the gentleman, Mr. ROGERS, the ranking member, have done an extraordinary job in crafting a bill to address the real challenges facing our Nation in terms of homeland security. I think that the fact that there have been cuts in various programs shows that it was a rigorous process, but I think that the additions are also equally important.

I wanted to point out in particular a number of the sections in this bill: This domestic nuclear detection office is so important, because I think that we all know based on the information both in classified and declassified briefing material, and for the general public, whether it's watching Jack Bauer or however they may gather their information, that it is a real concern in our Nation, the possibility of a nuclear strike at one of our major urban centers, a nuclear device, a dirty bomb. This domestic detection office and the funding for it allocated in this bill, I think, is important.

I think that the availability of grants for our first responders. I come from the Philadelphia region. I don't want to prejudge any of the cases, but we have had arrests that have been widely noticed in the national media of people allegedly preparing to strike at Fort Dix in New Jersey. We've seen the incident at the JFK airport where the discussion is around people who were focused on potentially doing massive harm, attempting to blow up jet fuel lines running from Linden, New Jersey, all the way into the JFK airport.

So the question of homeland security, protecting our borders, adding thousands of additional Border Patrol guards, I think that this House has been well served by the capable leadership of the chairman, Chairman PRICE, and the ranking member. They've brought a quality bill to the floor. This is my first term serving on the Homeland Security Appropriations Subcommittee, a committee that was previously led by the ranking member but is now being led by Chairman PRICE, but they have put together a bill that came out of our full committee and out of our subcommittee with strong bipartisan support.

Even though, Mr. Chairman, we hear some comments from the other side, we know that they don't really represent the total views of the Members either on our side or the other side, because this bill got quality support in committee. I know that when we get a chance to vote on this bill, when we get a chance to vote on increasing State grants for law enforcement, $950 million, $50 million above the 2007 number and $700 million above the President's request for grants to help local communities plan, equip and train first responders, that this bill is going to get a resounding level of support in this House. There probably wouldn't be more than a handful of Members, if that, who are going to vote against this bill. Even though we have a lot of discussion about things that are not really meritorious, in this bill there is a great deal of meritorious approaches to protecting our Nation from real threats.

These are real threats that are playing themselves out on our borders and in our cities each and every day, and our local and national law enforcement community needs the resources that are being made available and appropriated in this bill.

I am very appreciative of the effort that has been put in the urban area grants and in the fire grants, and after Katrina and the work that has been done on emergency management and the performance area.

I would hope that before too many people are swayed, that somehow this bill doesn't represent our efforts to deal with the challenges facing our country, that they really look at the details, Mr. Chairman, and some of the political grandstanding that is going on will give way and we will get to the heart of this issue and the country will be in a position to appreciate the great work of our chairman and the ranking member. I have had the pleasure of serving with them, seeing the hearings and seeing the oversight.

Mr. KLINE of Minnesota. Mr. Chairman, I move to strike the last word.

I want to commend my colleagues for their activities over the last day. Many of my colleagues on this side of the aisle have come to the floor and offered amendments, in some cases, to do something, perhaps small but something to try to control the explosion of spending that we're seeing come forward through this budget and through this appropriations process. And so I want to commend my colleagues from North Carolina, Mr. MCHENRY, whose amendment we are debating now, which is a secondary amendment to our colleague, Ms. FOXX from North Carolina. I know it's a little confusing sometimes. These are efforts to try to control runaway spending, billions and billions of dollars, to be paid for, as we have heard in this debate, by the largest tax increase in American history. I applaud the efforts of my colleagues to try to do something to get our arms around that spending.

But there is another reason why we have been coming to the floor, and that is to shed some light into a horribly flawed process of earmarks. One of our colleagues, the gentleman from New York, I believe, earlier came down and said, ''Why are we talking about earmarks? There aren't any earmarks in this bill.'' Well, you see, that's the point. We don't know if there are earmarks in this bill. We don't know if there will be earmarks in this bill, but frankly the suspicion that we have is that sometime in July, or perhaps August, we will find out that indeed there are going to be earmarks in this bill and we, Members of this House, are not going to have a chance to challenge those earmarks on this floor, and that is simply unacceptable.

Now, there has been a great deal of media interest to bring focus to this. In fact, in this morning's paper, a local paper here, Roll Call, there is an editorial called Pork Rules that ought to underscore the very problem. I am just going to quote a couple of paragraphs from that story, because I think it does underscore the very issue that we're talking about on the floor of this House.

It says:

''Under furious attack from editorial writers and Republicans, House Appropriations Chairman David Obey (D-Wis.) has come up with a new disclosure policy on earmarks. It's better than his previous one, the airdrop policy, but it's a far cry from full transparency.'' It's that transparency issue that we've been trying to get at.

Continuing the quote:

''In a remarkable press conference Monday in which he read nearly every word of a 14-page earmark policy declaration before taking questions, Obey pledged that Democrats would fully disclose every earmark and its sponsor by the end of July.''

I would say to my colleagues, that is well past the proposed date that we are supposed to be voting on this and every appropriations bill in this House. So we will know every earmark and its sponsor by the end of July, at which point we can do absolutely nothing about it.

Continuing the quote:

''That kind of disclosure would be only partially in keeping with the earmark rules Republicans put into place in September, after they got into no end of political trouble for corrupt, opaque special-interest pork trading. But the GOP rule made it possible for earmarks to be individually challenged in debate on appropriations bills.'' And that's the point.

We heard the debate last night repeatedly that went something like this: Well, you Republicans put in earmarks, thousands of earmarks, and you airdropped earmarks into bills in conference, and so you did it, we're going to do it. But we're going to do it better because we're going to post a list sometime in July or August, at which time nobody will be able to vote on it.

Mr. Chairman and my colleagues, the earmark process in this body, in this Congress, on both sides of this Capitol, has been broken for years. There is no question about it. There is a reason why many of us have decided that the process is so broken that we won't participate in it. So claiming that you were bad and, therefore, we can do it,

strikes me as a very hollow and weak argument. I hope my colleagues would agree with me on that. Just because somebody made a mistake doesn't mean that we are then authorized to make a mistake. We are seeking transparency. That was the promise made to us and the American people, that we would be able to look at these earmarks and be able to debate them on this floor and be able to vote on them on this floor, not have them given to us, pulled from what has been called a secret slush fund. Frankly, I don't know what else to call it. Because in this very bill that we are debating today, we simply don't know where that money is and where it's going.

□ 1200

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was gone yesterday because of the funeral of a dear friend of mine in Texas, and I only returned to Washington late last night. I was listening to the debate last night and then this morning.

I must say, it is a great country when the architects of the largest deficits in American history can come to the floor of this House and have the right to stand up and lecture other Members about fiscal responsibility and the need to reduce earmarks.

As a Democrat in the new majority Democratic House, I am proud to be part of an effort that is reforming the earmark process, making it more transparent, reducing the number of earmarks, and we are moving this country in the right direction.

Speaking of moving this country in the right direction, I think most Americans would like to see this House on a bipartisan basis move forward and pass one of the most important pieces of legislation we will vote on this year, and that is the legislation to defend the American family, our families, from the threat of terrorism and the threat of terrible natural disasters.

Now, Mr. Chairman, if anybody wonders whether the debate we are hearing from the other side of the aisle is a delay tactic or not, I would ask those listening, do you even know which amendment is being debated right now. I have been sitting here for 30 minutes, and I have not heard much of anything, if at all, about the amendment before the House. I think that is good evidence that what this is really about is not a substantive debate on the amendment before the House. It is a stalling tactic, because those who lost the majority because they could not set the right priorities for this country are now trying to stop the new majority from moving our country in a new direction and trying to stop us from making a top priority out of defending our homeland, our communities and our children and families from the threat of terrorism.

For the record, let me just say, in case you haven't heard it from the minority side, the amendment we are supposed to be debating right now is an amendment by Mr. MCHENRY. His amendment would actually cut in half the general counsel's budget for the Department of Homeland Security, basically putting at jeopardy the operations of one of the most important agencies in our country.

It is a fact of life that one must have a general counsel's office in order to follow the laws of this land and in order to implement programs effectively and efficiently to defend our homeland, and I think it is irresponsible to propose cutting that in half.

It is not only irresponsible in my book, I find it interesting that some of the very same Members of this House who are saying we should not vote for my Homeland Security appropriations bill that spends $1 more than the President's budget requested because we should listen to the President, now those same people are turning a blind ear to the President's request and the need to have an adequate general counsel's office and are trying to gut the general counsel's office in half. They need to make up their mind: is it critical that we do what the President asked for or not.

In fact, I think we should exercise our constitutional independent authority as Members of Congress and pass the appropriation bill that we think is right for defending our country. I make no bones about my support for some of the increased funding in this bill compared to the President's request.

Let me be specific: the President's budget would propose cutting the first responder training program from $88 million to $38 million. There might be some of my colleagues on the Republican side of the House that think we should simply make that cut because the President asked for it. I disagree.

What would be the consequence of such a disastrous cut? It would eliminate over 900 specialized training courses for emergency responders. Those emergency responders are firefighters, police officers and EMS personnel. They are being trained in a coordinated national training program to help protect our families' lives when our communities are hit by natural disaster, or God forbid, by terrorist attack. The proposed cut in the President's budget would actually stop specialized training in prevention protection and response recovery to over 100,000 emergency responders each year.

I am proud that this budget, which by the way passed the House Appropriations Committee on an overwhelming bipartisan voice vote, this budget, this bill, is a good bill. It does spend more than the President requested, but for the right reasons: to defend Americans from the threat of terrorism and natural disaster.

The Acting CHAIRMAN. The time of the gentleman from Texas (Mr. EDWARDS) has expired.

(On request of Mr. ROGERS of Kentucky, and by unanimous consent, Mr. EDWARDS was allowed to proceed for 1 additional minute.)

Mr. EDWARDS. Mr. Chairman, I yield to the ranking member of the Appropriations Committee.

Mr. ROGERS of Kentucky. I have a question: Shouldn't all items in an appropriations bill, whether it be for an agency or for directed spending by a Member of Congress, should that not be voted on by the entire body, and shouldn't we have an opportunity to inspect as a body all spending in an appropriations bill, including earmarks?

Mr. EDWARDS. Reclaiming my time, the fact is that Members of Congress, the House and the Senate, will have an opportunity to vote on this legislation. If there are egregious projects in this that come from the administration or from individual Members of Congress, they can vote this bill down.

I hope we can get back next year to the regular order of business; but the reality is that this Congress had to dig out of the hole created by the leadership in the last Congress that didn't pass 11 of 13 appropriations bills, and that is one of the reasons we are in this situation today.

Ms. KILPATRICK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as a Member of the Homeland Security Appropriations Committee, I come to you, America, with a good bill. It is unfortunate the tactics over the last 24 hours has not allowed us to move forward to protect American citizens.

The President's budget came to us with a cut of $50 million for the first responders. Homeland security has to talk about hometown security. It is about a partnership with our Federal Government, our State government, and our local communities. So right off the bat a budget that cuts first responders $50 million is not a good budget.

We have before us a good budget, a budget that has been put together so that it takes care of hometowns better than presently. So that if, God forbid, another terrorist attack or natural disaster happens, we will be better able to meet that need. It is a budget that I believe deserves our support. And when passed by this Congress, and I predict it will be passed after the tactics have wilted and gone away, then we will have a good bill.

I am from the State of Michigan. In Michigan, we have the largest population of Arab Americans outside of the Middle East. They have been our friends for decades. They work in our communities and go to school with our children. They produce and pay taxes. It is unfortunate after 9/11 a population of Arabs from other countries brought havoc on our country, and they should be caught, they should be punished, and they should be dealt with.

I only mention the Arab population because I also in my district have the international waterway of the Detroit River that separates the city of Detroit from the country of Canada, Windsor,

Ontario, Canada specifically. Canada is one of the greatest friends that our country has. I am sad to report, as you know, many countries in this world are not so friendly to the U.S. because of many things that have happened by this administration over the last 8 or so years.

But the bill before us is a good one. It protects the northern border where I come from, where things come in and out of that border every day. Over a billion dollars of commerce passes the Ambassador Bridge every day. This bill provides more money to protect America, protect commerce, and protect the people who live in that region.

The local grants, the grants to first responders have been increased in this bill. We need to have that partnership. You can't talk about homeland security unless you talk adequately about hometown security. This bill does that.

We talk all of the time about how we move forward in this country. I believe it is how we work together in a bipartisan way; and over the last almost 24 hours now, in a bill that is almost $35 billion, we have been unable to move forward to protect Americans citizens. Your Federal budget is $2.9 trillion. There are three main entitlements that we pay for to help American citizens, 44 million Americans who are participants in our Medicare program, entitlements that are part of that budget, Medicaid, low-income, disabled children, over 40 million of them who are part of this budget. And our veterans, veterans who have protected this country since our inception. We have to treat them better, and this budget and the budgets that come after this do that. The President's budget did not.

This is the first of 12 budgets, and it is unfortunate that we are at a stalemate and can't protect American citizens.

Mr. Chairman, I stand here asking that the process go forward. You have made your point. We hope that we come back and have some kind of dialogue so we can better make the proposition that America deserves to be protected, as this Homeland Security bill does.

In the metropolitan area of Detroit, we have 5 million people who live in that area, 219 cities and townships. It hosts the largest multicultural population probably in this country. We need a good Homeland Security bill. We have one here before us. Let's let the process go on. I hope the leadership on both sides of the aisle can come together and talk about how we can move this process. We don't need to be stalemated. Yes, we can stay. We can stay for the next 2 months and never go home, but is that really what America needs us to do?

Recently, regarding the Congress, like the President, the American people have said they are disappointed with both of us. They want us to move forward. Let's pass this Homeland Security bill and get on with the business of building the Nation for God's children.

Mr. PEARCE. Mr. Chairman, I move to strike the last word.

Before the gentlewoman from Michigan leaves, I wonder if she would yield to a question.

I was wondering, the gentlewoman mentioned, and I appreciate what she is saying about leadership getting together, she mentioned a $50 million cut to first responders. Can you tell me how much is unspent from previous appropriations?

Mr. Chairman, I yield to the gentlewoman from Michigan.

Ms. KILPATRICK. Not at this time, but I would be happy to work with you to get that. The money has been appropriated. All of the locals that have come before our committee have asked that we give them more help. Intraoperability is a major problem. They need the technology so they can operate and protect the people they represent.

Mr. PEARCE. Mr. Chairman, reclaiming my time, I would just comment that there is $5 billion in the first responder grant program which has not been accepted by States, and each year about September they have to give back a portion of that. And the underlying bill appropriates $4 billion more, and that is the reason that the President cut $50 million out.

He said there is so much money unspent, let's begin to lower the level we are pouring into it, and it seems to me a reasonable suggestion.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. PEARCE. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, the gentleman is correct. There is nearly $5 billion in the grant funds for State and local communities for first responders. It has been there for a couple of years.

I don't know why we don't insist that the authorizers in this body write the rules so that these communities can get their hands on that money and use it for the purposes for which it was intended. The money is laying there. I don't know why we are continuing to pour billions more into it when the hopper is full already. Let's fix the system and unclog the pipe that drains the hopper.

Ms. KILPATRICK. Mr. Chairman, will the gentleman yield?

Mr. PEARCE. I yield to the gentlewoman from Michigan.

Ms. KILPATRICK. I certainly agree with the gentleman. We need to see that the money moves out. There also has to be staffing and organizations to make sure that the money that is appropriated is spent wisely. Locals need it, and it is our responsibility to get it to them.

Mr. PEARCE. Mr. Chairman, I have a question for the gentleman from North Carolina (Mr. PRICE). He mentioned last night that the underlying amendment is Mr. MCHENRY wanting to take money out of the appropriation for the lawyers, and he pointed out we have 77 staffers in order to watch for circumstances like the Dubai Ports.

I would comment that the gentleman's party has been in the majority now since January, and 80 percent of our ports are still controlled by foreign countries. Have you put a bill in? If that is true, and it is, 80 percent controlled by foreign countries, that is the exact circumstance you mentioned we would not want to cut this budget for. I am asking if the gentleman knows of any plans on his side to simply eliminate those contracts, to take the contracts away from the foreign countries. It seems like if the gentleman is concerned, 80 percent of our ports are controlled, that there would be something in the works to do that.

Mr. PRICE of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. PEARCE. I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. Is the gentleman suggesting that those contracts should just be cancelled outright by legislative fiat?

Mr. PEARCE. I am asking. The gentleman seemed concerned, and I am asking him if he has any intent to do that.

Mr. PRICE of North Carolina. As the gentleman well knows, there has been a great deal of concern on both sides of the aisle about the functioning of the Committee on Foreign Investment in the United States. There is a consensus, I believe, that CFIUS slipped up on this Dubai Ports deal and that CFIUS needs to be strengthened.

Mr. PEARCE. If I may reclaim my time.

□ 1215

Mr. PRICE of North Carolina. You asked me a question about the 77 legal positions in the general counsel and the directive that the next hiring be to strengthen up this CFIUS capacity.

Mr. PEARCE. Reclaiming my time, Mr. Chairman, I appreciate his answer, and I did hear him say that those are valid contracts, but I would point out and I'm reading now from a January 17 bill where the majority in their H.R. 6 bill, the Washington Post editorial says, ''The House would break this deadlock by imposing heavy penalties on firms that do not renegotiate on terms imposed by the government.''

And it says, ''The main problem with the House bill is that hitting up oil companies is a poor substitute for a real energy policy. The Nation needs to accelerate the development of less-carbon-intensive fuels,'' and it declares in this that the heavy-handed attack of H.R. 6 is something that would be welcome in Russia and Bolivia and other countries but not in the U.S.

And so my point is that the gentleman's party has already decided that contracts are not especially valid, but I would simply say that if contracts are valid contracts, then they should be valid throughout the spectrum of vision that the gentleman has.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

First, I'd like to start out by saying that I do serve on the Homeland Security Subcommittee of the Appropriations Committee. It's a deep honor for me to be there. It's a deep honor for me to work with Chairman PRICE, who is an honorable man and has done hard work on this bill. It's an honor for me to work with Ranking Member ROGERS, who has done hard work on this bill.

And I agree with my colleagues on the other side of the aisle that there has been a lot of diligence on this bill, a lot of hard work on this bill, and in my opinion, every Member of this Congress probably has, as a first thought, what the Homeland Security Department does to protect our families from terrorists around the world and from other disasters that can strike our families. I can assure you that this subcommittee certainly does that.

This hard work being done does not mean that there aren't differences of opinion on how things should be done because, in fact, in our very subcommittee, and in the overall committee of the Appropriations Committee, there is a difference of opinion on directions that we should take.

Just, for example, on the issue of the border fence, there are those who think that the border fence needs to be built and it needs to be built now, and all obstructions have to be taken away from that that might obstruct building that fence. I happen to be one of those people, and yet, honorable men and women disagree. And those who are in the majority, they do set the policy for the bill that is before us today.

I personally think that it's our duty and responsibility as Members of Congress to debate the issues, whether you're on the Appropriations Committee or not, and by raising issues that are being raised on this side of the aisle on this bill, that we are saying that the Appropriations Committee has not done their job. We're saying we want to put a microscope, put sunshine on the process and see what we see, and then each Member, whether they be right on their amendment or whether they be wrong on their amendment, certainly has the responsibility to submit their opinion on this bill.

We talk about a term that I think that's kind of peculiar, and I certainly was not a Member of this Congress when whoever came up with the term ''earmark,'' but there's a whole lot of folks in the United States that know what an earmark is, and it doesn't have anything to do with what we're doing here in Congress today.

It has to do with a method of identifying livestock, and in old days and maybe in some more rustic scenes today, an earmark was actually the notch cut in the ear of an animal. Now, I'm sure that's offensive to many people, but today, it generally is a tattoo or a tag that designates what the owner intends to do with that animal. And at least in the ranching business, they go out and they mark those that are the keepers and the culls. There are the animals that they're going to keep in their breeding stock, and there are the culls which are the ones they're going to take to market and sell as one way the earmark functions.

And the owner of that livestock designates someone to make that designation of how they should earmark the livestock, and I assume that whoever came up with the term ''earmark'' as it relates to special projects in the appropriations process thought it was a good term because basically, that's the decisions that the owner, i.e., the voter, the American public, asks their individual representative to make about the spending on special projects that's going to be done by the United States Congress.

And so who is the designated person for the 31st Congressional District to make this decision? And I think the people elected me to do that. I think there are 435 individual people here that the folks who originally own this money and gave it to us to use, they said you make the decision on how this money is going to be spent. This is a republic, and we have sent our representative to speak on our behalf to say this is a project that has worth and this is a project that has no worth; this is a keeper and that is a cull.

And that is actually the duty and the responsibility by our oath of every person who sits in every chair of this House.

The Acting CHAIRMAN. The time of the gentleman from Texas (Mr. CARTER) has expired.

(By unanimous consent, Mr. CARTER was allowed to proceed for 1 additional minute.)

Mr. CARTER. Mr. Chairman, the reason we are in this debate today, one of the reasons, is we have created a process where instead of 435 people will meet their constitutional obligation of their oath to determine how the earmarks will be spent, we have narrowed it down to one or whatever his designation may be, and I think that is inappropriate, although I will say and I wish to end by saying Mr. OBEY is an honorable man, and I have the greatest respect for him.

But that's not the way we were supposed to act when we came to Congress. We were supposed to participate in this process of determining the earmarks.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

As a New Yorker, I must tell you as honestly and openly as I can, that the hours that we have spent on this issue are an embarrassment, an affront to every New Yorker who experienced 9/11, who went down to that site, and saw our brave men and women responding to the emergency, every New Yorker who went to a funeral, to talk to a family about the loss of their loved one because of the lack of interoperability for one thing.

I cannot understand how my friends on the other side could be spending all these hours debating earmarks when we should be passing one of the most important bills of the House.

As Chair of the committee that funds State and Foreign Operations, I've always worked in a bipartisan way. I know my good friends, DAVID PRICE and HAL ROGERS, have always worked in a bipartisan way. We should get on with the business of this bill, and I would be embarrassed to have a constituent watch us, spend all night, all day focusing on Member-directed projects.

You and I know that they need to be evaluated. A process has been in place for transparency. I think we've moved in a very positive direction. So let's get on with the business of this bill.

We have no higher priority than to take every action necessary to protect our country, and I would just like to highlight a few of the provisions in this bill that are so important.

The first would create a pilot program to screen airport workers, and I've worked in a bipartisan way on this issue. In March, two airport workers in Orlando boarded a plane and made it to Puerto Rico with a bag containing firearms and drugs, and this incident set off an alarm, reminding us that we've waited far too long to take sufficient action. Those who have unfettered access to sterile and secure areas of airports need to be physically screened. Meticulously screening passengers but giving workers open access is like installing an expensive home security system and leaving the back door open. This bill is the first step to close this loophole, something that is supported by Members on both sides of the aisle.

Aviation security enhancements are not limited to airport worker screening. The bill makes the necessary investment to purchase and install explosive detection systems. Last year, British authorities uncovered a plot to destroy airliners over the Atlantic, which the terrorists believed would be on the same scale as the September 11 attack. We have to do all we can to reduce our vulnerabilities, particularly to known threats that terrorists have attempted to exploit.

The second item I would like to applaud is the inclusion of much-needed funds for interoperability grants. After September 11, I wrote a bill to require the administration to create an office and grant program dedicated to interoperability and to implement a national strategy. Since that time, the office has been created, and last year's appropriations bill included my strategy proposal. This bill would fund that grant program, which the House overwhelmingly approved in January as part of the 9/11 bill.

I encourage all of my colleagues to go back to their districts and ask first responders what the Federal Government can do to help them. I guarantee that one of the most frequent responses will be interoperability and communications problems. This bill provides not only the funding, but language on standards and other planning provisions that are beneficial.

Third, this bill significantly enhances our ability to protect our ports. One of the biggest fears of security experts is that a terrorist will bring a nuclear weapon into the country through a port. This bill nearly doubles the funding for grants to protect ports and provides much-needed funding for the Domestic Nuclear Detection Office to develop and deploy the next generation of radiation portal monitors.

A fourth improvement is transit security. In the last 5 years, terrorists have attacked trains in Madrid, London and Mumbai.

The Acting CHAIRMAN. The time of the gentlewoman from New York (Mrs. LOWEY) has expired.

(By unanimous consent, Mrs. LOWEY was allowed to proceed for 2 additional minutes.)

Mrs. LOWEY. Mr. Chairman, this bill would provide $400 million, more than twice the amount previously provided, for first responders to reduce this glaring vulnerability.

This bill is full of substantive provisions to assist first responders that we need to debate. For example, I look forward to considering several substantive amendments such as one submitted by my friend on the other side of the aisle that would assist a program that provides a ring around New York to prevent a terrorist from bringing a nuclear weapon into the city. But we can't have that debate and others about making our Nation safer if the minority continues to insist on pushing procedural roadblocks.

In addition to serving on the Appropriations Subcommittee, I'm a member of the Homeland Security authorizing committee. We know that the threats against our country are real. Let's end these procedural delaying tactics.

Although the chairman, the ranking member and the members of the committee have produced a really important bill, I know that many Members who are here getting up to speak may have additional thoughts, additional ideas to make our homeland safer. Shame on all of us if we're spending the time arguing procedural tactics and not focusing on the homeland security issues that are before us. As a New Yorker, I am personally offended. Let's move on with it.

□ 1230

Mr. FARR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the problem with this bill is there is never a last word. There is a big debate going on about earmarks, when there are none in the bill. There were none in last year's bill or the year before's bill. This is the first bill to come before the floor, and they attack this bill saying where are the earmarks.

Well, there are none. Speakers on the other side of the aisle can't stand the fact that there is a new congressional leadership here. It's rolling up its sleeves and doing the oversight work, the oversight work for an agency called Homeland Security that was created just a few years ago, the biggest bureaucracy in modern American history, 200,000 employees, $36 billion in expenditure, made up of all kinds of things from airports, seaports, Border Patrol, immigration, the list goes on and on.

The leadership of this committee decided to really put some fact-finding into it. It had more hearings than any committee in history in this subject matter, visited more sites, visited the borders, the hot spots, visited Katrina sites, talked with Customs and Border Patrol, with harbor district patrol, with Coast Guard, with truck inspectors at the Ota Mesa truck center, the biggest truck inspection center in the word; with the San Ysidro crossing, the largest traffic crossing in the world.

You know what every one of those patrolmen and inspectors told me? We can't do our job unless you pass a comprehensive immigration bill. It's not just about more fences and more assets on the border. It's about the whole enchilada, the whole immigration bill.

I think there is an underlying current here. They don't want an immigration bill, and they know that this is the agency that deals with it. So it's a delay tactic.

Now, a delay tactic, we have been here for 24 hours. We have taken up two amendments. The first amendment cuts $79,000 out of the administrative office of Homeland Security, $79,000 out of a $36 billion bill. But, wait, they adopted a second amendment. It was for a cut for $300,000.

We have successfully cut $379,000 out of a $36 billion bill. It's taken us 24 hours, numerous procedural votes to adjourn, to rise, to do anything but deal with the issue. We ought to be very proud of ourselves.

We have been able to cut one one-thousandth of 1 percent. That's what the great might of the United States Congress has been doing on this bill.

Now, I know that the other side of the aisle likes to cut, squeeze, and trim. They are cutting the agency that they like the most. They are cutting an agency created by President Bush, they are cutting the money that President Bush asked for in this bill, and they have introduced another 110 amendments to deal with more cuts, more frivolity.

Where's your leadership? This is an important bill. It's probably the best-combed bill, best-managed bill in the history of this agency. You ought to be proud of it. You were proud of it in committee, because nobody voiced a negative vote.

So it was unanimous in the Appropriations Committee, everybody liked the bill. Where is your leadership? Where is your responsibility?

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair must ask the gentleman to address his remarks to the Chair.

Mr. FARR. Mr. Chairman, this bill is about finding the answers to interoperability. You have seen that we have interoperability right here. This bill is about responding to first responders, to be a first responder.

The other side of the aisle is neither operable nor responsible for being first responders. Don't call on them next time there is help needed.

Mr. BOUSTANY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as I look at the flag behind the Speaker's chair, I am reminded about how great our country truly is. If our country is going to remain great, we have to face the threats that are out there, and there are many, many threats.

Clearly, the Homeland Security appropriations bill is an important piece of work to deal with those threats. But there is a threat that's not quite so insidious, and it's the threat of spending, runaway spending in the face of the second largest tax increase in American history.

We need to get serious about this threat, this threat to future generations. We owe it to the American family to be responsible stewards of their hard-earned tax dollars.

I am gravely concerned about the disconnect between a lot of the high rhetoric I hear coming from the other side and the harsh reality that we seem to face here. The rhetoric we hear from the Democratic leadership is about fiscal responsibility and oversight and transparency and full disclosure. But the harsh reality is about none of those things.

I don't see full disclosure here. I don't see transparency. I am deeply concerned about this threat of runaway spending.

Now, I have to say, I fully appreciate the hard work done by the Homeland Security Appropriations subcommittee and the full committee. The chairman of the committee, the full committee, and the subcommittee, as well as the respective ranking members, have done a lot of hard work.

But their work is incomplete. Their work is definitely incomplete. It's the responsibility of every Member of this body to provide oversight, not just the committee's responsibilities. That is our responsibility, and we have to live up to it.

It is clearly a major responsibility as we look at these possible earmarks that are going to be airdropped into this at a later date. The process is clearly flawed, and the American people clearly deserve better.

I reflect upon a statement by a very famous British statesman, when the British Empire was at its height in the 18th century, and it goes like this: ''Magnanimity is seldom not the wisest course for a statesman, for empire and small minds go ill together.''

I would submit to you that magnanimity is a very important American virtue, and magnanimity is also the responsibility of the majority, whoever happens to be in the majority.

I ask the majority to live up to its responsibilities.

Mr. WHITFIELD. Mr. Chairman, I move to strike the last word.

PARLIAMENTARY INQUIRY

Mr. WHITFIELD. Before I speak, I would like to make one parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state it.

Mr. WHITFIELD. If I yield time to the gentlelady from North Carolina at the end of my remarks, and if she made a decision that the House do now rise, is that permissible?

The Acting CHAIRMAN. The gentleman from Kentucky would first have to yield back his time in order for a motion to be in order for the committee to rise.

Mr. WHITFIELD. But I can yield time to her for her to speak?

The Acting CHAIRMAN. The gentleman may yield to her during his 5 minutes.

Mr. WHITFIELD. Mr. Chairman, I want to first of all thank the chairman of the subcommittee on the Democratic side and also on the Republican side for the hard work that they have shown in establishing this appropriation bill for Homeland Security.

Last night I was reading a poll, and I noticed that Congress, as an institution, has an approval rating of less than 30 percent. That certainly is not caused by the leadership of the Democratic Party, because when the Republicans were in control a few months ago, Congress had an approval rating of less than 30 percent also.

But I think it reflects the frustration of the American people about the institution of Congress and how Congress works. I welcome this debate on the earmarks, because I do not view this as a delaying tactic, but I think this is an issue that is even deeper than earmarks and the way that they're handled by the Appropriations Committee.

I am speaking specifically of the fact that the chairman of the Appropriations Committee yesterday mentioned that there was something like 32,000 earmark requests, and that there was not ample time to get through these appropriations bills. Yet every year Congress is consumed by the appropriations process, and every year it takes more and more time, and every year, frequently, we do not even pass all the appropriations bills in the House and the Senate, and we do continuing resolutions, and then we do omnibus bills. The omnibus bills come to the floor, and sometimes they are 8 or 9,000 pages and Members don't even know what's in there, and we are voting on those.

I would remind the Members that about 6 years ago we introduced legislation that would ask the House to go to a 2-year budget and 2-year appropriations process. That bill received over 200 votes in support of it, because I think all of us recognize that this appropriations process and budget process that we now operate under is broken. It simply does not work.

One of the frustrations, I will be very honest about it, on the earmarks is that there is a perception among Members who are not on the Appropriations Committee that the vast majority of earmarks go to the appropriators.

Yet all of us represent the same number of people, all of us represent taxpayers, and all of us are entitled to earmarks.

But it's an unfair process.

I know, from discussions that I have had with a lot of Members, I know appropriators get upset with authorizers and say authorizers are not doing their job, and authorizers get upset with appropriators in saying appropriators are authorizing on appropriations bills when they want to.

So I think what this institution needs to do is go to a 2-year budget process, a 2-year appropriations process so that one year we can sit here and argue about money, but the next year we can argue about authorization and reforming education and health care and some of the substantive problems that the American people face instead of every year being totally consumed by the appropriation process.

To me, that's the problem we have today.

Mr. Chairman, I yield to the gentlelady from North Carolina.

Ms. FOXX. I thank my colleague for yielding.

Mr. Chairman, I want to respond to some of the comments that have been made on the other side. I share the concern that the gentlelady from New York said that this is an embarrassment. She is right. It is an embarrassment that we have to be doing this, but it's an embarrassment to the majority party, because there are principles involved here.

You promised things you are not fulfilling. That's why we are bringing these issues up, and we're going to continue to quote the things that are happening and remind you that that's the reason.

CNN.com today: ''Obey says that earmarks can still be scrutinized before the spending bills go into effect, but nonpartisan advocacy groups like Public Citizen says it's not enough.'' Craig Holman, legislative representative for Public Citizen: ''It violates the whole spirit of the reform itself. We really did expect that earmark requests were going to be an open book so that all of America could sit there and take a look at who's requesting what earmarks.''

We're not saying we are opposed to the underlying bill and we're not doing this for delaying tactics.

The Acting CHAIRMAN. The time of the gentleman from Kentucky (Mr. WHITFIELD) has expired.

(On request of Mr. WHITFIELD, and by unanimous consent, Ms. FOXX was allowed to proceed for 1 additional minute.)

Ms. FOXX. Mr. Chairman, I also point out that last year, when we debated this bill, the majority party offered 70 amendments to the bill and took over 2 legislative days. We have not even been in this for one legislative day yet, and we're getting complaints that we are utilizing delaying tactics. Let's not say what we should not be doing.

Last night, also, Mr. OBEY said that professionals will look at these earmarks. We get complaints all the time that the staff runs this place.

I'm offended by that remark. This is a job for the Members of Congress to be doing. This is not a job for the staff to be doing. I consider we are professionals at this business, and we don't need to delegate the looking at earmarks to staff members. We need to be doing that ourselves, and we need to do it in this process.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would suggest that if my colleagues think holding hostage the Homeland Security bill, the bill that funds and protects our cities, our communities, our seaports, our airports from threat of terrorism, if they think that holding up that bill is going to win back the majority, I would suggest that's the same type of out-of-touch approach that caused them to lose their majority in the last Congress.

One of the reasons they lost that majority, the American people wanted this Congress to put first things first to deal with the highest priorities of this country. Yet the previous leadership on the other side of the aisle, constantly, day after day, month after month, got us involved in unimportant issues.

□ 1245

With the new leadership, we're trying to take a new approach.

What's happened, to summarize, this week, we had the chairman, Mr. PRICE of North Carolina, the chairman of the Homeland Security Appropriations Subcommittee, who put together a bipartisan bill that passed without opposition on a bipartisan basis in the full Appropriations Committee.

Then, the Republican leadership comes along and says, uh-oh, we've got to make a point, and let's hold the Homeland Security Appropriations bill hostage.

If they think that's what the American people want, I think they're sadly out of touch with the priority of Americans in wanting, above else, this Congress to work together to defend our communities and our families.

Where are we? Well, we have Republicans that failed to pass 11 of 13 appropriations bills in the last Congress, they're now trying to kill appropriation bills in this Congress.

What do we have? We have the architects of the largest increase in earmarks in congressional history lecturing us and the American people about earmarks today. And the sad thing is, that not only are they holding hostage the Homeland Security appropriations bill to protect our families and communities, I would speak as the chairman of the Veterans' Affairs and

Military Construction Appropriations Subcommittee in saying that this delaying tactic is holding up a bill that should be on the floor right now that will provide the largest increase in veterans health care spending in our Nation's history.

So not only is the Republican leadership in this House holding up homeland security, now they are delaying the passage of important legislation that our veterans and our military troops and their families deserve.

At this point, Mr. Chairman, I'd like to yield the rest of my time to the chairman of the Appropriations Subcommittee, Mr. PRICE.

Mr. PRICE of North Carolina. I thank the gentleman for his very helpful comments. And I want to pick up where Mr. PEARCE left us a few minutes ago. I never had a chance to respond to his comments about unspent funding. So I want to take just a minute, if I might, to talk about what the committee, in fact, has done about grants and what kind of funding is available for those versus what we're going to appropriate for fiscal 2008.

We have made some key investments in this bill in State and local grants. The State grants are a modest increase over last year, something like 6 percent. But we've made much more substantial increases in transit and rail grants, which I think, on a bipartisan basis, Members of this House have said is a vulnerability. Certainly they said that on the port security matter with the Safe Ports Act. We have made some increases there.

Fire grants, have broad bipartisan support, as does the SAFER program. So in a number of these areas, we have gone somewhat above last year's funding and above the President's request. But we've done that on the basis of strong evidence and strong bipartisan support that this is needed.

Now, what about the allegation that this money is in the pipeline, that we really don't need to turn to the appropriations process for additional funding?

The charge was made that there's $5 billion unspent in these grant programs. Well, $4 billion of that is obligated. That leaves $1 billion. Let's talk about the $1 billion. $600 million of the $1 billion of unobligated funds are from funds awarded to States and localities during the last 6 months. The remaining $400 million in so-called unobligated funds are from older grants that are actually most likely obligated.

The Department tells us they're only now bringing older data on-line into their grant system, but it's very, very likely that all of that $400 million is obligated.

So forget about $5 billion in unspent funds. It isn't there. We must face up to the implications of needing to do more in these various grant areas.

Mr. EDWARDS. Mr. Chairman, could I ask unanimous consent for two additional minutes?

The Acting CHAIRMAN (Mr. WEINER). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. EDWARDS. Mr. Chairman, I yield my time to Mr. PRICE.

Mr. PRICE of North Carolina. Now, if the allegation is that the Department of Homeland Security has not been nimble enough, has not been responsive enough in getting the grant funds out there, then you certainly won't get an argument from us. Our approach has been to work cooperatively with the Department to improve performance.

There are two provisions in particular in this bill to ensure that Federal bureaucratic hurdles are lessened so that the funds can be used for their intended purpose more efficiently.

As in prior years, the bill mandates that within 60 days of enactment, 80 percent of the State Homeland Security grant funds must be passed through from States to localities. And, as in prior years, the bill mandates a schedule for DHS to issue grant guidance and make grant awards, ensuring that funding reaches grantees in the shortest time possible.

Now, we need to continue pressing. We need to continue working on this. But I think, in pressing the Department for responsive grant programs, we have bipartisan support on that. And in putting the money where we need to put it to make these additional areas safer, we have support on that as well.

All I can say is it would be nice if we would get on to discussing the substance of the bill, as opposed to dealing with desultory tactics.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to, this has been quite a process since we got rolling yesterday afternoon, and I know there's some frustration over not moving more quickly. But I do think Mr. BOEHNER made the point very clearly last night and it needs to be reiterated often, that we are simply seeking to have the opportunity to review the earmarks as a body while we can have some impact on it, rather than to have them, as has been said, airdropped into a conference report, where conference reports come to the floor and you have two options only. You can't amend it. You can either adopt the conference report, or you can reject the conference report. As we all know, it's very, very rare to reject a conference report on an appropriations bill. I only remember seeing that happen once since I've been here.

And I just think that, in light of all the rhetoric, particularly from the other side, about the need to have more transparency, and then an action is taken which completely eliminates the progress that had already been made relative to transparency and relative to accountability, and this whole process today really is about are we going to have the opportunity to review the earmarks in these bills, while we can make an impact on it, while we can single some out and remove them, while we can offer amendments, or are we going to simply turn a blind eye, let this be dropped into the conference report? Basically, only, you know, mainly one person is going to control this whole process, and the entire rest of the House is shut out from this process.

That's why this process is moving so slowly, because of this fundamental battle. And, you know, it's seeming like every major media outlet in the country seems to be on the side of transparency and accountability, and yet the majority party continues down this road of avoiding transparency, avoiding accountability. And no good reason has yet been offered as to why we should take this extraordinary move going completely backwards on this issue, instead of having this out here in the light of day as it was intended, as we all argued for both sides should be the case. And that's what we're seeking to ultimately have prevail before this day is out.

Mr. Chairman, I'd like to yield the balance of my time to our ranking member, Mr. ROGERS.

Mr. ROGERS of Kentucky. I thank the gentleman for yielding, and I join in his frustration. This dispute about how the majority party is hiding earmarks so that the body cannot inspect them, is preventing us from discussing the merits of this bill, which, by and large, is an excellent bill, except for it's overspending. And I'll have an amendment at the end of the bill to address that issue.

So there's really two issues we're talking about here; one is the earmark mess that we're in, and secondly, is the overspending in the bill.

The President has threatened to veto this bill if it exceeds a 7 percent increase. The bill now contains a 13.6 percent increase in spending. That's too much. We really don't need that much money. We do need, I think, a 7 percent increase, which is double inflation. That would take care of the needs that Homeland Security has.

And so at the end of the bill, I will be offering an amendment to give Members a chance to vote to slice 5.7 percent, across the board, off of the spending in this bill, leaving a 7.2 percent increase that has been requested of us by the executives.

And so, I would hope that Members would bear that in mind. At the end of the bill, you're going to have a chance to exercise fiscal responsibility. That's what we stand for. Fiscal responsibility.

So I would urge Members to hold their fire until that time.

Mr. PRICE of North Carolina. Would the gentleman yield?

Mr. DOOLITTLE. I'll yield.

Mr. PRICE of North Carolina. Let me just ask a question for clarification on the amendment that is before us which actually has barely been mentioned this morning. Is it not true that neither the McHenry amendment nor the Foxx amendment would be, in effect, incorporated in your amendment, since our expenditures for the item at issue

are already below the President's request?

Mr. ROGERS of Kentucky. If the gentleman would yield.

At the end of the bill, we will have to see what amendments have passed, and then we will look at that and see whether or not that would fit into our across the board cut, and if it might be modified to that extent.

Mr. RODRIGUEZ. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. Has the gentleman already spoken twice, on the amendment and the second-degree amendment?

Mr. RODRIGUEZ. Not on this amendment. I spoke on one of the other amendments.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. RODRIGUEZ. Mr. Chairman, I rise today, and I want to indicate how important this bill, H.R. 2638, is to the entire country as a whole. This bill has particular significance for any American concerned about promoting the necessary and difficult objective of protecting our homeland.

As a member of the Appropriations Subcommittee on Homeland Security, it has been a pleasure for me to work with the chairman and the leadership on adding language and enhancing the quality of this bill and strengthening the general provisions of it.

As a Member who represents a district that goes from both the Texas to the Mexico border, I'm distinctly aware of challenges that confront law enforcement officers charged with upholding criminal laws such as the drug and human trafficking. In recognition of this inherent danger represented to the law enforcement officials, also to private landowners along the border, and elected officials concerned about the border issues and statutory requirements imposed on the Department of Homeland Security to erect, also, the fence barriers that span 370 miles along the southwestern borders. I was also pleased to dialogue with the chairman on these issues and making sure that we go about them in the right way.

The first objective that I want to just briefly mention and talk briefly about is the fact that our border communities need additional resources. This bill begins to provide those resources. Our law enforcement on the cities, as well as the sheriffs that are unanimously in favor of doing what they can to protect our borders and to protect our communities need help, and they need help drastically. This bill begins to provide this assistance.

I wanted to, again, reemphasize the fact that this bill is an essential bill that allows us to be able to protect this country in a way that we should. I know the other side has talked about the bureaucracy and the fact that we haven't responded appropriately, and I agree with them. We haven't, and that's why we have added some additional resources. That's why we also had 22 hearings of which I can tell you, because I have been here prior to this, and we had not had hearings the way we've had now to hold the agencies accountable. No one knows that better than myself.

I just had a community in Eagle Pass that went through a tornado that killed seven people, also hit the Mexican side, killing three, and the difficulty that I had in getting FEMA to respond and the administration to respond. So I understand the incompetency that exists within this administration and the fact that we've had difficulty in getting them to respond to our needs.

But the bottom line is that when we're hit with floods, when we're hit with drought, when we're hit with tornados and other, we have to be able to have the resources necessary for them to be able to do that. And so when we were hit in Eagle Pass, I remember distinctly going through there. I also went over on the Mexican side, and I deliberately went over there also because I know that they had been hit harder.

□ 1300

And I also went back because I know that the Mexicans, especially from the state of Coahuila, had come to help us during Katrina. They sent their support there in San Antonio, helping to feed some 20,000 that had come to San Antonio from Katrina, and I know that they had been extremely helpful.

But we have got to make sure that FEMA has the resources and that they are also held accountable. I know that we are going to continue to have additional hearings in order to make that happen.

I also want to personally thank our leader for helping us with the Stonegarden project.

I would like to yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. Mr. Chairman, I thank the gentleman for yielding.

And I commend him in turn for his work on getting help to the people dealing with the burdens of law enforcement in these border communities. That is what Stonegarden is all about. And he, together with colleagues on the Republican side, advocated very strongly for the Stonegarden funding in this bill.

We also have struck a balance at the gentleman's request. Some very careful work was done on what kind of consultation is desirable and necessary with affected communities before these border barriers are put into place.

So we make no apologies for holding the Department accountable for the technology that is utilized and the plan that is adopted so as to be as effective as possible, to be economical, and also to be responsive to these very particular border communities.

The Acting CHAIRMAN. The time of the gentleman from Texas has expired.

(On request of Mr. RODRIGUEZ, and by unanimous consent, Mr. PRICE of North Carolina was allowed to proceed for 2 additional minutes.)

Mr. PRICE of North Carolina. There has been, Mr. Chairman, a steady flow of town and city officials from Texas in particular who have come to Washington to voice their concerns. We are going to visit them in very short order now to have a first-hand look before this bill goes to conference.

But the work that we have done on this issue, I believe, does strike the desirable balance. We appreciate the Members' input on that because these communities are concerned that the construction of this barrier not go on without some regard for their history and their needs.

Mr. RODRIGUEZ. Mr. Chairman, reclaiming my time, I want to thank Chairman PRICE.

I know that you also provided some guidance as we went to New Orleans and visited New Orleans and got an opportunity to see still the devastation and the fact that we haven't done enough there, and I want to personally thank you for the leadership in that area. We not only went there, but you also took the committee along the border to look at the fences that are out there, the barriers for cars and those things that are important.

Mrs. BLACKBURN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to speak on Ms. FOXX's amendment, and I thank her for being one that realizes one of the threats that we face is a growing Federal budget and out-of-control Federal spending.

And as we have talked about threats this morning as we are debating this Homeland Security budget, it is not lost on us that this is a $36.3 billion budget. It is 13.6 percent more than last year and, as our ranking member has so wisely stated, 6 percent more than was asked for and more money than needs to be in that budget. And, certainly, it does not make good fiscal sense that this would be the type of budget document, this would be the type of appropriations that would be passed for this.

As we talk about threats, one of my colleagues mentioned that we were holding hostage the budget and loved using that term ''holding hostage.'' Well, Mr. Chairman, I think that probably the American people who watch this debate feel like they are the ones that are many times held hostage and their paychecks are held hostage by the Federal Government.

The Federal Government has first right of refusal on that paycheck. They take out what they want before the taxpayers and our constituents see that paycheck. And, quite frankly, Mr. Chairman, I think they are tired of it.

And they are tired of the type of out-of-control spending that they are seeing from this new majority. They didn't like the spending that was there when we were there. Certainly there are many of us that think that we spent too much, and certainly many of

us worked very hard for the Deficit Reduction Act, the 2006 budget, that reduced $40 billion of Federal spending.

Quite frankly, Mr. Chairman, I think the American people thought that you all were going to do better than that, that you were going to cut more than we had cut. But that is not what they are seeing.

We have got hundreds of billions of dollars more in spending certainly, $105 billion more in new appropriations, 13 percent more in this single budget alone. It is out of control. Our constituents feel like their paychecks are held hostage, and, quite frankly, we think information is being held hostage.

Now, on the security issue and on this fence, sometimes those of us who are mothers talk about setting up situations that are going to be win-win situations for our children. We like to create an environment where things can succeed. Well, unfortunately, Mr. Chairman, when it comes to funding the fence, what the liberal leadership has done is set up a failure, because what you do is underfund the fence. Then you come along and $700 million of this funding gets pulled into this gray bureaucratic red tape area that probably you are never going to see that fence built.

Now, we had a vote last year. We had 283 Members of this body go to a machine, put in their card, and punch the green button for the fence. That was the vote that was taken. So that leads us to say was that a politically motivated vote? Did they do that because they thought they were looking for reelection? Did they feel like that was what their constituents wanted? Because, certainly, we know one of the things we hear from many of our constituents is ''secure the border first.''

But now we have a Homeland Security bill and in this $36.3 billion with a 13.6 percent increase over last year, we can't find the appropriate amount of money to fully fund a fence. And that is something that the American people want to see done.

Mr. Chairman, the debate that is taking place here, quite frankly, I think, is a very good debate. It is the type of debate we ought to have, and we ought to do this more often so that people can see what are the philosophies of the left and what are the philosophies of the right. So then they can get an understanding for the philosophical differences of how we view how to go about our jobs, how we view going about handling the taxpayers' money. I think this is a good thing for us to come here and talk about if we want to spend more, if we want to spend 13.6 percent more, or if we want to return to the model of the Deficit Reduction Act, the 2006 budget, and reduce $40 billion worth of spending.

Mr. HALL of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, before I address the Homeland Security Appropriations bill, I just wanted to comment that it is interesting, some might say entertaining, to be given a lesson in fiscal responsibility by those Members who helped to run up the biggest deficit and the biggest balance of trade deficit that this country has ever seen. But we will let that go.

For now I would just like to talk about, first of all, the fact that there are no earmarks in this bill. To talk about earmarks on a bill, the Homeland Security Appropriations bill, which has no earmarks is inappropriate and just a distraction.

In terms of first responders, the part that I would like to address, it is particularly important to my district, New York's 19th, which served and continues to serve New York City. Orange County in my district is the farthest north that first responders from New York are allowed to live. The firemen and policemen of New York may live only that far north from New York City because of needing to be there when they are called in a hurry. And as a result, we have had many fire and police who lost their lives on 9/11 and many are subsequently suffering from respiratory ailments from working on the Ground Zero pile. So we know, not only from that but from planning for other incidents, accidents, attacks that we need to be ready for, that first responders need our help and they need it from this bill, and this bill gives it to them.

This bill gives it to them through Homeland Security grants, which meet the needs of first responders including hiring, training, and equipping first responders. The President proposed slashing the grants by 52 percent. Instead, our bill restores this cut, providing $550 million, which is $25 million above fiscal year 2007 and $300 million above the President's request for Homeland Security grants.

Local law enforcement terrorism prevention programs, this $375 million program plays a key role in assisting local law enforcement agents in information sharing, target hardening, and counter-terrorism planning. The President's budget eliminates this program. Our bill provides $400 million, which is $25 million above fiscal year 2007.

Firefighter assistance grants, the President proposed to slash these grants by 55 percent. Instead, this bill restores the cut, providing $570 million, $23 million above fiscal year 2007 and $270 million above the President's request. And SAFER grants, the President proposed eliminating these Staffing for Adequate Fire and Emergency Response, SAFER, $115 million SAFER grants. The program was eliminated by the President in his proposal. We, instead, provide $230 million, which is $115 million above fiscal year 2007.

So in every instance in which first responders need our help, need the Federal Government's assistance, to be able to respond to fire, police, and other security and public safety issues and events, we are trying to provide them with the resources that they need over the President's objections and over his cuts.

I am proud to support this bill, and I submit that I personally don't have any earmarks in it, and I don't know of anybody else who does. So let's please not discuss it in those terms but in terms of what makes the American people safer.

Mr. HENSARLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have listened very carefully to the debate last evening and today. And I have heard a number of complaints and concerns from our friends on the other side of the aisle. First let me speak to the process.

There are a lot of complaints that somehow we are spending too much time debating this appropriations bill. Well, Mr. Chairman, I would point out that the last appropriations bill, the one that funded our troops in harm's way, this body spent almost 4 months, almost 4 months, coming up with that appropriations bill. And, Mr. Chairman, as I look at the clock, we haven't even debated this one yet for 24 hours.

Mr. Chairman, we also hear that, well, if you care about homeland security, you have to pass this bill and you have to pass it today. Don't you care about homeland security? Well, Mr. Chairman, as an appropriations bill, to the best of my knowledge, there is nothing in this bill that will go into effect until October 1. So here we are in June and we are being told, no, we can't submit to Democratic procedures here. We can't thoroughly vet and debate this important bill. It has to be passed today, even though it doesn't go into effect until October.

And then, Mr. Chairman, we have heard, well, the reason that we don't have our earmarks listed in the bill, the reason that there is this secret slush fund that someday somehow will be unveiled to all is because, well, the staff hasn't had time to vet all of these earmarks.

□ 1315

Well, Mr. Chairman, again, when our friends from the other side of the aisle took over as the majority and rewrote the rules, apparently they didn't read their own rules very well. Members on both sides of the aisle became confused. Nobody even knew how to submit their earmark request.

So then to turn around and somehow point to this side of the aisle when it was that side of the aisle, Mr. Chairman, that created the problem. I mean, it's like the old proverbial person who is being indicted for murder who says, Well, please don't convict me, I know I killed my parents, but now I'm an orphan. Well, they are the ones who caused the problem, Mr. Chairman, so I don't quite understand why they are complaining about the process that brought us here in the first place.

As I listen to the debate, Mr. Chairman, and I do believe this is an important bill, and I believe there is a lot of

important work and very important provisions in this bill, but I think also there seems to be, as I listen closely to the debate on the other side of the aisle, there seems to be no appreciation whatsoever of the role the poor, beleaguered taxpayer plays in homeland security, like there is some unlimited vault from the workers of America to pay for all of this.

Mr. Chairman, those on the other side of the aisle, by refusing to do anything about entitlement spending, have put us on a fiscal course to where the next generation won't even have a Department of Homeland Security. Let us learn the lessons of history or we will be condemned to repeat them.

One of the reasons that the Soviet Union, the evil empire, doesn't exist anymore is because their economy collapsed. They could not keep pace. Their workers could not produce what was necessary to defend that state. And now we are looking at our friends from this side of the aisle putting us on a fiscal course that would render our total inability to provide for a Department of Homeland Security.

Now, I know the easy thing to do is kick the can down the road, worry about the next election, don't worry about the next generation; but Mr. Chairman, I don't think that is worthy of this body.

Mr. Chairman, ultimately this comes down to the role of earmarks and our ability to fund this. As my colleague in the other body, Senator COBURN of Oklahoma, has said, earmarks are the gateway drug to spending addiction. Now, I know there are many good earmarks, there are many worthy earmarks; I myself do not request them. But for many Members they have become that gateway drug to spending addiction, making it more difficult to fund our homeland security. Those on the other side of the aisle campaigned for increased transparency, and all we are asking is that Members have the ability to strike at these.

Mr. ALTMIRE. Mr. Chairman, I move to strike the last word.

I can understand why there would be some confusion on the other side about why we would need to move these appropriations bills in a timely manner because, yes, the fiscal year starts October 1. So what is the urgency, I'm hearing.

I can understand why there is a lack of recognition of the urgency because in the 12 years, Mr. Chairman, that the Republican Party controlled this House, they were able to complete all the appropriations bills on time exactly zero times. They were unable to do it any time in the 12 years they controlled this House.

So, yes, I understand there is some confusion about the process and why it is important to get these bills out on time.

If anyone is interested, the last time that all the appropriations bills were completed on time was 1994, which perhaps, by coincidence, was the last time the Democrats controlled the process in this House. So we do understand the urgency of getting these bills done on time; and we do understand that October 1 is going to be here and we need to complete work on these bills.

Certainly, what has happened in the House the last couple of days, and I would expect is going to happen over the remaining course of the week, and perhaps months, does not bode well for our ability to do that because we are facing a lot of obstruction. I think it would be instructive to talk about what is actually in this bill rather than talk about the procedural gimmickry which is going on to prevent us from passing this bill.

The bipartisan Homeland Security Appropriations bill provides critical funding to improve the Nation's homeland security and implement the recommendations of the 9/11 Commission, which have languished for more than 4 years now. One of the first things we did in the first hours of this House was to vote to implement the 9/11 Commission recommendations. This bill moves us in that direction; it enables us to do that with the funding that is required. I don't think that is something that should wait any longer. We have already waited 4 years from those recommendations. We have waited almost 6 years since 9/11 to see this take place.

This legislation strengthens border security. I hear a lot of talk about border security and immigration. This bill provides emergency first responders with additional training and equipment, and improves aviation and port security, all important aspects of the 9/11 Commission recommendations.

We talk about immigration reform. This bill makes border security the top priority by devoting substantial resources to secure our borders not only against potential terrorists, but also to help stop the growing flood of illegal immigrants entering our country each and every day, totaling more than 12 million at this time.

In this bill, we invest in our Nation's most pressing security needs by hiring 3,000 additional border security agents. That's what we are talking about, we are going to secure the borders. We include $1 billion for fencing. I think that is as important to people on the other side of the aisle as it is to people on our side of the aisle. I don't know why they're delaying this; that $1 billion goes to fencing infrastructure and technology along the U.S.-Mexican border.

We commit $2.1 billion to illegal immigrant detention and removal. We hear about this ''catch and release'' program as part of the immigration debate. This bill stakes a step in solving that problem. We are in the process of debating that. Let's get it done. Let's stop all the delaying tactics. Let's get this bill done.

This bill provides $550 million in State homeland security grants which are used to hire, train, retain and equip emergency first responders. Is there anyone in this House who doesn't think that's an important priority that we should make a priority and get this bill through the legislative process?

This bill increases funding for firefighter assistance grants. Unfortunately, the President recommended a 55 percent reduction. We put that money back in because I don't know that we can come up with any more important segment of our society than our firefighters, the brave men and women who put their lives on the line every day here at home to keep us safe.

We improve aviation security by doubling the amount of cargo screening on passenger aircraft, another key recommendation of the 9/11 Commission. So these are not things that should be delayed.

We invest in port security by providing $400 million in grants to improve critical port facilities and infrastructure. And this Homeland Security Appropriations bill includes strong oversight measures to ensure careful spending of taxpayer dollars. I want you all to hear that: It eliminates the wasteful, no-bid contracts that have led to billions of dollars in losses.

The Acting CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. CARTER, and by unanimous consent, Mr. ALTMIRE was allowed to proceed for 1 additional minute.)

Mr. ALTMIRE. Mr. Chairman, what this bill does is give our brave men and women who respond to emergencies the tools and resources they need to protect our communities. I can think of no better way to show the American people that we are committed to this.

I urge my colleagues to support this bill.

Mr. Chairman, I yield to the gentleman from Texas.

Mr. CARTER. I thank the gentleman for yielding.

I just wish to correct your mistake in your opening statement.

I have been serving on this committee for the last 2 years, and the House of Representatives has finished the appropriations process by the 4th of July both terms that I served in Congress. So I think the statement made as an opening was a mistake.

Mr. ALTMIRE. Reclaiming my time, that has not been the case. The House has not completed its work. These bills were not finished and implemented by October 1.

Mr. CARTER. I beg to differ. These bills were passed by the House of Representatives, in the last two terms I served on this committee, before the 4th of July. I think you can check with the subcommittee chairman, and he will agree with me on that.

Mr. ALTMIRE. The last time they were implemented on time was 1994.

Mr. GOODE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in talking today about the Homeland Security Appropriations measure, I would like to echo what the gentleman from Texas was referring to. In the 2006 and 2005 calendar

years, we did finish the appropriations measures, all 13 of them, or 10 of them, by July 4. We worked diligently. The House got through with its work on these appropriations bills.

There is probably no more important bill for the security of our homeland than this appropriations measure. There are some positive aspects in it, but the spending in it is mighty high.

It is my understanding that the gentlelady from Tennessee will be offering an amendment that focuses on one area that I feel needs additional expenditures of money, and that is with our secure border, the need for fencing, the need for technology there that will prevent the flood of illegals from coming into this country.

The focus of this legislation as a primary topic should be keeping illegal aliens out of this country. During the past several weeks, I have had more calls on that topic than any other measure. And I know a number of the calls, letters, e-mails and faxes were due to the other body's consideration of something called Comprehensive Immigration Reform, which was certainly a misnomer. It was nothing but amnesty, pure and simple, and the overwhelming majority of communications with my office are in opposition to any type of amnesty. They want a fence erected to keep illegal immigrants out.

You know, when we talk about earmarks, in my view there are some good earmarks and there are some bad earmarks. I'm sure that I have a perspective of my district. I like congressionally directed funding for items that benefit the 5th District of Virginia. And I'm sure if you went around the country, others would take a similar approach.

Some would have a policy of no earmarks at all. And let me say, if I get to define earmarks, it would be fine with me if we cut out earmarks right across the board. But some broad, general spending programs, in my view, could also be designated as earmarks. And if we were to follow the approach of the Representative from Texas and Arizona of eliminating all earmarks totally, there would be, in my view, less Federal spending.

There has been a lot of talk about transparency and the need for that with regard to earmarks. One of the things that would get more media attention, more newspaper focus, more television looking at the individual, congressionally directed spending requests would be if they were talked about, debated and voted on in committee. And then, when they came to the floor, those individuals, whether they are on the Democratic side of the aisle or the Republican side of the aisle, they could stand up and focus on these individual items and say whether they wanted them or whether they wanted to introduce amendments to strike them and remove them from the bill.

Those who advocate transparency, in my view would do well to follow a policy of putting in earmarks at the committee level, and then having them debated here on the floor.

I hope that as the appropriations process goes forward with other items of legislation beside homeland security, that we can follow that rule so that we would get much greater attention and focus and, in my view, transparency on earmarks.

In closing, I want to reiterate my support for the Blackburn amendment that will increase funding for the fence and for border security, and take it from certain other administrative areas in the Department of Homeland Security.

Mr. ISRAEL. Mr. Chairman, I move to strike the last word, and I would like to yield as much time as he may consume to the distinguished chairman of the subcommittee.

Mr. PRICE of North Carolina. I thank the gentleman for yielding. I will consume about 15 seconds just to respond to the question that was raised about the Republican track record in passing appropriations bills.

The gentleman might want to talk about when the Labor-HHS bill was passed last year. I think what he will find is that not only was it not passed by July 1, it was not passed at all.

Mr. ISRAEL. Reclaiming my time, Mr. Chairman, I understand that there is a legitimate debate on the question of earmarks. I understand it is a fair topic to be debated on the floor of the House. I understand, Mr. Chairman, that the other side would be defensive about this issue in that their abuses of the earmark process, and their bulldozing to passage of these earmarks resulted in so much excoriation by the press, and a lost election and the incarceration of their Members.

□ 1330

But, Mr. Chairman, there is a time and a place for debate on these issues, and this bill is not the time or the place. This is the Homeland Security appropriation, Mr. Chairman. This is the last bill that ought to be politicized.

Mr. Chairman, my congressional district lost over 100 people on September 11. Over 100 people. I went to more funerals than I thought was possible. My district is about 40 miles from where the Twin Towers used to stand. When my constituents go to New York City these days, they can't see the Twin Towers because we had no homeland security in 2001. When they go to New York City, it is without the people that they loved and knew. All they have left are the memories.

Mr. Chairman, what I believe is happening today is that the Members from the other side are dishonoring those memories and, in fact, compromising our homeland security by using this critical bill to keep us safe and sound and strong to score political points on and to delay on.

That is simply not acceptable. They are putting politics, Mr. Chairman, ahead of our homeland security. They are putting politics, Mr. Chairman, ahead of our national security. They are putting politics, Mr. Chairman, ahead of the memory of those who lost their lives on 9/11.

Now, I was in Pakistan just some time ago with the Appropriations Committee. I stood on the border between Pakistan and Afghanistan and learned that the Taliban is getting stronger, al Qaeda is resurging, Ansar al Islam is getting stronger and Jamah Islamayah is getting better. What is the other side doing over the past 48 hours? Spending 8 hours debating cuts to the General Counsel's Office in the Department of Homeland Security.

Al Qaeda and the Taliban are planning, plotting, and strategizing our demise; and the other side, Mr. Chairman, is spending 8 hours debating a cut in the costs of the General Counsel's Office in the Department of Homeland Security.

Mr. Chairman, forgive me if I sound frustrated. But I don't know how I can go back to my district in New York and explain to my constituents who attended funerals that instead of figuring out how to strengthen our borders, we spent 8 hours debating the General Counsel's Office in the Department of Homeland Security; that while our enemies are planning to destroy us, the other side offered eight separate motions to rise yesterday; that while our enemies are figuring out how to plan our demise, the other side is figuring out how to delay the response. How can I possibly explain that to the families that I represent?

I don't begrudge the other side their right to debate earmarks. But not on this bill. This is the wrong bill. It is at the wrong time.

Mr. Chairman, I want to return all of us to that very dark day. Many of the gentlemen and the gentlewomen who are spending all of this time consumed in a debate over earmarks in a bill that has no earmarks, who are consumed on procedural motions, held hands on 9/11 that night on the steps of this building and pledged never again. We would never let this happen again. We will do what must be done. We will bear any burden and pay any price in the defense of liberty and freedom.

What has happened in the years since then? We are not willing to pay the price. We are not willing to bear the burden. The only burden is that we are going to be here through the weekend debating more motions to rise, more amendments that are nothing but, in my view, political cheap shots.

Mr. Chairman, this is not the time and the place. We need to pass this bill to strengthen America, not compromise America's security.

Mr. BARTON of Texas. I move to strike the last word.

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

Mr. BARTON of Texas. Mr. Chairman, I want to bring a little bit of

openness to this debate and this process. Those of us on the minority side are not concerned about the overall scope of the Homeland Security bill.

Chairman PRICE and Ranking Member ROGERS, I think, have done an outstanding job on the substance of the bill. But we are very concerned about the lack of openness and transparency on what are called ''earmarks,'' because the majority party campaigned specifically for openness and transparency on this particular issue, and this is the first appropriation bill, and there is no openness and transparency on earmarks.

So I am going to start a precedent at least for the Sixth Congressional District, which is the district that I represent. I am going to put my earmarks in the RECORD on this bill. I have two of them.

The first one is for the City of Arlington, Texas. It is a request for $10 million to replace all of the radio equipment and communication equipment for the City of Arlington Police Department so they meet the new Project 25 interoperability requirement. So that is my first earmark. The second earmark is also for the City of Arlington, Texas. It is a $2 million request for the Narcotics Task Force.

Now, my very first congressional earmark, way back in 1985, or maybe 1986, was to set up the first anti-drug Narcotics Task Force in Tarrant County.

I went to Jamie Whiten, who was the powerful chairman of the Appropriations Committee. I went to that corner office right off the floor and on trembling knees asked Mr. Whiten for $1 million to have the first anti-drug task force in Tarrant County, Texas, with the main city being Fort Worth in Arlington, Texas, and, lo and behold, I got it. So this request for $2 million is in a sense a continuation, an expansion. That task force has obviously expanded since the mid-1980s, but this is a $2 million request for the Narcotics Task Force.

I have also signed a delegation letter. I won't list every Member who signed it, but in Congressman EDWARDS' district down in College Station, Texas, Texas A&M is the home of a National Emergency Response and Rescue Training Center. I have asked, along with a number of other Members, for an additional $13 million for that national center.

Those are all my earmark requests. Under the new rules, I have to sign a letter, like every other Member, to Mr. PRICE and to Mr. ROGERS stating what my earmark request is, and then I certify that neither myself nor my spouse has any financial interest in this project.

So I want to put these earmark requests in the record so that at least one Member of Congress is being open and transparent in the process.

I want to say something about the process. There is absolutely nothing wrong with trying to make earmark requests open. But it is disingenuous, to say the least, to campaign on openness and transparency and then not deliver. I happen to think Chairman OBEY is doing an outstanding job. It is a tough job being chairman of the Appropriations Committee. Just ask former Chairman LEWIS. But to have one Member of Congress responsible for vetting every earmark request, and apparently this year the number is 32,000, which is an average of about 80 per Member, which is an average of about 7 per appropriations bill, that is an impossible task.

Let's come up with some system to put the earmarks in the bills as they come to the floor. Let there be a debate. Some would fall out, some would shift around, but the American people would know what the process is all about.

Mr. Chairman, I include my earmark requests for the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, March 15, 2007.*

Hon. DAVID PRICE,
*Chairman, Subcommittee on Homeland Security, House Committee on Appropriations, Washington, DC.*

Hon. HAROLD ROGERS,
*Ranking Member, Subcommittee on Homeland Security, House Appropriations Committee, Washington, DC.*

DEAR CHAIRMAN PRICE AND RANKING MEMBER ROGERS: I am requesting funding for the Interoperable Law Enforcement Communications System in fiscal year 2008. The entity to receive funding for this project is the City of Arlington, located at 101 W. Abram Street, P.O. Box 90231, MS 01–0310, Arlington, TX 76004.

The funding would be used for replacing the Arlington Police Department's local radio system with new equipment which will allow Arlington Police officers to communicate with other agencies.

I certify that neither I nor my spouse has any financial interest in this project.

Sincerely,

JOE BARTON,
*Member of Congress.*

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CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, March 15, 2007.*

Hon. DAVID PRICE,
*Chairman, Subcommittee on Homeland Security, House Committee on Appropriations, Washington, DC.*

Hon. HAROLD ROGERS,
*Ranking Member, Subcommittee on Homeland Security, House Appropriations Committee, Washington, DC.*

DEAR CHAIRMAN PRICE AND RANKING MEMBER ROGERS: I am requesting funding for the Narcotics Task Force in fiscal year 2008. The entity to receive funding for this project is the City of Arlington, located at 101 W. Abram Street, P.O. Box 90231, MS 01–0310, Arlington, TX 76004.

The funding would be used to allow the Arlington Police Department to coordinate with HIDTA, the DEA, and regional task forces to conduct focused interdiction initiatives combating drug trafficking in Arlington and the surrounding area.

I certify that neither I nor my spouse has any financial interest in this project.

Sincerely,

JOE BARTON,
*Member of Congress.*

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, March 16, 2007.*

Hon. DAVID PRICE,
*Chairman, Subcommittee on Homeland Security, House Committee on Appropriations, Washington, DC.*

Hon. HAROLD ROGERS,
*Ranking Member, Subcommittee on Homeland Security, House Committee on Appropriations, Washington, DC.*

DEAR CHAIRMAN PRICE AND RANKING MEMBER ROGERS: The purpose of this letter is to request funding for the following projects in the FY'08 Homeland Security Appropriations bill under the consideration of your Subcommittee. I have listed the projects in order of greatest priority.

First priority: City of Arlington. Texas: Interoperable Law Enforcement Communications System $10.0M

Any federal funding received will be used for an Interoperable Law Enforcement Communications System. The proposed project would provide the basis for a regional communications system through the acquisition of state-of-the-art technology that adheres to recently drafted federal specifications for interoperability, Project 25. The Project 25 standard allows agencies to purchase communications equipment from any manufacturer and be assured that it is designed to achieve interoperability with other Project 25 compliant systems. It is expected that this amount of funding will be required to completely replace Arlington's communications system with technology that can serve as the backbone for a regional Project 25 compliant system.

Police and other public safety employees rely on an array of wireless voice communications (mobile radios, portable radios, base-stations, cell phones and pagers) to conduct day-to-day activities as well as respond to major emergencies, catastrophic events and disasters, both natural and man-made. Traditionally, most law enforcement agencies and jurisdictions have chosen to finance, install and maintain their own communications systems. As a result, the systems are purchased from different suppliers/manufacturers, operate on different radio frequencies and utilize a broad range of underlying technologies and architectures. The result has been inoperability (or inability to communicate) between jurisdictions.

Problems caused by lack of interoperability are particularly acute during large scale events that necessitate the involvement of personnel from multiple agencies and jurisdictions. This is commonly referred to as ''mutual aid'' in the public safety profession. Mutual aid events can come about due to unplanned events such as large-scale accidents, natural disaster, civil insurrection/riot, or major crime event or terrorist attack. Mutual aid situations can also be the result of major sporting events, political conventions or large scale celebrations. Regardless of its source, interoperability is critical to an effective response to large scale events and mutual aid situations.

Second priority: City of Arlington, Texas: Narcotics Task Force $2.0M

Any federal funding received will be used to fund a comprehensive, cooperative interdiction program in Arlington, Texas. Funds would be utilized for personal protection equipment for officers who find clandestine labs, surveillance equipment, drug dogs, specialized K–9 vehicles and related equipment, personnel, training, and other related services.

Narcotic trafficking is a multi-jurisdictional problem requiring a task force approach to ensure coordination among numerous law enforcement agencies. The Tarrant

County Narcotics Intelligence Coordination Unit (TCNICU) was formed in 1988 to work these complex narcotics cases. Due to a new requirement that federally-funded narcotics task forces be multi-county as well as multi-agency, the TCNICU expanded to include Ellis County during 2003. Its name was changed to Metro Narcotics Intelligence Coordination Unit (MNICU), and the Department of Public Safety (DPS) now has operational control/oversight of the task force.

This task force is supported through Byrne Funds, funneled through the Governor's Office (Criminal Justice Division). These funds were depleted in March 2006 and no other funding sources have been identified. The City's current agreements with HIDTA and DEA cover only overtime expenses.

Major drug trafficking routes run from Mexico through the Metroplex to other states. The HIDTA Interdiction programs instituted along Interstate 35 have been very successful. Interstate 20, Interstate 30 and State Highway 360 are major thoroughfares in the heart of the Sixth District for drug traffickers transporting their wares to Dallas and Fort Worth and beyond. Additional funding is requested to create a comprehensive program.

Thank you for your kind consideration of these projects. If you have any questions or concerns, please feel free to contact me or my Legislative Assistant, Aarti Shah

Sincerely,

JOE BARTON,
*Member of Congress.*

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MARCH 16, 2007.

Hon. DAVID PRICE,
*Chairman, Subcommittee on Homeland Security, Committee on Appropriations, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: We are writing to express our strong support for a $13 million increase over last year's funding in the FY 2008 Homeland Security Appropriation Bill for the National Emergency Response and Rescue Training Center (NERRTC), a lead member of the National Domestic Preparedness Consortium (NDPC). NERRTC, established in 1998, is a member of The Texas A&M University System, and is located in College Station, Texas.

The other non-federal members of the NDPC include the Counter Terrorism Operations Support (CTOS) at the Nevada Test Site (NTS); Energetic Materials Research and Training Center (EMRTC) at the New Mexico Institute of Mining and Technology; and National Center for Biomedical Research and Training (NCBRT) at Louisiana State University (LSU). The Consortium coordinates and integrates their training efforts to ensure the optimal use of federal funds appropriated for the purpose of providing a focused, threat responsive, long-term national capability for our emergency responders.

The FY 2007 Appropriations Bill provided $22 million for NERRTC, as part of the $88 million allocation for the four non-federal members of the NDPC. Unfortunately, the President's FY 2008 budget proposes a significant decrease in funding levels for the Consortium, reducing the total allocation for the NDPC to $38 million, to be awarded on a competitive basis. The states would be required to incur training costs to purchase required training that has historically been fully-funded by the Office of Grants and Training (G&T) through the Consortium. The states have received no impetus to purchase the specialized training, which only the Consortium provides.

Under this new training direction for the G&T, responsibility for all three levels of WMD/terrorism training (awareness, performance, and planning/management) will shift from DHS to local jurisdictions. This shift would result in the loss of uniform training standards and the certified training programs that have been developed. Additionally, given the proposed changes in FY 2008 funding for the State Formula Grant Program, the new training strategy could impact the states' ability to meet needed training requirements.

We strongly believe that the current training strategy, which has been successfully implemented by G&T through the Consortium for the past nine years, continues to be an effective tool for our nation. To date, NERRTC has trained in every State and U.S. Territory, reaching more than 7,400 jurisdictions and over 204,000 participants. The entire Consortium has trained over 700,000 emergency responders through a nationally validated curriculum. This model has reached all disciplines necessary for national preparedness, including fire, law enforcement, EMS, hazardous materials, public works, public health, emergency managers and senior officials. The model is effective and provides for consistency in standards and curriculum.

The national demand for NERRTC specialized training programs, as well as the specialized training programs provided by the other members of the Consortium, continues to grow at a rapid pace. For FY 2008, $35 million is requested to increase current support to G&T and program delivery, to meet the documented national needs and requests from states, to expand training deliveries to our local and state emergency responders.

We appreciate your consideration of this critical national project and its significant contributions to enhancing our homeland security.

Sincerely,

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Mr. Chairman, I would be happy to yield to Mr. MCHENRY any time that I have remaining.

Mr. MCHENRY. Mr. Chairman, I thank my colleague from Texas.

Mr. Chairman, the important part here is that we say very clearly to the American people that we should know where the dollars and cents that our Federal taxpayers are funding for their government is going. That includes the important programs of this government. But it very much is important to the American people to give scrutiny to these pork-barrel projects and earmarks contained within these billion-dollar bills. The bill before us today is $36 billion in spending. I think it is worthy and worthwhile that we spend a little time giving this legislation scrutiny.

Mr. KLINE of Minnesota. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this has been a fascinating debate. I have heard, unfortunately, some language that I certainly find offensive, that we are dishonoring, for example, those who have died in this country. I certainly don't believe that is the case. I don't understand how our insistence on making sure that we are appropriating the taxpayers' dollars responsibly dishonors anyone.

Repeatedly I have heard that in this bill there are no earmarks. Again, I would reiterate, that is the point. We simply don't know if that is the case. The gentleman from Texas just stood down here and said he has requests for two earmarks in this bill. I don't know how many earmarks will end up at the end of the process, and, frankly, none of us do, because there is no transparency and we do not have visibility into this very, very flawed system for Members' projects for earmarks.

Mr. Chairman, I know that my dear friend and colleague from North Carolina would like the opportunity to talk about his amendment and this process once again, so I would be happy to yield the remainder of my time to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Chairman, I thank my colleague from Minnesota.

Mr. Chairman, I think we need to have a serious discussion here on the floor today, as we did yesterday. There have been some accusations about what we did when we were in the majority. But, look, let's face it, there is a new majority. There is a new regime in town. They called for a new direction. I guess there is a new direction. Congress' approval ratings are the lowest they have been in decades.

Nothing has been achieved in this Congress. In fact, the Democrats' agenda, the Six for 06, the vaunted Six for 06 agenda, has been Zero in 06. Zero of these bills have been enacted into law.

So it is wonderful for the Democrats to point at the Republicans. But, let's face it, the Democrats are in the majority, and it is their obligation to govern, and they have not yet done it.

They spent 133 days in power, the new Democrat majority, and what have they done? Well, they had a lot of debate about whether or not to defund the troops who are in harm's way. They played politics with the troops. But yet they didn't take any time at all to review the earmarks in this bill. They have had 133 days. The chairman of the Appropriations Committee has had 133 days to review these earmarks, but yet he will not open it up to public scrutiny.

All we are asking for these earmarks and for this Democrat excessive spending is for it to see the light of day so the American people can see what their money is going towards. So while they play politics with funding the troops, they do nothing when it comes to pork-barrel spending. They do nothing when it comes to earmarks. They do nothing to control spending. They do nothing to enact their vaunted Six for 06 agenda.

Mr. Chairman, I think the American people need to understand what this new Democrat majority, this new direction, is all about. It is about politics. It is about politics. And what we are talking about here today, what Republicans and conservatives are saying is that we need to have those earmarks laid out for public scrutiny so the press and Members of this body can actually see what the chairman wants to insert at the 11th hour in this legislation. We want to see what is in that slush fund within this bill. We want to see where our tax dollars are going. But we also want to spend. Beyond that, we want to make sure this money is appropriated wisely.

What the ranking member on this subcommittee has said is there is too much spending. We have got too many bureaucrats being thrown into the Department of Homeland Security. This money is not being spent wisely. It is not being spent in the right ways. We are not funding defense like we should. We are not funding border security like we should. We are not funding intelligence capabilities like we should. Yet there is a large increase in spending in this appropriations bill. Where is it going? Where is it going?

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And where is that money, that slush fund, going? I think the American people, not just my colleagues in the House, not just the committee chairmen, not just a committee, but all the American people deserve to see where their money is going. That's the right thing.

That's what we're debating about here today and what we were debating about last night. And while the Democrats forced us to go into 2:00 a.m. voting on this House floor, in the middle of the night, voting on important matters of public policy, the Speaker sleeps. While we were forced to stay here until 2:00 a.m., voting on procedural motions to hold the Democrats accountable, the Speaker slept.

Mr. RYAN of Ohio. Mr. Chairman, I move to strike the last word.

I appreciate my good friend from North Carolina. We've been out here a bunch together. First, he says, well, this is politics. This is not politics. This is governing, something you on the other side know very, very little about.

Mr. MCHENRY. Mr. Chairman, the gentleman should address his remarks to the Chair.

The Acting CHAIRMAN. The gentleman is correct.

The Chair would ask the gentleman from Ohio to address his remarks to the Chair.

Mr. RYAN of Ohio. Mr. Chairman, my friends on the other side were saying that this is about politics, and I would like to say that this is not about politics. This is about governing, Mr. Chairman, something the Republicans in Congress know very, very little about.

Now, we have heard lectures today about spending too much money. $4 trillion under the Republican watch, Mr. Chairman, borrowed from China, Japan and OPEC countries with a Republican House, a Republican Senate, a Republican President. Mr. Chairman, I hope the Republicans will spare us the lectures on fiscal responsibility.

And then, Mr. Chairman, they start saying that, well, you're spending it, but you're not spending it right. You can spare us the lectures on spending. Need we bring up Katrina, need we bring up Iraq, Mr. Chairman? We don't really need lectures from the most blatantly irresponsible spending Congress in the history of this illustrious body.

Now, the Homeland Security Department was created by the Republican Party, Mr. Chairman. They ran on it. They ran campaigns against Max Cleland on it. They created it. And so now they're saying that if we actually fund it to protect the country, that somehow we're doing something wrong. That's what you do with programs that work; you fund them.

And now more to the point of what I think the real substance of this argument is really all about: The National Intelligence Estimate said that the war in Iraq has created more terrorists around the globe. That means, Mr. Chairman, that there are more terrorists out there now than there were before, and they're all coming to get us here in the United States. President Bush even says all the time, You know, if we don't fight 'em over there, they're going to come over here and get us.

So what we're trying to do in this bill is to protect the homeland. We're trying to protect against all those terrorists that have been created in the last 5 years, that have joined al Qaeda and all of these other groups that now want to come over here. We're trying to actually protect the homeland.

So we want to secure the ports. We want to make sure we have the first responders. You're impeding progress with the shenanigans that have been going on here the last 24 hours.

Mr. MCHENRY. Will the gentleman yield?

Mr. RYAN of Ohio. I will not yield.

The problem with this is that God forbid something does happen in this country. Every minute that we waste here is 1 more minute that the terrorists get to attack this country without the proper port security, without the proper border security.

So as you delay and you move to rise and you move to adjourn—

The Acting CHAIRMAN. The gentleman will address his remarks to the Chair.

Mr. RYAN of Ohio. Mr. Chairman, as the Republicans move to rise, as they move to adjourn, as they try to filibuster, that is just buying time for these programs not to get implemented. And God forbid the American people, after another attack, come to us and say, what were you doing? Why didn't you have the technology on the ports? The Republicans are going to have to go back home to their district and say, we were filibustering this bill.

Mr. PRICE of Georgia. Will the gentleman yield?

Mr. RYAN of Ohio. I will not yield. You guys have had the floor for 24 hours. You could let us say a few words.

The bottom line is this: The new Democratic Congress has fulfilled the promises that we have made, Mr. Chairman. Passed the minimum wage, cut student loan interest rates in half, security issues. When you look at the budgets that we have passed, the largest increase in veterans spending in the history of the VA to take care of those soldiers who are out there, a $500 to $600 increase in the Pell Grant, fully funding Head Start, SCHIP, Even Start, after-school programs, investment in alternative energy sources.

If I was you, I wouldn't want our bills to pass either, because when these pass and we take it to the American people, Mr. Chairman, our friends on the other side are going to wish they would have had the level of competence that the Democrats have.

Mr. BURGESS. Mr. Chairman, I move to strike the requisite number of words.

I come to the floor because of the inspiration of the ranking member of my committee, the Committee on Energy and Commerce, who came and disclosed for the body the earmarks that he had in the bill. I would like to take this opportunity to disclose the earmarks that I have in the homeland security bill as reported to me by my staff. The number is zero.

But, still, the argument that goes on here today is important. We just heard a scholarly discussion about the budget that was passed by the new majority. The reality is, a lot of those fully funding issues are in what are called ''reserve funds.'' The gentleman mentioned specifically SCHIP. We have been working on that in my committee for months now. I will tell you, the funds are not there. The reserve funds are sort of like sending a get-well card to a Federal program that is going to expire on September 30 of this year because we have not yet done the work to extend it.

Mr. Chairman, I also feel obligated to point out that certainly there are many times during the last 4 years that I have been here, again as just a simple country doctor who came to Congress, but there have been many times that I have been here that I have felt that our side was spending too much money. However many times I felt that way, I cannot escape the feeling that now we are fixing to spend that and a great deal more, and that does sadden me.

I think, more to the point, the bill that is under discussion today is a bill that is extremely important to this country, and I think it is a shame that a new majority that campaigned on the concept of openness and being transparent about the process now has decided that there is value in opacity and intends to obscure the process as much as they possibly can.

It is one thing to decide that that is the correct way to govern, but don't campaign on that issue. Don't promise what you can't deliver. If you cannot be open about your method of governing, then please don't run on that as an issue in the future.

Mr. Chairman, I would now like to yield as much time as I have remaining to the gentleman from North Carolina.

Mr. MCHENRY. I appreciate my colleague from Texas for yielding.

I want to respond to my colleague and friend from Ohio. He does a wonderful job at oratory. His facts are a

little off, Mr. Chairman, I must say. He forgot in his list of these wonderful things the Democrat Congress has done, because, let's face it, it is a nice long list of things that they have said that they would do. Actually, they haven't implemented many of the things that he claims, Mr. Chairman. The one thing on his list he forgets, though, is the largest tax increase in American history. I don't know why he doesn't brag about that.

But he actually points out something that is very important to realize. The Democrats have done part of what they've said. They campaigned on increasing the size and scope of government, Mr. Chairman, and they've done that. They're working to do that.

Mr. RYAN of Ohio. Will the gentleman yield?

Mr. MCHENRY. In just a second. In just a moment.

Mr. BURGESS. The gentleman from Texas controls the time and, no, he will not yield.

Mr. RYAN of Ohio. Will the gentleman from Texas yield?

Mr. BURGESS. No, I will not.

Mr. MCHENRY. Let me just say this. The largest tax increase in American history, that is really the backdrop of these spending bills.

The gentleman points out an interesting quandary, I must say. He says that Republicans are delaying the implementation of homeland security funding. The Department is funded through October 1. Beyond that, if it were important for us to put our priorities first, we would start, Mr. Chairman, with the Department of Defense, for national defense purposes. Instead, he's pulling a political game on us, Mr. Chairman, to simply say that we are harming national security because we're trying to restrain pork-barrel spending within this appropriation.

He actually points out a very important thing the American people need to understand. If the Democrats wanted to focus on priorities, we would have started with homeland security and national defense on day one. Instead, the new Democrat majority played politics with our troops in harm's way in Iraq and Afghanistan. They played politics with that funding, Mr. Chairman. They played politics for 100 days. And they're continuing to play politics with the funding for our troops in harm's way, Mr. Chairman. And we should oppose that.

And the American people are reacting to that. They don't want to defund our troops in harm's way. They don't want to do that.

I would ask my colleague from Texas, to, if he would, yield for 15 seconds to the gentleman from Ohio for his comment or question, because that is much more generous than he did earlier. And I would love to respond to what he says or claims.

Mr. BURGESS. In fact, I will be happy to yield, but let me just reclaim my time for a moment.

The Acting CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. BURGESS was allowed to proceed for 1 additional minute.)

Mr. BURGESS. I have no earmark in this bill, but had I had an earmark in this bill, I would have had to submit that the middle of March, 3 months ago.

As the gentleman from North Carolina so correctly points out, this is not new information. This information has been percolating somewhere within the committee for the last 3 months' time.

Mr. Chairman, I will be glad to yield the remainder of my time to the gentleman from Ohio.

Mr. RYAN of Ohio. I thank the gentleman for his courtesy. The reason the gentleman from Texas doesn't have an earmark in this bill is because there are no earmarks in this bill.

Mr. BURGESS. Reclaiming my time, the ranking member of my committee came to the floor and said he had two earmarks in the bill. So I submit to you that there are earmarks in the bill, and we should be discussing that; that should be part of the new open and transparent Congress.

Mr. COHEN. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Just to clarify. The ranking member submitted earmarks. There are no earmarks in the bill. That's a clear difference.

I ask my friend from North Carolina, what do you want to cut out of this bill? The Border Patrol? The 3,000 Border Patrol agents? Do you want to get rid of the technology that we're going to have on the ports to scan cargo coming in? Is that what you want to cut? Do you want to cut the money that we're giving to our first responders?

Mr. Chairman, exactly what is it that you don't like about this bill? There are no earmarks and we're funding programs that are going to protect the homeland.

Now, we understand clearly, Mr. Chairman, that our friends on the other side have had a difficult time governing the country. That doesn't mean they have to impede us from doing it.

Mr. COHEN. Mr. Chairman, the Homeland Security Appropriations bill addresses not only the threat of terrorist activity, but funding for States and communities to confront the threat and real consequences of natural disasters and emergency situations.

Hurricane Katrina was one disaster. The response of the Federal Government to Katrina was another disaster. While the world watched, our citizens were left to fend for themselves. I live in a city that sits at the epicenter of the New Madrid fault zone. Historically, this area has been the site of some of the largest earthquakes in North America. Scientists believe we could be overdue for a large earthquake and through research and public awareness may be able to prevent terrible losses of life and property.

Also, Memphis is built on the banks of the Mississippi, and as every river town knows, we must be vigilant to ensure that the river remains our friend. And Tennessee is one of the States most frequently hit with tornadoes and destructive straight-line winds.

I am pleased to support the Homeland Security Appropriations bill because it provides for the needs of our citizens to ensure that their government will be vigilant in protecting them not only from terrorists, imagined and real, but by preparing for emergencies and being there in the aftermath of disasters. We don't need to just say, there's been a ''heckuva job'' done, but we need to make sure that the job is done.

Mr. Chairman, we were here until 2 o'clock this morning because of dilatory moves on the other side. We need to come together and pass a homeland security bill that protects our cities and our States from natural disasters and protects our country from terrorists, imagined and real. This is a bill we need to pass for America and make America proud of this United States Congress.

Mr. POE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, part of our process in this country as a Republic and one reason we broke away from a monarchy was because of the fact that Americans, by nature, want things in the public view.

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Back in the days of the king, the king made all of the decisions and he made them based on any reason or lack of reason the king wished.

Americans want their government to be public. That's why this House meets in public instead of in a back room someplace, because when you meet in back rooms, things seem to happen that are not in the favor or the benefit of the public or the American people.

And in this whole appropriations process, the American public is watching us and we are being asked to appropriate billions of dollars for different projects, appropriations bills; but yet we don't know where the money is going. Now, most Americans probably would find that difficult to understand. I find that difficult to understand. Why you would ever appropriate taxpayer money, set it out here in some fund, you can call it a slush fund or a sludge fund it makes no difference. We don't know where the money is going. We are being told trust us, we are the government; we will decide later how to spend your money. Trust us.

And how is that decision going to be made? It is going to be made really by one person and his staff, a good person no doubt, but will that decision be made upon partisan politics, how these false, fake, secret earmarks are going to be determined? Will it be based upon longevity in the House? Will it be based upon where a person happens to live in the United States? Will it be based upon other factors that are subjective as opposed to objective? Who knows.

We don't know because we don't know, first of all, where the money is going and how those decisions will be made.

But we are all asked in this House, including those on the other side, to write a letter and ask for one earmark, and then that letter will be reviewed by the staff. And the staff will meet with the one Member of Congress and the decision will be made whether to grant or not grant that earmark.

It seems to me that one person should not have that ability, that authority, that power. It goes back to the phrase from Orwell's ''Animal Farm'' that all animals are equal, but some animals are more equal than others. And this is probably one of those examples.

So why not be open about it? Why not be democratic about it and air those public earmarks in the public sector. Let's argue and debate them on the House floor. Let's vote them up, let's vote them down, but let the American people see exactly what those earmarks are and then they can see where we stand and see how we vote as 435 as opposed to one person.

So deals made in back rooms are not good deals for the American public. All we are asking in this legislative body is that we take the taxpayers' money and we tell them up front where that money is going to be spent before we take it away from the taxpayers and say trust us, we are from the Federal Government, we are here to help you.

Mr. Chairman, I yield to Judge Carter.

Mr. CARTER. Mr. Chairman, I thank the gentleman for yielding.

This has been a stimulating debate, and I want to thank my colleagues on the other side of the aisle for joining in this debate. Yesterday evening we were accused of delaying and taking up all of the time, and I think we have equally shared the time this morning, and I am very proud to have the help of the Democrats on the other side of the aisle in continuing this debate because I think it is important that we hear from all sides. In fact, that is what this is all about.

We keep talking about us, but I think that the Democratic Representatives on the other side of the aisle individually have the same right to see and debate these earmarks as the people on the Republican side of the aisle. I am not arguing this point only for Republicans. I believe that the individual Members who are elected by the people in their district to make sure they are on top of spending have the same right.

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is amazing because a lot of us sat here last night until 2 in the morning and watched the Republican minority file motion after motion for us to rise so we wouldn't take up a Homeland Security bill that has no earmarks.

What they did was slow us down on trying to have a bill passed by October 1, which they have had trouble when they were 12 years in the majority. That is why we had to live under continuing resolutions, and continue to live under one because of their governance last year.

The Homeland Security bill has 300 new Border Patrol agents. It would be nice on October 1 if this bill was signed into law so we would have those Border Patrol agents on the border, in our airports and in our ports.

They are delaying the planning for the first responders, whether in the city of Houston where I come from, or the State of Texas where my three colleagues who spoke earlier on how bad earmarks were, or the bill provides protection from explosive systems for our airports, including Dallas-Fort Worth and Houston.

This is delaying $400 million for port security, including the Port of Houston, the number one foreign-tonnage port. We are doing some great things in the Port of Houston. It is because we put the community together, the business community and all government agencies, Republican and Democrats. I wish we could see that in Washington. But we didn't see that last night. We saw delay after delay in not taking up this bill. So we are putting it off so they can make a point of how bad earmarks are.

But the House Republicans don't want to talk about those issues. They want to talk about how they want to bring the light of day into earmarks. Well, for 12 years they didn't want the light of day in earmarks. They were the king. They were the emperor of earmarks. I have watched for many years what happened over those 12 years with the earmarks and the ones that were shut out in the minority.

I think what they are concerned about is that we may do to them what they did to the Democrats for 12 years, but that is not our intent. All we want is to be able to see them, the public.

I have requested earmarks, and I am proud to say I have received them for our district. I don't mind publicizing them. In fact, I will do it in any manner required, instead of airdropping them in like they previously did in the appropriations bills.

I think that conversion we saw, maybe it started with the November election, but we are seeing it now, that conversion is almost as amazing as Saul's conversion on the road to Damascus, from Saul being a persecutor of Christians to becoming Paul, the Lord works in mysterious ways; but I don't think it is so mysterious. I think what we are seeing is after 12 years of being dictators in this House, now they are afraid the same rules are going to be used against them.

For 3 years, I have requested $250,000 in an earmark for a prenatal machine to treat mothers, poor mothers, to be able to get a new piece of equipment so we can do prenatal planning. $250,000. Health and Human Services has stripped out Democratic earmarks for a number of years. I don't intend to do that. I am not an appropriator, but I hope our Appropriations Committee doesn't do that. I am not ashamed to say that I asked for that earmark again this year for that prenatal machine.

Or for $250,000 for a diabetes program in Harris County to help what our local community is doing. I have asked for $250,000 for immunizations. The reason we have earmarks is that I don't want to appropriate all that money and send to Health and Human Services, and say, by the way, I sure would like you to help diabetes and immunizations in Harris County in Houston, Texas. Or maybe help pay for part of a machine for prenatal care.

Mr. Chairman, do I still control the time on the floor of the House?

The Acting CHAIRMAN. The gentleman from Texas has the time.

Mr. GENE GREEN of Texas. It is my understanding that Members cannot rise while other Members have the floor of the House.

The Acting CHAIRMAN. A Member may seek to be yielded to. The gentleman from Texas may continue.

Mr. GENE GREEN of Texas. Mr. Chairman, we all have to obey the rules, whether Republican or Democrat; and that is what we are trying to say. We want to pass the appropriations bills before October 1. In the majority for 12 years, they couldn't do it. They put in earmarks all over the appropriations process, and yet stripped out Democrats. I don't want us to do that, but I do want us to have some legislative ability to say we have projects in our district that are important. If I am willing to say, yes, I want them and I will publicize them, then why shouldn't we be able to have an elected official make that decision instead of the bureaucracy that may still be under the President. But the now Republican minority put earmarks in even when they were in the majority, so that is what this debate is about.

They don't want us to pass these bills but we need to do it for the American people, particularly Homeland Security.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I listened to the remarks of the gentleman, and I think he had some good points to make, but I do just want to point out that under the Republicans, the Democrat minority was allowed to determine which of their projects got funded. If Democrat projects were stripped out, it wasn't done by the Republicans; it was done by the Democrats on the leadership in the Appropriations Committee. I think this is important to understand. We didn't interfere with what Democrat priorities were, as I understand it. You got a certain percentage and were able to determine your own priorities.

I would say to the gentleman who just spoke, I think he may be blaming us for something that we didn't do.

Now, I am not here to lead a crusade against earmarks. The Constitution

clearly specifies that the legislative branch is in control of spending for the government. We are entitled to set our priorities, and we would not be doing our jobs as Representatives if we did not indeed set those priorities.

I do want to note with some of the things that have been said, in the final year of Republican control of the United States Congress, we cut nondefense discretionary spending for the first time in 19 years. The hardest thing we ever have done in Congress, you or we have done, is to cut spending. It is very, very difficult.

Having said that, last year we actually accomplished it, and nobody knew it so I am going to say it here again today: the first time in 19 years, through the leadership of JERRY LEWIS and the Appropriations Committee, we cut nondefense discretionary spending, the first time in 19 years.

We did not cut mandatory spending, but we worked hard to slow the growth curve, and we did that. Mandatory spending, by the way, is where two-thirds of all spending actually occurs. And for the first time in 9 years, we slowed the growth of mandatory spending. Those are two huge accomplishments. I hope that the Democrat majority in the time they have will be able to show a similar accomplishment. I am not encouraged so far by what I see. I think with all of their rhetoric about openness and transparency and curbing earmarks, it bodes very ill, despite that rhetoric, in trying to tar and feather the Republicans with these slanderous statements that they have, indeed, overturned their own process and they are going to airdrop in the earmarks in the conference committee.

Yes, it has been asserted there are no earmarks in this Homeland Security bill. That is right, but there will be, and they will be in this bill in the conference report where all we can do is vote ''yes'' or ''no,'' no chance to amend or affect the process. That goes completely against what the majority party asserted would be their policy. And we have to keep calling attention to this to have the world understand what is going on here. This is fundamental to the consideration of all the other appropriations bills. We have to get this process established.

They ran their campaigns last November on the idea that the earmarks are going to be open and accountable, and the first thing they did was to go way back in time and do something where they are completely shielded from public view until the last minute when they get dropped in. That is wrong. We will not accept that, and we will not go easily into that good night until and unless you reform that policy. It is completely unacceptable to campaign about openness and transparency for earmarks, and then to go in exactly the opposite direction, have no openness and no transparency and no accountability.

□ 1415

That is very, very wrong, and I hope that people will clearly see that.

Mr. Chairman, I yield any remaining time that I have to Mr. MCHENRY, if he would care to offer any additional insights.

Mr. MCHENRY. Mr. Chairman, I thank my colleague from California, to reiterate my earlier point, which is, we need to lay clear these earmarks. We need to know what they are in the legislation so that the American people can judge for themselves the worthiness of the programs and the money allocated for them.

Now, we just want a clear, open, transparent process which is what the new majority, what the new Speaker campaigned upon.

Now, we had this long debate last night after 10 o'clock. We went on for hours and hours and hours about this process until after 2 in the morning. Now, I understand the Speaker went home to sleep and the rest of us sat here and debated, but that's a whole other issue. If the Speaker had been here, Mr. Chairman, they would know that this is an important debate for the American people to hear.

Ms. GIFFORDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think it's important to really focus on the substance of this bill, and I rise today in strong support of this Homeland Security bill.

I represent southern Arizona. My district, the 8th Congressional District, shares 120 miles with the country of Mexico. We are facing a security and immigration crisis in my district and across the Nation. The flood of illegal immigrants and drug trafficking continues to place an undue burden on not just our health care system but our schools, our first responders and on our local law enforcement.

Currently, the Tucson sector is the most porous section along the U.S.-Mexico border. On average, every day the Border Patrol apprehends about 2,000 illegal immigrants and approximately 2,500 pounds of drugs. While most illegal immigrants are coming here for economic opportunities and don't want to do harm to anyone, probably about 10 percent are involved in criminal activities.

Nationally, the Border Patrol arrests 1 million illegal immigrants annually and seizes over 1 million pounds of marijuana and 15 to 20 tons of cocaine.

Smugglers' methods, routes and modes of transportation are potential vulnerabilities that can be exploited by terrorists attempting to do the American people harm.

Border security must be strengthened, and all of the options for accomplishing this must be on the table. Success requires a multifaceted approach. We need to build fences, we need to deploy sensors, we need to utilize the latest technologies, such as UAVs, and take advantage of advanced technology in terms of detection.

I'm pleased that this legislation makes border security a priority and provides the funding that we badly need along the U.S.-Mexico border. The improved border security that this bill will fund is a crucial component in passing comprehensive immigration reform that is tough, practical and effective. I hope to work with my colleagues on both sides of the aisle to pass legislation later that includes components of border security, along with comprehensive immigration reform.

Now, the bill that we are discussing today provides $8.8 billion for the Customs and Border Protection agency, which is $50 million above the President's request, and $647 million, nearly 8 percent, above fiscal year 2007. It provides funding for 3,000 additional Border Patrol agents, and this will bring the total number of Border Patrol agents up to 17,819 by the end of fiscal year 2008.

This bill also funds the SBI, the Secure Border Initiative. This is going to be rolling out in Sasabe in southern Arizona, and it funds this initiative at the President's requested level of $1 billion. It requires the Department of Homeland Security to justify how it plans to use these funds to achieve operational control of our borders.

So I urge my colleagues to pass and I urge the President to sign this very important legislation. Our border communities urgently need this funding to stem violence and lawlessness and prevent terrorism that could possibly impact the United States along the southern border.

I urge the Members on both sides of the aisle to move forward on this legislation.

Mr. CAMPBELL of California. Mr. Chairman, I move to strike the last word.

This debate that began yesterday and continues today is really about two things. One thing we've heard a lot about here recently in the last few speeches that people have given is whether or not the majority party wants to have earmark spending that is secret and that is not subject to individual vote. We believe that such spending ought not to be secret and ought to be subject to an individual vote. That's one thing.

But there is another thing, and that is that this bill simply spends too much. This bill has an increase in it, and I know the gentleman from North Carolina and I had a discussion on this yesterday. Let's just talk about the nonemergency spending.

This bill increases spending from year to year by 13.6 percent. Again, that is a lot. It is a lot more than inflation, which has been running under 3 percent. It is a lot more than most people see as an increase in their salaries. Why, in fact, if someone out there listening, Mr. Chairman, makes $15 an hour, if they were to get a similar increase this year, they would make over $17 an hour next year. I mean, most people out there making $15 an hour would love an increase to $17 an hour, but they're probably not going to get a

$2 increase, but yet this bill proposes to expand the spending by 13.6 percent.

Now, people on the other side of the aisle, Democrats that continually criticize our amendments and the things we're talking about by saying that we are cutting spending, the two amendments before us right now and the previous amendments we voted on last night and most of the amendments, if not all, that we're going to see later, are not cutting anything. They are slowing the growth. If you get $1 a month and somebody gives you $2 a month, that's an increase; it's not a cut. But they keep saying cut on the other side of the aisle so much that I believe perhaps a little visual assistance is required.

So, Mr. Chairman, I just want to make this very, very clear. One equals one. If you are getting $1 and you still get $1, that is not a cut. That's the same amount of money that you had before. Two is actually more than one. So that if you were getting $1 and now you get $2, that also is not a cut, even if you wanted $3. Because what Members on the Democratic side of the aisle continue to say is, oh, we're getting one, we want three, you're only going to give us two and so, therefore, it's a cut. No, it is not. One equals one, two is more than one, regardless of what you want.

Mr. ROGERS will propose an amendment later that has already been described by the other side as a massive cut, except it will leave a 7 percent increase, I believe, roughly, in spending in this bill. A 7 percent increase from year to year is not a cut.

The amendment that is before us right now, Mr. MCHENRY's amendment, proposes to spend less money than the bill before us on the Secretary's bureaucratic operation, but it actually allows the Secretary's bureaucrats to spend more than they spent last year. That, again, is not a cut.

So, Mr. Chairman, let us make it clear here that Republicans are not proposing to cut this bill. We are not proposing to cut spending in the Department of Homeland Security. We are proposing to increase it at a rate which is sustainable because if you continue to increase things at 13.6 percent a year, then that requires that everyone out there who's making that $15 an hour get a raise to $17 and give it all to the government in order to keep paying for this sort of increase. American taxpayers cannot afford that kind of increase after increase after increase.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I agree we should be debating substantively whether or not we have reached perfection in the amount of resources we have put to homeland security, and if Members on the other side think that no additional funding for homeland security is necessary, no additional border guards, no additional funding for immigration, that's their right.

If they have so little confidence in Secretary Chertoff and the other appointees of the Bush administration to decide what they need to administer their responsibilities, that's their right. In the Senate, they call it ''a vote of no confidence'' formally. Here the vote of no confidence in Secretary Chertoff will be the constantly repeated phrase, ''those bureaucrats,'' and apparently Members do not have any confidence in the appointees of the Bush administration. That's their right.

What they don't have a right to do, it seems to me, is to totally forget history. Now, we are told, and I guess I should express my admiration for so many Republicans who are fighting for the rights of others. In our society, people fight for their own rights, but we genuinely honor people who fight for the rights of others, people who are not themselves victims, but fight to protect others who have been victimized.

Well, a number of the Republicans are in that category. They are fighting very hard for the right to vote against earmarks. What's interesting is that many of the Republicans who over these past couple of days have been fighting for the right to vote against earmarks always vote for earmarks, and I don't just mean in overall bills.

The gentleman from Arizona (Mr. FLAKE) took the floor and acknowledged that he had offered 39 amendments in the last Congress to cut out earmarks and he lost 39 times. The overwhelming majority of Republicans voted 39 times against the gentleman from Arizona. So we have Republicans yesterday, and I will have the RECORD and we'll have the rollcall, we will have people who said you must give me the right to vote against these earmarks who then never voted against a single earmark. And that is admirable.

It is admirable when you, yourself, have no intention of voting against earmarks when, in fact, you are 39 for 39 in voting to keep earmarks in the bill. And by the way, one might think the gentleman from Arizona is irrational. I do not. I voted with him on a number of occasions, not the majority, but I voted with him on some.

The gentleman from Arizona is a careful Member. He selected the most, to him, outrageous earmarks, and we have Republicans who voted for all 39 outrageous earmarks, according to the gentleman from Arizona. The great majority of the Republican Party voted overwhelmingly to reject the earmarks that, of course, their appropriations colleagues had put in the bill.

So, Mr. Chairman, is that not admirable, Members who got up here and said, How dare you not let us vote against earmarks, when they themselves had no intention of doing that? This is the vegetarians rushing forward to defend the slaughter of beef cattle. This is atheists insisting that people be given a religious day of worship.

This is a very, very impressive display of concern for the others. These are people who themselves apparently intend to vote for every earmark that comes down the pike. They never met an earmark they didn't like, because if the gentleman from Arizona has done all of his careful research, and he's presented 39 earmarks that he thinks are particularly egregious and Members have voted against him on every one and have voted to keep all 39 earmarks, they've never met an earmark they didn't like.

So their insistence on delaying this bill and repeating arguments. I must say I was here all night last night. I walked in and I don't object to dilatory tactics. I object to excruciatingly boring dilatory tactics. I must say, Mr. Chairman, the Members on the other side are the least imaginative filibusterers I've ever seen. They just repeat themselves and repeat themselves, and stuff that was uninteresting and flat in the first place does not improve with age.

But whatever their tactics, understand they are employing them on behalf of the right of the others to vote against earmarks because it is clear that the overwhelming majority of Republicans have no intention of voting against earmarks, at least not based on the record. They not only voted for bills with earmarks, the gentlewoman from North Carolina acknowledged that earmarks had increased from 1,500 to 15,000 under Republicans, but then, of the 15,000 earmarks, when one of our most diligent Members, the gentleman from Arizona, proposes to kill 39 of the earmarks, the overwhelming majority of Republicans voted against him 39 times.

So, for that dedication to preserving a right that they themselves have no interest in exercising, I give them credit, for very little else, Mr. Chairman.

□ 1430

Mr. JORDAN of Ohio. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the folks on our side, we certainly care about the security of the United States, we care about the security of the homeland, but we also care about how the tax dollars of American families are spent.

The previous speaker talked about the right to vote on earmarks and how some of those people are going to vote for these earmarks. But it's not just about the right to vote on earmarks. It's about the right of American families and American citizens to see what those earmarks are that their elected officials may vote for or against.

I guess I look at this in this light, to paraphrase the line from the movie, ''show me the earmarks.'' Show me the earmarks. Because when you see the earmarks, then you are going to see where the money is going. That's what the American people want to know. We have talked about the term transparency a lot in this debate, because the reason it's so important is the lack of transparency inevitably leads to more spending.

That's just the way it works. We have got to know what's going on. If we don't, more spending is going to occur. If you don't take my word for it, look at the numbers. This bill increases spending 13.6 percent. It's spending that always drives. Spending is the problem. We hear the term, the old cliche with politicians, tax-and-spend politicians. It's really the opposite. It's really the opposite. It's spend-and-tax politicians. Spending drives the equation.

If you think about this, the spending contained in this bill, in the budget we passed that was passed a few weeks back, that spending inevitably will lead to higher taxes. Every single good tax cut that has been put in place over the last 6 years, under the Democrat spending plan, is going to go up, money that would be in the pockets of families to spend on their kids, their goals, their dreams, things that their kids care about, things that their family cares about, their business to reinvest it there. All those things that they would like to spend their money on, those taxes will go up, take money from the hardworking family of this country and give it to government. That's what we are talking about.

That's why we are talking about some of these issues. We want you to show me the earmarks, show us what's there so we can see where ultimately the spending will go and the American people, more importantly, can ultimately see that.

I am reminded of a debate that I had back in my days of the State House. There was a tax increase that was moving through our assembly, I was opposed to it, and I remember a reporter coming up to me and saying Jordan, you are so opposed to this tax increase, you think it's so bad for families and taxpayers across the State of Ohio, he said. But where's the outcry? Where are those families storming the State House to talk about this huge tax increase that you are fighting against?

I said, you know, they're too busy working to pay those taxes to storm the State House. That's the truth. We have got to remember the families out there who have been working hard, making their businesses succeed, making their families reach their goals and dreams they've set. We have got to remember those as we go through this debate.

I would be happy to yield to my colleague from North Carolina who is, I know, the sponsor of the second amendment.

Mr. McHENRY. I thank my friend and colleague from Ohio. This is about whether or not to restrain the growth of government. This is about ensuring the integrity of taxpayer money in this process. It's about ensuring that we know where our taxpayer dollars are going and that there is public scrutiny to that, not just scrutiny from a narrow few in this body.

But while the Speaker slept last night, we were working on the floor to bring this issue to the American people. While the Speaker slept, we made the case to the American people that this is an important debate to restrain the growth of government, even within the Department of Homeland Security's bureaucracy.

We want to make sure the taxpayer dollar is spent wisely, efficiently, and effectively. This is a healthy debate, because we on this side of the aisle want to restrain the growth of government while those on the other side want to grow and grow and grow the government in all the bureaucracy, especially here in Washington D.C.

It's very important. It's very important for us to engage in this dialogue and debate, for the American people to have scrutiny over this process and through this process. While the Speaker slept last night, we worked till 2 in the morning, till past 2 in the morning, to make sure the American people knew what this new majority, what this new direction was all about.

Mr. JORDAN of Ohio. I thank the gentleman from North Carolina for his work.

Mr. REYES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in deference to the comments of the last speaker, I think the American people know what's going on here. They know that almost 6 years after 9/11 and over 5 of those years during the time that they controlled this Congress, they couldn't do what we have been able to do with this funding for Homeland Security. They couldn't do it, or they wouldn't do it.

But either way, Homeland Security funding is vitally important.

Why? It's important because it sends a strong, clear message to all the employees of the Department of Homeland Security, including Customs and Border Protection officers, that serve us, serve us well, valiantly around the clock, that we think their work is important.

Last summer, in August, we had a series of hearings. I went to, I think, five or six of those hearings where a number of my colleagues on the other side of the aisle were present as well.

They talked about doing everything that was possible to secure our country's borders. They talked about supporting the Customs and Border Protection officers. They talked about providing them the tools and the weapons and the technology, all the kinds of things that sounded really good.

Yesterday and today, they're singing a different tune. They're talking about stalling. Every minute that we talk about silly things, we aren't talking about serious problems, that demand serious efforts, serious problems that demand serious solutions.

At the very minimum, serious problems that demand serious debate. We don't need Members citing ''Animal Farm,'' which, that's all well and good to make a point, but the American people know that instead of an animal farm, this is a body of a ship of fools here.

We don't need cute and silly things like one is one and two is more than one, because it insults the very people that they profess to support, the employees of the Department of Homeland Security, DHS. By the way, every minute that we take doing these kinds of silly things here, professing to want to debate seriously, we also take time away from the largest increase ever for veterans funding, which is the next bill that's waiting to be taken up here on the floor of the House.

Again, 5 years after 9/11, they couldn't do it, they wouldn't do it. Now they've decided that they're not going to let us follow through on the hollow promises that they had made for 5½ years after 9/11.

These are serious issues that we have an obligation seriously to solve, an obligation that we owe, not just the American people, but the employees of the Department of Homeland Security.

I spent 26½ years serving this Nation proudly on the border. I know the integrity. I know the hard work. I know the dedication that the employees of the Department of Homeland Security give each and every day.

They are, or they should be, respected and are not being respected by the kind of silly debate that has been going on here from Members of the other side of the aisle. I think they deserve better, I think our country deserves better, I think we all deserve better when we reflect that this is the people's House. We deserve better than that kind of silly debate.

I believe that it's important that we return to a process, the regular order of continuing to debate this funding for a very important agency 6 years after 9/11.

Let's get to the business that we were sent here to do. People put their faith and trust in us. Let's not betray that faith and trust. Let's do our job.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to make, essentially, two points. First, my friends in the minority lack credibility on the issue they have raised last night and today; and, second, this bill is far too important to be stalled, delayed, put off by blatantly partisan tactics.

On the first point, why does the minority party lack credibility on this issue? Well, one of the two parties during the last 6 years took the largest surpluses, I think we have had in history, and managed to turn those surpluses into deficits, a multitrillion dollar turnaround that was accomplished in a record short time. That party was the party of my friends in the GOP. That's the same party today that is arguing for fiscal responsibility.

One of the two parties presided over the greatest growth and expansion and acceleration and abuse of the earmarking process in history, brought that process to a point where it accounted for more earmarks and more dollars than ever before. That party was also the GOP.

One of the parties in this House presided over a period that resulted in more indictments of Members, more investigations of Members, more appearance of impropriety than any time since ABSCAM or Watergate. That party was the Republican Party.

That same party that abused the earmark process, that had no earmark transparency is now objecting to what? It is now objecting to an earmark process that is better, that is more transparent than it has ever been. That party is objecting to the work of the majority which eliminated all earmarks in last year's bill.

So here you have a party that has demonstrated over the last 5 or 6 years utter fiscal irresponsibility, a lack of willingness to reform the earmark process, now complaining that, okay, the Democrats are reforming the process, they are making it more transparent, but we are complaining because we think they should take it much farther.

Well, I think the last 6 years demonstrated a lack of credibility, a serious lack of credibility among my friends in the minority party.

Why is this bill so important? Why is this bill essential to move forward, and why are these partisan stalling tactics so questionable?

This is the bill that provides the resources to defend our country. I am just going to focus on one because there are numerable areas of this bill that are so vital. But if you go back 5 or 6 years ago when President Bush and Senator KERRY had their debate, they were asked what is the number one security threat facing this country. Their answer surprisingly was the same, nuclear terrorism, the idea that al Qaeda could get nuclear material and bring it into this country.

Well, there are only so many things that prevent al Qaeda from doing that. It's not their lack of motivation or will. Osama bin Laden has already talked about wanting an American Hiroshima. The obstacles are getting the materiel, fashioning the bomb, and getting it into the country. Getting the materiel, unfortunately, is not very difficult, given the plentiful amounts of highly enriched uranium in the former Soviet Union.

Building a bomb is not that difficult because the technology is now decades old. Getting into the country, unfortunately, is not very difficult. That's something this bill seeks to address by deploying radiation-detector portal technologies; and more than just deploying them, as essential as that is, doing the analysis to find out which of the portal technologies will be most effective in keeping a nuclear or radiological weapon out of the country. These are the kinds of investments that are being delayed, stalled, run down by a party that has run our Nation's finances into the ground in the last 6 years, that is complaining about an earmark process better than anything they proposed.

We need to move this bill forward. My friends in the minority don't have the credibility on this issue. They may have had it at some point, but they lost it in the last 6 years. This is not the way to retrieve it.

We need to move this bill forward. Now is the time to do it. We need to implement these reforms to improve our safeguards against nuclear material getting into this country. We need to ensure that our cargo is protected.

We need to ensure that any number of investments that are made in interoperable communications equipment and our firefighters and our police officers are made, and they are made now.

I urge this bill move forward. I urge the delay come to an end.

□ 1445

Mr. RYAN of Wisconsin. Mr. Chairman, I move to strike the last word.

I want to talk about what my friend from California just mentioned. And I want to just simply say that I think that the gentleman from California is truly a gentleman, and I enjoy the time we've spent together. But there are just a few things I think need to be corrected.

Number one, the gentleman mentioned that over the last 6 years, the Republicans, when they were in charge, squandered the opportunity, lost the credibility. Well, guess what? It's only taken 6 months for this majority, maybe 6 years for the former majority; 6 months, and this majority has turned their back on earmark reforms. Six months into the new majority, and this majority has turned this thing upside down.

What do I mean when I say that, Mr. Chairman?

Let me just quote our current Speaker, on December 14, 2006, ''We will bring transparency and openness to the budget process and to the use of earmarks, and we will give the American people the leadership they deserve.''

What happened?

Well, a number of things happened. Under the Republican majority, earmarks got out of control. Under the Republican majority, waste occurred. Let me be the first one to say that.

So what happened?

In the last session, Republicans changed the rules. We said, if you're going to have an earmark, a pork-barrel project, Number one, we've got to see it. It's got to be in the bill. A Member has to have their name attached to it, so they have to defend it.

But most importantly, the American people need to see this, and it needs to be in the bill as it comes to the House floor, as it goes to the Senate Chamber, so that the American people have time to look at it, so that transparency and sunlight can bring accountability to the process, and so that we, as the people's Representatives, each and every one of us, representing 670,459 people, can have judgment, can vote on it. That's transparency. That's accountability. It happened late in our majority, but it happened.

What did the Democrats do as they took over the majority?

To their credit, Mr. Chairman, they extended, enhanced and improved upon these rules. So I would, at this moment, like to give some bipartisan credit to the fact that we negotiated these earmark reforms in the last session, and Speaker PELOSI and the Democrats, to their credit, carried them over and made them better.

Where are we 6 months later? Where are we 6 months into this new majority? We went three steps forward, and now we went six steps backwards.

Mr. Chairman, what are we doing?

No transparency, no earmarks in these bills, no opportunity for the American people, the public, to see what's in this legislation. All we have in these bills are big slush funds, a $5.9 billion slush fund in the bill that's coming up next, a $20 billion earmark slush fund in the bill coming after that.

What does that mean?

They're putting billions and billions of dollars of fiscal space of a general earmark in these bills, and they're simply saying, this money will be earmarked afterwards, when I, the chairman of the Appropriations Committee decide to put this money in to go toward pet projects, pet constituencies, at my choosing, at my scrutinizing, after Congress has the ability to consider these things on their own merits.

Is that transparency? Is that accountability? Absolutely not, Mr. Chairman.

They have gone backwards, back on their word, back from bringing transparency and accountability to Congress.

So let me just say for the record, both parties have messed this up. Both majorities have seen the light, and this majority is going backwards on this. That is what this is all about.

We recognize we've got to have more transparency and accountability in the way we spend taxpayer dollars. That's one of the problems we have. The other problem is this idea that we can just spend our way into prosperity, this idea that we can just spend more and more and more money, and all things wrong in America will be fixed. If only we take more money out of people's paychecks, bring them up here to Washington and spend their money, every problem can be solved.

This is the problem we have at a basic philosophical level. Here is where we are just 6 months into this new majority.

The President gave us a budget. His budget increased spending across all levels of government. His budget increased discretionary spending. Well, what happened since that budget came? Six billion new dollars in February in the omnibus appropriation. Then, just last month, $17 billion in new spending of unrelated, nonrequested spending in an emergency appropriation bill to go to funding the troops in Iraq, $17 billion that has nothing to do with Iraq.

And now, $21 billion in more spending. $43 billion out the window, out the door in new spending in just 6 months.

How do you balance the budget, Mr. Chairman? You balance it by controlling spending.

The Acting CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. RYAN of Wisconsin was allowed to proceed for 1 additional minute.)

Mr. RYAN of Wisconsin. We believe you balance the budget by controlling spending, not raising taxes. And at the end of the day, this is what the differences are.

The majority brought to the floor a bill and passed the largest tax increase in American history. They modified it to possibly reduce that to the second largest tax increase in American history. So what can they do? Raise more spending and raise taxes to balance the budget.

We want to balance the budget at a much lower level of taxing and spending. We want more transparency in the process. We want to control Federal spending, and we want the American people to see exactly how their money is being spent so that their Representative can call these issues into question, not put the power in one man's hands here in Congress, which is the current proposal before us.

Mr. COHEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it's been an interesting process these last, give or take, 24 hours. As a freshman legislator who spent 24 years in the Tennessee State senate, in those 24 years in the senate I saw the parties work together. Democrats and Republicans worked together for the betterment of our State. We had Republican governors. We had Democratic governors. We had Republican and Democratic legislators.

What America wants is for the parties to work together. On most of the bills we've had, they were brought by Democrats, and it's been called a Democratic Congress, but many of the bills that were passed by this Congress were done in a bipartisan way.

There were Republicans who voted for stem cell, not a majority, I believe, but Republicans voted for the stem cell research. There were some Republicans who even voted for the minimum wage. There were Republicans who thought prescription drug prices should come down. There were Republicans who even cared about college loans being brought down. There were bipartisan efforts to bring about progress.

There was much less bipartisanship in the effort to save lives in Iraq and end that wasteful and unfortunate policy we have in the Middle East, but—however, there was bipartisanship.

During this debate, one of the most serious requests debates we could have, the Homeland Security bill to protect us from natural disasters, to protect us from foreign enemies and terrorists, we have gotten into the most divisive partisan debate that I've seen in this Congress in the 5 months I've been here.

Much of the debate has not been about the Homeland Security bill, unfortunately, Mr. Chairman. It's been about attempts to attack our Speaker, the first woman ever elected Speaker of this House of Representatives, a great day in this country when the glass ceiling was broken, when a great lady was put in this position, the highest position a woman has ever been in in the legislative body in the history of the United States. To try to tear down the Speaker, trying to tear down the party and trying to bring up other issues, rather than talking about Homeland Security.

Yesterday, Congressman ARCURI spoke, a former prosecutor. He said, you know, in opening statements if a person talks about the facts, they've got a case. And if they talk about things other than the facts, they don't. And the opposition party has not talked about the facts. They've brought up everything but the facts of the Homeland Security bill. They really haven't shown where there are problems with this bill.

The previous speaker, Mr. Chairman, talked about, used all the buzz words, the buzz words of ''slush fund,'' ''pet projects,'' ''pork'' and others.

The truth of the matter is, Mr. Chairman, and he knows it as well as everybody else knows it, he's not against those things. He just wants his slush fund, his pet projects and his pork. And when people throw those terms out, because that's not what they are, they are Congress citing specific needs to be placed in the law to that represent their districts. But then what he does is disparage government.

I have spent my life in government, my entire life, and I've found it a great calling, and I think we should all try to make people think more and better about government and have young people see this as a high calling, Mr. Chairman. There are young people in our audience. They should see this as a place where they want to serve and see government as working, and I think some of them do.

But to use these terms in a disparaging way when what the party's trying to do is to say, we want our share, we want our earmarks, not pork, but our earmarks, is wrong. And it's wrong when you take the oath of office to uphold the Constitution. You should be upholding government and supporting government.

And it's unfortunate we've seen this. This has been a low point in the Congress since I've been here.

I am proud to be a part of this Congress. There are many Members on the other side of the aisle that I'm proud to serve with as well. There are some very, very fine people, and I'm sure the gentlemen who have spoken today are all fine people.

But we need to rise above some of this partisanship, try to pass this Homeland Security bill, protect our country, and inspire people to serve in government and realize that it's a process, and the process involves the Senate, and it involves the executive, it involves both sides of the aisle. And to try to tear down one side tears down government in general. We're all part of the process, and I wish we'd work together and pass this bill.

We were up till 2 o'clock this morning because of seven moves to rise and have the committee adjourn. All seven failed. They knew they were all going to fail. And it was a burden on the staff, it was a burden on the Congress, and probably a burden on people that wanted to watch something else on C–SPAN last night.

But with that, Mr. Chairman, I just encourage our colleagues to support this bill, to protect America and to have a debate that is germane to the issues concerning homeland security.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word. I intend to yield a couple of minutes to my colleague here.

But before I do, my colleague who just spoke said that we ought to be working together, and I really agree with that. The problem is, to my knowledge, the people on our side really weren't consulted about these appropriation bills in any real detail, and we didn't know that they were going to put pork-barrel projects in the bill after the fact, maybe in conference committee when we didn't have any idea what was going on there and we didn't have any control over those bills because they weren't, those pork-barrel projects weren't debated here on the floor.

So let me just say that we really should work together, and I hope you'll convey that to the chairman of the Appropriations Committee, so in the future we won't be taking this much time on the floor.

I will be happy to yield to my colleague.

Mr. RYAN of Wisconsin. I thank the gentleman from Indiana for yielding.

I want to say to the person who just spoke, who referenced me, that my motivation here is just to come and get more pork for myself. I know the gentleman's new here, but he doesn't know me, if that's what he said.

He also mentioned that you want to make this system more democratic. We should be here fighting for good government and for democracy and fairness. Is giving one man in this body this power like Caesar, to decide whether or not earmarks go in and out of bills, democratic? Is that small D democratic?

Is giving all the power to one chairman on how all 32,000 earmark requests in his power, is that democratic? Or should we have the ability, as Democrats and Republicans, in a small D democracy, the ability to vote on these things?

Shouldn't the American people have the choice and the ability to see how their money is being spent? Or should we, in the name of good government, give the chairman of the Appropriations Committee sole discretion, sole

decision-making power, on how tens of billions of dollars are spent on tens of thousands of projects?

That's democracy? That's good government? That's fairness? I think not, Mr. Chairman.

Mr. Chairman, the idea that we should simply relegate our power, our voting cards, our ability to speak on behalf of our constituents, to one chairman of one committee to spend tens of billions of our taxpayers' hard-earned dollars on tens of thousands of projects, if we think that that is good government, that is fairness, that is what democracies do, that is not my opinion. That is not my value. That is not what I think democracy is all about.

I believe we are here to fight for fairness, transparency, accountability. And what we are here to do is to make sure that our taxpayers dollars are spent wisely, that they are spent in a transparent way, that there is accountability in this system.

Why on earth does each and every one of us want to delegate our lawmaking power and authority to one person to decide how our taxpayer dollars are spent is beyond me. But for those of you who say that our motivation is simply to get a bigger slice of the pie, to get more pork-barrel spending, that's just not the case. And I think that's insulting.

□ 1500

Mr. COHEN. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Tennessee.

Mr. COHEN. I apologize to you for that. I don't know you personally, and I was reflecting on the politicians in general, all of our government representatives, Democrats and Republicans. So as far as any direct thing, I shouldn't have said that specifically, and I think you have got a wonderful reputation and I appreciate the fact that your germaneness has returned to you in this debate.

Mr. RYAN of Wisconsin. I appreciate that and I want to be fair and civil here.

But this is a big issue, Mr. Chairman. It is not about delaying some bill. It is about bringing accountability and transparency back to the process in how we spend taxpayer dollars, and it is about not going back on your word, and that is what this majority is doing.

Mr. BURTON of Indiana. Reclaiming my time, Mr. Chairman, I thank the gentleman for his remarks, and I agree with him.

The fact of the matter is that there is billions of dollars in pork that is stuck in this bill or will be stuck in this bill and nobody in this place knows what it is going to be. And many of the liberal newspapers that support your side of the aisle, the Democrat side of the aisle, are taking issue with this practice. So even your own supporters, the New York Times and Washington Post, are giving you Hades for this.

So I would just like to say my colleagues, you ought to reevaluate what you are doing today because I think it is hurting you. You are sticking a knife in your own foot by doing this.

Now, the thing I would like to say before my time runs out is that the Democrats, since they have taken charge, have increased in authorization bills by $105 billion in new spending. They are hiding pork, as I said, from the American people.

They want to let the tax cuts expire, which means that everybody in this country will have a tax increase. In Indiana it will amount to about $2,200 per person. That is because you are letting the tax cuts expire.

The Acting CHAIRMAN (Mr. RAHALL). The gentleman's time has expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 1 additional minute.)

Mr. BURTON of Indiana. Mr. Chairman, if the tax cuts expire, that in effect is a tax increase. And that tax increase will amount to $392 billion on the American people, the largest tax increase in American history.

This second-degree amendment here only cuts $9 million in spending. Just $9 million. You guys have already authorized $105 billion in new spending. Why in the world would you object to a $9 million spending cut? It doesn't make sense.

My colleague from Tennessee just said that we ought to work together. I really agree with that, and I hope that my colleagues on the other side of the aisle and the appropriations chairman will take that to heart and in the future not do the things that he did in this bill so we won't have to stay here all night and all day debating the same paragraph in one bill because you won't work with the Republican minority. You always complained about us and now you are doing worse.

The Acting CHAIRMAN. The Chair would remind the gentleman from Indiana to address his remarks to the Chair.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in order to work in this House, there are many good friends that we engage with, and I just listened to a good friend of mine on the other side of the aisle. But I think we are missing the straight and narrow road as our colleagues continue to be repetitive and a broken record.

Let me indicate that almost like the terminology ''border security'' and ''war against terror,'' there is no disagreement between the parties in terms of transparency, I would hope, in this new Congress. My good friends on the other side of the aisle know that the stumbles that they made in the last Congresses motivated the American public to change hands as it relates to the majority. It is certainly foolish for them to think that this majority would muddle it up by not furthering the challenges and the instructions given by the people, which was transparency. And I know that they know that no earmark will move to finality without the American public's having the opportunity to scrutinize and to assess those earmarks of each Member. Earmarks that must serve the American public not special interests.

But now we are in a state which calls to question the commitment of the minority to this whole issue of homeland security. I know that all of us can find a number of different ways to utilize these dollars. What we found from many Members on this side of the aisle is that we have attempted to plus-up, for example, the urban area grants, which help the high-tier, particularly sensitive, and troubled and terror-prone cities around America, that is, moving dollars to improve the security of vulnerable areas.

The simple reduction of funds does not speak to the singular question and the responsibility of the Homeland Security authorizing committee, which I have the honor of serving on as the subcommittee Chair with my chairman, the Honorable BENNIE THOMPSON.

We know every day, as the chairman of the subcommittee on Homeland Security for appropriations, DAVID PRICE, does, and I know his ranking member, that every day questions of homeland security appear before the American public. I have a personal remembrance, Mr. Chairman, of singing on the steps of this body ''America the Beautiful'' on that forlorn day, a day that no American could ever have imagined in their life, those who were not of the World War II generation to have remembered Pearl Harbor, but no one could have fathomed the strike that came to us on September 11, 2001. It was then that we changed our complete mindset that we had no time, no leeway, no latitude, if you will, to play around the edges of homeland security. We are doing that and we have done that last night. We did that all into the wee hours, playing around homeland security.

And while we fiddle away the time, the first responder and port security grant program is languishing, dollars that are needed by those on the front lines. State grants regarding law enforcement, urban area grants that Houston, as one of the tier-one cities, certainly would be losing and many in the State of Texas. Albeit the incident at JFK is still being explored, even the thought that individuals would have the knowledge to explode a pipeline that would then literally obliterate an airport and the surrounding areas says that we are fiddling while Rome is burning.

And so I want to work with my colleagues. I know that the chairman of this subcommittee does. The chairman of our full Committee on Homeland Security, the authorizing committee, wants to as well. There are issues that we want to confront, and, certainly, I want the most secure airports one can

find, not only the area where the traveling public is but the area where employees are, the area where workers are, the back part of the airport. I want pipelines to be safe.

And as it relates to the issue dealing with preparedness, we were in a subcommittee hearing today where the question has come up whether the disabled are secure, whether the vulnerable communities are secure.

So, Mr. Chairman, let me simply say we are fiddling while Rome is burning. We need to move forward because the question will be for the American public when a tragedy happens, as I close, where were you and what did you do? They will just film what happened last night and what is happening today, and we will not be able to answer the question with dignity.

The leadership in this House believes in homeland security. We need to move this bill forward.

Mr. MCCAUL of Texas. Mr. Chairman, I move to strike the last word.

I too am a member of the Homeland Security Committee. I was also a Federal prosecutor in the Public Integrity Section in Washington, and I also serve on the Ethics Committee. I would respectfully submit that we are not muddling up the process but rather trying to restore ethics and integrity to the process and to this institution.

In my view, this is Congress at its worst. Our colleagues on the other side of the aisle have created a secret slush fund with billions in secret earmarks hidden from public scrutiny. This comes on the heels of many broken promises that we heard, promises such as from Speaker PELOSI: ''We will bring transparency and openness to the budget process and to the use of earmarks.''

The majority leader, STENY HOYER, said: ''We are going to adopt rules that make the system of legislation transparent so that we don't legislate in the dark of the night.''

Yet that is exactly what is occurring in this body. CNN, not exactly a conservative think tank, actually said that the Democrats promised reform and it is not happening: ''The 'anti-earmark reforms' are just for show. Mere window dressing.'' This process signals a retreat in the secret dealings and a guarantee of fiscal and ethical abuse. Earmarks should always be open to public vetting, full debate, and floor challenge, as we attempted to do in the last Congress.

Now, Mr. OBEY and the Democrats are stuck between the pork and those campaign promises that they made. And so those promises are given away. The majority wants this Congress to operate behind closed doors in dark corridors where the precept of Justice Brandeis that ''sunlight is the best disinfectant'' is hardly known. The powerful impact of public debate and a free press are critical features of an American democracy and they are missing, Mr. Chairman. They are missing here today in this Congress.

Secrecy creates a breeding ground for corruption. Openness is an important part of ensuring that government officials are acting in the best interest of the public and that the citizens are not being manipulated by special interest groups.

Here we have one man, one man and an unelected staff, determining the power of the purse for the United States Congress, acting on behalf of 435 Members elected by the United States. Yet we have one man to make all the decisions about the spending for the United States Government. This is not, I submit, a democracy. This is a monarchy.

And to quote James Cooper: ''A monarchy is the most expensive of all forms of government, the regal state requiring a costly parade, and he who depends on his own power to rule must strengthen that power by bribing the active and enterprising whom he cannot intimidate.

''A nation is truly corrupt, when, after having, by degrees lost its character and liberty, it slides from democracy into aristocracy for monarchy; this is the death of the political body . . . ''

Someone said: ''The best weapon of a dictatorship is secrecy, but the best weapon of democracy should be the weapon of openness.'' That is what we are trying to achieve here today.

I will close with a quote from Lord Byron, and I think he sums up this debate better than any quote I have heard when he said: ''The Cardinal is at his wit's end; it is true that he had not far to go.''

Mr. WELCH of Vermont. Mr. Chairman, I move to strike the last word.

The question of earmarks really has two questions to it. But, first, why are we here having a debate about earmarks? We are because in the 12 years before the last election, the use of earmarks, something that has been around since the beginning of the Republic, exploded and it went from around $5 billion in the budget to around $13 billion in the budget. And it really raises two questions, aside from the political opportunism that may present itself in this debate.

The first question about earmarks is whether it is appropriate for individuals who have the most power in this Congress to take advantage of their situation to get appropriations that go to their districts. Generally, the projects that are funded are projects that are supported and worthwhile. But, in fact, in the budgetary process, it is the people who are in the right committees or have the most power that have the opportunity to get the greatest benefit.

□ 1515

By the way, that is a fairness issue just within this body, because if there is going to be allocation of resources, they should be extended for the benefit of the entire country, people in each and every one of the 435 congressional districts, people in each of the 50 States and our territories.

The second issue is a budgetary reform issue. If you have appropriation by earmarks, if highway projects are funded on the basis of who is on the committee or who is in leadership or who has the ear of the Chair, then it means that decisions are being made on personal relationships as opposed to public need.

I come from a State legislature, Mr. Chairman, where we had to wrestle with this question of earmarks. And every legislator had an immense amount of pressure on them to deliver for their district; in fact, the needs of the district were compelling and reasonable. We had to struggle with an approach that would take the limited funds that were available in our treasury and allocate them for highway projects on the basis of where the greatest need was in the State, not on the basis of who had the most clout.

So, Mr. Chairman, this debate that has resulted in eight motions to rise, spending over 10 hours on what essentially looks like a minor and very political amendment is really not about earmarks, because there has been a complete erasing of history in the role that the other side has played in getting us to the point where we are on earmarks.

Also, this debate on earmarks is taking place in the Homeland Security bill, which is a bill that traditionally has not had earmarks. We could be having a debate about the MILC price support program and arguing about earmarks, but there are no earmarks that have been part of the Homeland Security bill in this Congress or, to its credit, in prior Congresses.

So, why is it that we are arguing about, admittedly an important issue, the question of earmarks and what impact it has on questions of fairness and what impact it has on questions of fiscal responsibility in the Homeland Security bill, that has independent integrity and importance to the people of this country, and where the history has been that there are no earmarks?

It would allow a reasonable observer to conclude that essentially this is about politics. In fact, it is my view and, I think, the view of most people that we really should not be injecting politics into the question of homeland security.

Mr. Chairman, you come from the City of New York. You, better than anyone else, know the urgency of making certain that we have our borders protected, that we are taking aggressive and effective measures to combat terrorism, to detect terrorists coming into our country, to have adequate funds and resources for our local fire departments and our local police stations. So, Mr. Chairman, the loser here is one person, it is the American people. And who wins and who loses in this political debate, whether it's the other side or our side, we will let the commentators decide.

We are making no progress on moving ahead on an earmark reform approach, largely because the vehicle

that the other side has chosen to use is holding hostage a Homeland Security bill that doesn't have earmarks in it, won't have earmarks in it, in the past has not had earmarks in it.

The Acting CHAIRMAN (Mr. WEINER). The question is on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY) to the amendment offered by the gentlewoman from North Carolina (Ms. FOXX).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. MCHENRY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

AMENDMENT NO. 31 OFFERED BY MS. FALLIN

Ms. FALLIN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Ms. FALLIN:

In title I, under the heading ''Office of the Secretary and Executive Management'', after the first dollar amount insert ''(reduced by $138,000)''.

Ms. FALLIN. Mr. Chairman, this amendment would reduce the executive salary in the Office of Secretary and Executive Management account to the FY 2007 level, representing a $138,000 reduction from the $4.588 million to $4.45 million. The current bill's funding level represents a 3 percent increase over 2007 FY budget enacted.

There has been at least $105.5 billion in new Federal spending over 5 years authorized by the House Democrat leadership this year. The current Federal debt is $8.8 trillion, roughly $29,000 for every U.S. citizen, and growing by over $1 billion a day. Entitlement spending, Medicare, Medicaid and Social Security is out of control, and within a generation will either force significant cutbacks in services and benefits, or we are going to have to have massive tax increases.

Mr. Chairman, the Congressional Budget Office and Government Accountability Office has been warning Congress that the growth in direct spending, i.e., spending that is on autopilot, and the outside annual spending process are occurring at an unsustainable rate due to well-known demographic trends and other factors. Discretionary spending has also grown exponentially and must be brought under control.

This amendment will be the first step of many necessary steps enforcing fiscal discipline and sanity upon the Federal Government and out-of-control Federal deficit spending. We must restore fiscal discipline and find both commonsense and innovative ways to do more with less. The Federal budget must not grow faster than American families have the ability to pay for it.

Mr. Chairman, I have to say that in my State, my citizens are very concerned about spending in Washington. I have heard a lot of talk this year about the elections and what occurred during the elections, and that voters gave us a mandate for change here in Congress, that they didn't want business as usual. People have told me that Congress spends too much, and we have to remember that the money that we spend here is not our money; it's the taxpayers' money.

And the taxpayers' pocketbooks are stretched these days. The price of gasoline has been skyrocketing, the price of health care, the price of prescription drugs. Families are just squeezed these days. And I believe it is time that we have this discussion about controlling our spending.

Mr. Chairman, I don't have a problem with slowing down this process. I think the American people want us to slow down the spending process. They want us to look at balancing our budget. They want us to prioritize here in Congress what's important, what's a spending priority. They want us to reduce the deficit.

They want to know where the money is going. They appreciate us fine-tuning our appropriation bill. And it seems reasonable to me that we have this discussion. That is why I support this amendment.

There is a 13 percent increase in spending in this appropriation bill, and that's huge. When you have $1 billion here and $1 billion there, that all adds up, and we still have many other appropriation bills to consider. And frankly, no one in my district has called me to say, you know what? The government doesn't spend enough. I want you to spend more. They want us to look for government waste. They want us to control spending.

And while we are increasing spending in this Congress, we have yet to even look at other issues that we need to discuss, the rising costs of entitlements, Medicare, Medicaid and Social Security.

Mr. Chairman, last night I heard the majority leader talk about securing America and the funding of homeland security and how important this piece of legislation is. I appreciate his comments, and I agree with that; it is important that we secure America. I don't believe that anyone on my side of the aisle objects to funding homeland security. The objections that we have been talking about over the last 24 hours are about spending. It is about the process of determining how the earmarks are processed and projects are processed.

I want to remind this House that the President and a Republican Congress led the effort to fund homeland security and to protect our Nation. We support homeland security. But I would also like to suggest that securing America also means the financial security of America, the financial security of our Nation. And financial security comes through transparency, openness and open discussion on this House floor of spending and spending priorities, and allowing Members to participate and to vote on those priorities in the light of day.

This process of voting on a level of funding for homeland security, then having a conference report and then having one person in Congress and their staff decide on the add-ons, the earmarks we're spending, to me just doesn't pass the openness test and the transparency test.

The Acting CHAIRMAN. The time of the gentlewoman from Oklahoma (Ms. FALLIN) has expired.

(By unanimous consent, Ms. FALLIN was allowed to proceed for 2 additional minutes.)

Ms. FALLIN. When I was a kid, we used to have a game we played called ''King of the Hill.'' And that would be when one person would get on this hill and we would fight off others who would come and try to take control.

This process reminds me of the game ''King of the Hill'', where one person is trying to play that. I just don't believe, Mr. Chairman, that that is the right thing to do.

This is our opportunity in Congress to show that we mean business in controlling our spending, we mean business in reducing our deficit, we mean business in transparency and openness of earmarks. And we can't lose this opportunity, we can't take a step back.

Mr. Chairman, I would just like to request that our appropriations chairman, who is a very capable and able man, delay consideration of this bill until we have proper transparency in the earmark process. It is a choice that the majority can make now, starting with this first appropriation bill. The majority is in control. And also, the appropriations chairman could come to the floor to this debate and assure this body and the Members that we will be able to see the individual earmarks and vote on them on this floor.

This process will not allow us to do that the way it is now. And what better way to start off the appropriations process than to start with this bill, with transparency on the earmarks, transparency of funding?

Let's fix it now, Mr. Chairman.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to offer a few comments on the proposed amendment, and perhaps a reality check, since the Member offering the amendment has neglected some important facts that would put this in perspective.

Mr. Chairman, this is an amendment that, once again, goes after the Office of the Secretary of Homeland Security. Virtually every amendment we have dealt with in this long debate has chosen that target.

We just finished 10 hours of debate on an attempt to cut in half the Secretary's legal advice office. Now, this amendment would cut funding from the

requested level for the Office of the Executive Secretary.

Our friends on the other side of the aisle have spoken all day about the President's requests. Well, what the introducer of this amendment didn't tell us was that the bill, actually cuts $539,000 from the President's request for this item. So we are well under the President's request, and she wants to cut it further.

For department operations overall, we have cut $73 million from the President's request, and our recommended amount is also less than was provided for 2007. So, it is not as though we are funding the departmental offices lavishly. Quite the contrary, we have scrutinized the requests carefully. We have cut the requests considerably. But we have tried to give the Department the funds that it needs to maintain its own operations.

Now, we have debated an amendment for 10 hours having to do with the general counsel's office. Last night, we were treated to eight motions to rise, eight motions to go home without continuing or completing work on this bill. I think any fair observer would say this is an attempt to obstruct and to delay. These are desultory motions.

So, now we have another amendment in that same vein. This comes on top of days of our Republican friends railing against bureaucrats. Not one voice on the minority side said a thing in defense of the Bush Administration's legitimate needs for the Department, needs which we have assessed and have actually cut back the funding for, but needs which, nonetheless, one would expect Republican Members to have some interest in, some sensitivity to. Not one voice was raised in defense.

□ 1530

All I can say is that we have scrubbed these administrative items very conscientiously. We have reduced them overall and in particular. So we are confident in our recommendations. But we do have to ask, why? Why should we, on this side of the aisle, stand up for the administration, stand up for the Bush administration's own Department, when Republicans themselves are unwilling to do so?

Now, we are well aware that not every Republican feels this way. There are Republicans and Democrats who have worked in a bipartisan way on Homeland Security on this bill and over many years. But the group of Republicans who are dominating this debate seem to have no regard for that, no interest in it. So it falls to us to defend their own administration. And we are not inclined to make a very strong recommendation on this amendment.

If the Republican Members of this House want to take money away from this account that we have already reduced considerably, then they can be our guest.

Mrs. MUSGRAVE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have heard comments in this Chamber today that there are attempts on this side of the aisle to obstruct. I'll tell you what the attempt is that we are making over here. It is to shed light on a topic that is now of interest to Americans. We had a Member come into the Chamber last evening, and he was talking about an earmark that he had requested, the ''Bridge to Nowhere.''

There aren't a lot of people that understood our jargon. They didn't understand our acronyms. It seems like every occupation has its own language. But when the American people started reading about the ''Bridge to Nowhere,'' when it was on the cover of Parade magazine, when you were in the doctor's office waiting and you picked up the Reader's Digest trying to kill a little time, golly, here was an article in the Reader's Digest about the ''Bridge to Nowhere.''

So suddenly the term ''earmark'' has come to be understood by the American public. They started reading a little more, and they started finding out about earmarks and how people in Congress with seniority, with a great deal of power because of their seniority, had the ability to direct spending.

It is like when I talk to a high school or a junior high or middle school class. I always tell them, Government has no money of its own. The only money that government has is the money that is extracted from its citizens.

Mr. Chairman, I try to impress this upon young people and try to get them prepared for the first day after they have worked on a job. They get their paycheck and then they take a look at it, and they see how much government is taking out of their paycheck. I want them to start thinking right away about how government spends its money.

I think a lot of Americans, whether Democrat, Republican, if you looked at the political spectrum, whether they were conservative or moderate or liberal, they got a little upset to think about how some individuals had that much power to take tax dollars from people all over the United States and spend them on a project that they deemed important.

I will never forget the first time I was in a press conference, Mr. Chairman, with a number of other Members when we were looking at an omnibus bill, and the visual, just having all those pages right there on a chair was startling. There were all those things in there called ''earmarks,'' and some were just downright silly. I mean, the American public would groan when they would think that Members would take money from citizens around the country and then spend them that way.

So as we worked through this reform process, as we talked about it, we had heroes in our midst that would get up time after time and try to go after some of these egregious earmarks and get beaten back. But you can't always determine who is going to win the war when you look at individual battles.

Although those individual battles were lost, we are going to win the war on this earmark thing because the American people know right from wrong. They know there should not be an abuse of power where someone on their unelected staff, and I have to tell you, I admire the staffers on Capitol Hill, most of them are young, because we have long days and we have hard work and it takes someone with a sharp mind and dedication to work, but they are not accountable to anybody's constituent.

When I go home to my district, I can read letters to the editor about me. People can call me personally on the phone. People can come to my office. Even though each of us represents over 600,000 people, we are approachable, and we have to be accountable. But staff is not accountable when you have power vested in one individual.

In my family we have a little saying. We say, Does somebody think they are God? And because we are God-fearing Christians, we do not believe that we are talking about capital G-O-D. What we are talking about is G-A-W-D. Who does an individual think they are when they try to exercise this kind of power?

The American public has an innate sense of right and wrong. The public's business should not be done in private, with one all-knowing individual surrounded by staff, getting in letters or comments whether this earmark is good or this earmark is bad. Maybe eventually we will have a sign that says ''thumbs up'' or ''thumbs down'' just to conserve time. That is not right. The American people know it, and we all know it.

There has been a problem with earmarks for a long time. Today is the day that we need our friends on the other side of the aisle to admit what we know what they know, and what they know we know, and reform this process.

The Acting CHAIRMAN. The time of the gentlewoman from Colorado (Mrs. MUSGRAVE) has expired.

(By unanimous consent, Mrs. MUSGRAVE was allowed to proceed for 1 additional minute.)

Mrs. MUSGRAVE. Mr. Chairman, today is the day that we know the American people deserve to know how their tax dollars are being spent. If we're going to have earmarks, let's have the whole Congress, 435 of us, duly elected by our constituents, give it an up-or-down vote and have individuals who want an earmark have the courage to stand up and convince them, again, whether Republican, Democrats, conservative, moderate, liberal, wherever you put them on the political spectrum, the American people's business should be conducted in public, and the American people know that.

Mr. FEENEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I never thought I would say that I really miss the grand old days of the liberal tax-and-spend party, because the great liberals in our Nation's recent history were never ashamed about being honest with the

American people that they wanted to raise taxes and they wanted to increase spending. In fact, they campaigned on increasing taxes and they campaigned on increasing spending.

One of the problems we have with the hypocrisy in what is going on in the last 6 months is that we are dramatically increasing taxes, $392 billion, secretly and surreptitiously, through the budget bill that repeals the most progrowth tax cuts since Ronald Reagan was President. And now we have a process by which American taxpayers' money will be spent in secret, behind closed doors and in the dark. I really admire the grand old liberal days, when raising taxes and increasing spending was something that was done just right out in the open, where everybody could see it and debate it.

I have heard in the last 10 hours of debate that Republicans have been accused of being repetitious. It is better to be repetitive than disingenuous or hypocritical, in my view.

Winston Churchill once famously said that there is nothing that one government learns so readily from another as how to spend other people's money. I would tell you that there is a critical process that is being undermined here that is important to a functioning Congress and that will embarrass this institution if we don't stop it right now.

That is why this debate is so important. It is not about $1 million or $1 billion here or there. It is about how we go forward in spending the people's money in a transparent, honest and open fashion.

We have had our Democratic colleagues point out, I think fairly, that Republicans maybe aren't in the best glass house to throw stones when it comes to the issue of spending money or earmarks. I will tell you that it is very important that we acknowledge Republican failures.

Not all of us were happy with some of the things that happened in my last 6 years. For example, I voted against numerous GOP-led appropriation bills. I voted for virtually all of Congressman JEFF FLAKE's amendments. I was on occasion punished by having my own priorities stripped out of bills.

I voted for cuts in every GOP appropriations bill in my first 6 years. I criticized our Republican President for overspending and for not exercising his veto to discipline Congress. I criticized my own leadership. I supported every reform effort I can think of in the methods of opening up earmark processes to transparency and honesty. I even went on national TV and said that the Republican-led Congress was spending money like drunken sailors.

I have to tell you, a Navy captain in California admonished me. He said Congress was not spending money like drunken sailors; that drunken sailors spend their own money, and, when they run out, they quit spending. And I have to give it to him.

So I want to tell you that not all of us are coming here and ridiculing things that we have not ridiculed in the past. I applauded the Democratic reforms that were promised in terms of transparency and earmarks. As soon as we were told back in January that the reform-minded Democrats were going to open up the process and make it transparent, I said publicly that that would be one good thing about a Congress that I otherwise disagreed with its priorities.

But here I am 6 months later ruing the day that I ever said something nice about intentions, because the intentions never materialized. In fact, we have gone dramatically backwards. We are now going to have 434 of us give our proxy to the appropriations chairmen, all the cardinals and Chairman OBEY, and we are going to let them decide how to spend the people's money.

We did away with proxy voting decades ago in Congress, and now we are going to have spending by proxy. That is wrong. It is fundamentally an affront to the American people, and it undermines the entire legislative process.

I can tell you that I was Speaker of the Florida legislature, and when there was trouble because of poor spending, it was almost always due to lack of honesty, openness, and transparency. And the Democratic leadership will rue the day, sooner than later, that it put a cloud of secrecy around spending the taxpayers' dollars. They will regret going back on their word.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was doing some math, and I am sure my colleagues are aware of this. If you are not, you might be shocked. We spent 10 hours on a debate to cut $8 million from the general counsel. Now, you talk about waste. This place runs, the electricity runs, the people are on salary, and that side made us spend 10 hours just to cut $ 8 million, with eight motions to rise to stop the work.

Now, nowhere does anyone get up and discuss the issues in this bill. The bill continues to be a good bill. No matter how much you attack it, no matter how much you avoid dealing with the true issue, the center issue, it continues to be a good bill. I think what is happening here is, as time goes on and different folks and different Members pay attention, we have to continue to repeat some of the things that we have said before, because you put us in that situation.

So, with that in mind, let me remind you that this is the Homeland Security bill. This is the bill and this is the issue that, according to a lot of folks on talk radio, the Republican Party is supposed to be very strong on. Democrats are supposed to be strong on some issues and Republicans are supposed to be strong on some issues, but according to what you tell the world, you are stronger on this.

Mr. Chairman, they claim to be stronger than anyone else in the universe on homeland security, yet you have spent all night, all night, trying to destroy this Homeland Security bill which protects the homeland.

□ 1545

As I said before, I represent New York City. I was in New York on the day of September 11 and we personally, as the rest of the Nation well knows, suffered the pain of having a terrorist attack. Immediately thereafter, we came to the House floor and we created the Department of Homeland Security. That's what this bill is. This is not a bill that talks about earmarks.

Let's try it again.

Now, as you know, I speak two languages, but out of respect to the stenographer, I won't use Spanish, so I will remind you in English, there are no earmarks in this bill. I would say it in Spanish, but I don't know how to say ''earmarks'' in Spanish. As soon as I do, I'll find a way to say it.

But I'll say it in English again: There are no earmarks in this bill. There's only security for the homeland. There's port security. There is work for border agents. There is strengthening of cargo shipments, of our airlines, of finding ways to protect ourselves from the possible next terrorist attack. That's what this bill does.

And you spend hour after hour after hour with procedural motions to adjourn to go home, to stop working and telling us that there are somehow earmarks in here that have to come to the light of day and telling us that a new process and a new system has been invented. Yes, a new one is in place. It's one that is going to tell us who, which Member of Congress, asked for money to go to a certain program in his or her district and throughout the Nation.

And let me tell you something. I don't have a problem with that. I don't think that the administration or the bureaucrats are the only people who know how to spend money. I think I know how to spend some dollars in my district. And all an earmark is, is that we tell the agency, spend so much money, usually a very small amount in that particular group, to help that particular group of students, or that particular environmental issue, or to clean up that particular toxic waste. There's not a problem with that.

But when you stand here and tell us that this is what this bill does and that somehow there is a system that has been set up that is horrible, you're kidding yourselves. And so I must do something that I didn't want to do, and I'm not going to mention names because that's not proper. But do you know, my fellow Republicans, that 65 of you have written letters to me, chairman of a subcommittee, asking for 137 projects totaling close to $350 million?

Now, I didn't get a chance to ask my chairman, Mr. OBEY, but the committee that I chair, Financial Services and General Government, is not one of the larger budgets. I shouldn't admit that in public, but it isn't one of the

largest budgets, and it doesn't have that many areas where you can earmark even if you wanted to. But 65 of you have asked for 137 programs for $340 million. Some of you have spoken on the floor.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair would remind all Members to address their remarks to the Chair.

Mr. FRANKS of Arizona. Mr. Chairman, I move to strike the last word and to speak in favor of the gentlelady's amendment.

Mr. Chairman, Fred Bastiat said in the dawn of this Republic that government is that great fiction through which everyone endeavors to live at the expense of everyone else. I am not sure if there are too many subjects other than earmark transparency being debated here today that hold more relevance to such a comment, and I am afraid that Members of both parties are unwilling to admit that.

It is critically important that we do because it comes down to the very core of who we are as Americans and whether or not we are still capable of self-governance, and whether or not we will allow the fabric of liberty that has been so carefully woven throughout the years to be torn asunder while we all stand by and watch.

So to that end, Mr. Chairman, let me remind Members of this body of some of the promises made by those in the majority only a few short months ago.

One prominent Member said explicitly, ''We will bring transparency and openness to the budget process and to the use of earmarks.'' Another said, ''We are going to adopt rules that make the system of legislation transparent so that we don't legislate in the dark of night. We need to have earmarks subject to more debate. That's what debate and public awareness is all about. Democracy works if people know what's going on.'' Of course this was after campaigning on the pledge to, quote, ''make this House the most honest, ethical, and open Congress in history.''

But, Mr. Chairman, these promises, though unequivocally made, have been unequivocally broken. Reforms designed to ensure openness, transparency and accountability have been trampled underfoot by the very Members who so vocally called for their enactment. We saw this most egregiously in March of this year with the emergency supplemental legislation, when funds were desperately needed to provide for our men and women in uniform and instead they were laden with $21 billion in irrelevant pork-barrel spending.

Mr. Chairman, I am afraid we are seeing it again today in this capricious decision to blatantly shut the American public out of one of the most important and necessary duties of this House and our representative form of government, that of allocating taxpayer funds for the general good of the American people.

The chairman of the Appropriations Committee has arbitrarily decided that a few select Members of Congress are more capable of ascertaining the public good than the public is itself. Their actions imply that these Members should be allowed, behind closed doors, to decide where tax dollars are spent without being indebted in any way to the collective intelligence and scrutiny of the general public, the press, the media, the blogosphere, and the American people themselves, of course, who are given the charge to keep their elected Representatives accountable.

Mr. Chairman, in any other case, this would be called an oligarchy, the bureaucratic rule of the few over the many. It was this very arbitrary confiscation of power that once caused our Nation's founders to throw off the yoke of the Crown of England. A single glance at the footnotes of history demonstrates clearly that breaching that dam sets up a dangerous and degenerative historical precedent.

James Madison in the Federalist Papers presaged this misappropriation of power that we are witnessing today when he said it this way: ''The apportionment of taxes on the various descriptions of property is an act which seems to require the most exact impartiality. Yet there is no legislative act in which greater opportunity and temptation are given to a predominant party to trample on the rules of justice.''

Mr. Chairman, I urge every Member of this body to recall our commitment to God and the people we serve, to preserve the rules of justice. Hidden slush funds, overseen by a very few people in the dark of night, that is not justice, Mr. Chairman. Camouflaged tax increases that could be the largest in history, that is not justice.

We come here in a moment of contention, but we can turn that moment of contention into a time to restore the transparency and accountability to this appropriations process, and I hope we do that, Mr. Chairman. I hope we vote for the gentlelady's amendment.

Mr. MURPHY of Connecticut. Mr. Chairman, I move to strike the last word.

My friend who just spoke and those on the other side of the aisle are fond often of quoting our Founding Fathers. I'm not a student of James Madison or some of his brethren, but I would think that they would be turning in their graves if they watched how this House worked for the last 12 years.

I come here as a freshman Member and I am speaking from what I saw from the outside. I am sure this analogy has been used here on the House floor over the course of the last 10 hours, but listening to folks on the other side of the aisle, my Republican friends, complain about the issues of fiscal responsibility and transparency has got to conjure up the image of the bull in the china shop. If you let a bull into a china shop for 12 years and then he just tears down everything off the walls, he knocks over every case, he breaks every single glass in there. And then in this case, he runs out of the china shop and says, Well, why don't you go in there and clean that up? Why doesn't somebody go clean up the mess that we just made?

That's what happened in this House from those of us who watched it from afar on the issues of transparency and on fiscal responsibility.

You know, it's interesting. I sat here last night being called back and forth to the floor for, I guess, eight different motions to shut down this House and to stop the Homeland Security bill from going forward, and I wondered why hadn't that happened in the last 12 years. Why wasn't there a night while we were wasting billions of dollars on this floor in Iraq, $9 billion that we found out are totally unaccounted for? Why didn't we shut down the House one night to talk about that?

As thousands of FEMA trailers were stranded on open lots in the southeastern United States, why didn't we shut down this House for one night to talk about that over the last 12 years? While $70 billion in corporate giveaways were handed out through the Medicare bill, why didn't we shut down this House to talk about that?

Millions of dollars in no-bid contracts. Record deficits year after year. Why on earth wasn't this House shut down like it was last night over the last 12 years?

The American people are probably asking that same question, and there is probably one answer: This House changed hands. There is a different party in charge. And so now there is a very different standard that applies here. The questions that should have been asked for 12 years, well, now in a political context they are being asked today.

I also don't shy away, Mr. Chairman, from the fact that as a new Member, I'm also one of the younger Members here. So I kind of feel that I have an obligation to talk for the millions of my generation that have just become utterly turned off to politics. And when they look at a House being shut down overnight into today, who knows how many more days, to prevent a fairly nonpartisan Homeland Security bill that will protect them, that will protect their parents, their neighbors, that will make their communities a safer place, they know this is about politics, not policy.

And so I think about all of those people who, as they watch this process unfold, are losing their faith in this institution. As angry as I am about the double standard that's applied, about the hypocrisy that's exercised on this House, this House thick with irony over the past several days, I think also about what people think when they see members of the Republican Party playing politics with the issue of homeland security.

Now, we hear claims that this isn't obstruction. We don't have a problem

with slowing down the House to talk about this. Well, I would say this. I think that my friends on the Republican side of the aisle, they vastly underestimate the gullibility of the American people. They also vastly overestimate the amount of patience that the American public has left for the games that are being played here on the House floor.

We have an obligation to do all the things that we were sent here to do, to fund homeland security, to protect this Nation. We also have an obligation to live up to the expectations that people had of this Congress when it changed hands, to take the politics out of this House and to start doing the right thing for the American people, not the right thing for either political party.

I would ask we don't go through tonight what we did last night, that we start doing what's right for the American people on policy rather than what's right for the Republican minority on politics.

Mr. MCCOTTER. Mr. Chairman, I move to strike the last word.

I appreciate the opportunity to address the Chair. I will resist the temptation to point out how my Tigers took two out of three from your Mets recently.

I, too, am Generation X and was interested in some of the remarks that were put forward on the floor. First, I do not know that the people who wrote the Federalist Papers and came up with the system of limited government would be rolling in their graves at any attempt that we engage in to stop the obfuscation of earmarks within a process that is less than transparent.

I would also like to note that it is my preference to refer to the bull in the china shop as the bull in the Communist China shop. And speaking of bull, let us not forget that for 4 days this Chamber dealt with little else than a nonbinding/impotent resolution on Iraq that resulted in absolutely nothing except the people's business being delayed for that period of time.

Today, we are here about earmarks and not in general, but in particular the process by which they are inserted into appropriation bills. It seems to me that one of the fundamental problems we have in addressing this is the lack of openness and transparency in the process and that is what this endeavor is about.

It would also strike me that in discussing this process, it is odd to hear the new majority using the President of the United States' budget requests as an absolute baseline of fiscal sanity when throughout the course of the last 4 years in which I have served in this body, they have decried this President of the United States as the epitome of fiscal insanity.

So a baseline request from the President is just that. It is a request.

Now, in many ways we are then bound as an institution to give deference to both the authorizing committees and then the appropriating committees. But we do not delegate carte blanche our individual power which is vested in us by our constituencies to then oversee the work product of both the authorizing committees and the appropriating committees.

□ 1600

Today we are engaged in trying to exercise and reaffirm the right of not only ourselves but of Members on the other side of the aisle to be able to exercise that power that has been temporarily vested in them by their constituents to fully and fairly vet these bills and to make sure that the appropriations are what they are claimed to be, and to make sure that they are put to the best, most efficient and effective purpose that they can be on behalf of the American people.

Part of the reason this is necessary is not everyone in this Chamber takes the same approach to earmarks as other Members might. Some Members do no earmarks at all. Some Members prefer to do many, many earmarks. And some Members, I cite myself, do earmarks at the request of their local municipalities so we can serve as conduits back to our States.

I come from Michigan. It is critical to us that we receive our fair share of Federal spending because we pay more than our fair share of Federal taxes. My State, Michigan, is a donor State. Michigan is currently in a one-state recession, and it is very important that our taxpayers receive their money back. But that is my individual approach. That approach has to be vetted by 434 of my colleagues here, and only an open and transparent process will ensure that if I have made a priority request through a earmark, it is in keeping with the best interest not only of my district but within the best interest of the entire American people.

It would seem to me this is a very reasonable approach, it is a very reasonable request, and it is a request that we are pressing today, as we did yesterday, and will continue to do so because it is part of our constitutional obligation we take as Members of this body.

Were we to do otherwise, it would be a dangerous precedent to set because in my mind we are tragically on the verge of coming up with a new kind of system which will allow very little transparency and openness and thus injure the ability of not only ourselves but the American people to know how their money is being spent.

In the past there was the old joke that in the Congress you had Republicans, Democrats and appropriators. If the process that we in the minority find so offensive is allowed to proceed, you will now have four distinct entities. You will have Republicans, you will have Democrats, you will have appropriators, and you will have super-appropriators.

I don't know if the new super-appropriators get to make these decisions in the dead of night, also get to wear a cape and cowl, if they come with a sporty car so they can chase down Federal earmarks, or if they have a cave or a pole to slide down at their leisure as they go off to work to spend other people's money.

I think, however, this would be a tragic development and would oppose it.

The Acting CHAIRMAN. The time of the gentleman from Michigan (Mr. MCCOTTER) has expired.

(By unanimous consent, Mr. MCCOTTER was allowed to proceed for 30 additional seconds.)

Mr. MCCOTTER. Finally, as a member of Generation X, I would like to ask the baby boomers who devised this process to do as you Age of Aquarians often do, let the sun shine in.

Mr. JOHNSON of Georgia. Mr. Chairman, I move to strike the last word.

I came to Washington, D.C. on January 4 and was sworn in, took a solemn pledge to go to work on behalf of the citizens of this great Nation. We went to work, this side of the aisle, and even with some of our brothers and sisters from the other side of the aisle, we passed legislation. We did things for the least of these, such as the minimum wage. Since then we have taken care of our veterans.

Everything that we have done has ended up being objected to by either our Chief Executive or by our friends on the other side of the aisle. It seems like there is no interest in effectuating good legislation on behalf of the people of this country. It seems as if there is a conspiracy to hold things up now that there has been a change in power. It seems there is a conspiracy to throw monkey wrenches in the plans of those on our side who would do things to pull this country out of morass that it has been in for the last 6 years.

Last night, Mr. Chairman, was a culmination of that conspiracy. It resulted in us being here until 2 a.m. handling trivial motions which were designed to obstruct the progress of the Homeland Security bill which has made its way through committee and has found itself now in a state for final passage.

This is a bill that has no earmarks in it, yet we have got the other side claiming that there is something bad about earmarks happening. The thing is the American people want us to pass this bill. It is going to provide moneys for Customs and Border Patrol and border protection. It is going to help reduce lines at airports by helping fund the Transportation Security Administration, TSA. It will fund the Coast Guard. It will even provide funds for FEMA. And it will provide funding for State and local formula grants. Are we going to pass this bill? Yes, it is going to pass overwhelmingly when the other side finishes playing their games. But the American people see through this.

It is deeply disappointing that we would treat these appropriations bills as a means by which we exercise futile, meaningless and deeply partisan tactics instead of doing the hard work

that the American people put us here to do.

I need to remind Members present here today that this debate that we are having about earmarks is really no debate at all, and it is putting needed funds at risk to combat terrorism, and it hurts us in keeping our promises to our veterans and all of the important other issues that this bill addresses.

My home State of Georgia in particular will be better prepared with needed funding delivered to the Urban Area Security Initiative and first responders.

The Hartsfield-Jackson Airport in Atlanta, the busiest airport in the world, should not suffer because the minority side chooses to hold the Transportation Security Administration funding hostage.

But instead of debating the merits of the bill, they choose to play political games. I choose to work. I ask my friends to please drop the political showmanship and let's proceed to do what the American people want us to do and what they expect us to do and that is to go to work and allow ourselves to be guided by the mandate that the American people have given us.

They clearly told us to gather on this sacred floor to find solutions to the problems that they are confronted with on a daily basis and not to engage in the spectacle like what we did last night.

My friends on the other side of the aisle, you decided to take this vital bill that would provide us with needed protection and turn it into a political exercise. Now is not the time and here is not the place to do that. Let's get on with the business and move this bill forward.

Ms. FOXX. Mr. Chairman, I move to strike the last word.

It is clear that the gentleman from Georgia is new here because he has obviously not seen this process played out in the past, or seen his colleagues on his side take days and days and days to take care of appropriations bill and to throw problems in our way.

What he is saying is so disingenuous. This bill does not have to be approved until October 1. The budgets are out there for these agencies until October 1. This does not have to be done today; it doesn't have to be done tomorrow. There is plenty of time to do this.

But what the Democrats have allowed us to do is to expose their hypocrisy. They are giving us that opportunity. Now, we could stop all of this debate immediately, and we would be happy to do that. All they have to do is stop shrouding the earmarks in secrecy. They think that our wanting to expose their secret earmarks is trivial. My constituents in the Fifth Congressional District of North Carolina don't think that is trivial.

And my colleague here earlier who said that Republicans ask for earmarks, certainly Republicans ask for earmarks, and I think that is appropriate. I didn't ask for any earmarks in this bill. I don't know anybody who asked for earmarks in this bill, but people do. But he misses the whole point, as the Democrats do. They are now trying to turn this on us. They are in the majority. They can handle this problem easily. All they have to do is put out a list of the earmarks, and let everybody know what they are.

No, we have a chairman who wants to have those earmarks in secret until after the bills are passed and then vote on them.

Also, my colleague from New York talks about wasting time. Ladies and gentlemen, I have just been dying to talk about this, and he has given me the perfect opportunity. The majority party said we are going to have people in Washington 5 days a week so you will work. Well, I work very hard when I'm in my district. I know they love to be in Washington, D.C., but let me tell you about waste of time. Let me tell you about some of the bills that have been brought to this floor for us to vote on. It goes on and on and on. There has been one substantive bill signed by the President in 6 months of this Congress.

But let me tell you some of the wonderful, exciting, necessary bills: Recognizing National Americorps Week; supporting the goals and ideals of National Public Works Week; honoring the contributions of the Rocky Mountain Senior Games on its 30th anniversary; in observance of National Physical Education and Sports Week; supporting the goals and ideals of Financial Literacy Month; honoring the 50th anniversary of the international geophysical year; expressing the support for National Foster Parents Day; honoring the life and accomplishments of Gian Carlo Menotti; recognizing the benefits and importance of school-based music education; recognizing the 45th anniversary of John Hershel Glenn's historic achievement; supporting the goals and ideals of National Community College Month.

That's why we come to Washington 5 days a week and that our colleagues think that our wanting to shed the light of day on these egregious earmarks is trivial? Folks, I want to tell you, the people in my district do not think it is trivial, but they think some of that stuff we have been voting on, and I could spend the next 5 days reading out the titles of these bills when we talk about waste of time.

But let me tell you, even their press, their friendly press, gets it; and I think the American public gets it. They want to change the topic and make it look like we are obstructing justice. We are shedding light on the problems.

CNN, again, not a bastion of conservativeness said: When Democrats took control of Congress, they promised lawmakers would go public with their requests for funding. They have not done so.

Earmarks should be scrutinized before spending bills go into effect. They are not doing that.

OBEY'S move for staff scrutiny comes at the expense of greater openness and examination by the public and other lawmakers. That is from AP.

This is from Roll Call: This year despite promises to run the most open and honest House ever, Democrats began by making sure that no challenges would be in order if Obey certified that a bill was free of earmarks.

It is over and over again. Even the press that normally supports them is saying they have made a mistake, they have overreached. We don't need more secrecy in this process. We want things out in the light of day. If I ask for a earmark, I better be proud of it and to have it published, and I am. But they don't want to do that. They want to keep it secret. And then they want to let the staff vet the earmarks, not even the Members. That is not the way to operate the House of Representatives.

Mr. GINGREY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my colleague from Georgia, Representative JOHNSON from DeKalb County, spoke just a few minutes ago. I have great respect for the gentleman from Georgia, a freshman Member doing a great job in this body. Of course he talked about the underlying bill and what is wrong with the bill.

Well, I move to strike the last word in support of the amendment. The gentlelady from Oklahoma, the former lieutenant governor, a long-term lieutenant governor, I think the first ever in the history of the State of Oklahoma, female lieutenant governor, I support her amendment. And I say to the gentleman from Georgia, my good friend, there is nothing wrong with the underlying bill, and possibly he is correct. As the subcommittee chairman has said, there are no earmarks in this Homeland Security bill or traditionally in a Homeland Security bill.

But the problem with the bill is it is an increase up to 14 percent in spending on that particular appropriations bill, 7 percent more than what is in the President's budget, what the President called for.

So as the gentlewoman from Oklahoma knows with her amendment, it is just one more opportunity to try to bring, as she is doing, to bring fiscal responsibility into the process and say some of these programs, you can pick them apart and name certain ones.

□ 1615

We have to have that, but pretty soon, we're talking about $60, $70, $80 billion worth of additional spending that the Democrats are going to bring on the backs of the American taxpayer at the end of this fiscal year, and that's what we're railing against. And I would say that to my good friend from Georgia, the gentleman from DeKalb.

But more than that, Mr. Chairman, much more than that, of course, is this issue of earmarks. I talked to a good supporter from my district just recently, in fact this afternoon, and he

reminded me of the outrage at our own party, at our Republican Party, and reminded me that we are in the minority because of not being fiscally responsible, fiscally prudent, losing our brand, if you will, not fulfilling the pledges upon which we took office, indeed upon which the President took office 6½ years ago.

Yes, certainly our party is outraged and we get the message, and that's why we are determined to bring fiscal responsibility to the people's House and this issue of earmarks and all of this pork, the Democrats, the Democratic majority got that majority by railing against maybe the sins of my colleagues in regard to earmarks.

So this is what really it's all about, not particularly that we're opposed to this specific appropriations bill on homeland security. And I think the subcommittee chairman has done a good job, just as the ranking member has.

But Mr. Chairman, let me just say this. Here is what the Democratic majority has an opportunity to do. They can take all of these bills, all of these appropriations bills back to the Rules Committee and bring them to the floor with a closed rule, something that's unprecedented, and I don't think that the majority will do that. I hope they won't do that, but they could.

This is the option I would recommend. I recommended it yesterday when I spoke on another amendment. Mr. OBEY, the chairman of the Appropriations Committee, Mr. Chairman, has said that he's going to take all of the earmarks that he plans to airdrop in a conference report, where none of the Members will have an opportunity to vote up or down, but he's going to airdrop them, but he is going to shine some sunshine, some daylight, on that by publishing them before the August recess in the CONGRESSIONAL RECORD; and any Member, they will have an opportunity, maybe over that month, to look at all of those earmarks. And if they don't like them, they can write a letter to the chairman of the Appropriations Committee and say, I'm opposed to that particular Member's earmark.

And then who makes a decision? One person. He's not God. He's just chairman of the Appropriations Committee, and he makes a decision, well, am I going to airdrop those amendments, yes or no?

Well, I want to suggest once again, Mr. Chairman, to Chairman OBEY, here is what you can do. All of those earmarks that you publish in that CONGRESSIONAL RECORD before the August recess, you can bring those back.

The Acting CHAIRMAN. The time of the gentleman from Georgia (Mr. GINGREY) has expired.

(By unanimous consent, Mr. GINGREY was allowed to proceed for 1 additional minute.)

Mr. GINGREY. Then when we come back from the August recess, he can bundle those all up as a bill or a resolution coming through the Appropriations Committee, having a special rule, hopefully an open rule, bring it to the floor of this House, and then let each and every Member vote those earmarks up or down. And you can have them sectioned off for each of the 11 or 12 appropriation bills.

That's the opportunity that we want to give to the new majority, and I hope the leadership will, in consultation with the chairman of the Appropriations Committee, a member of almost 40 years of this body, will come to that conclusion, because as one of my colleagues said last night, we don't want to trade in our voting card for a piece of paper and a pen so that we can write a letter.

That's taking away the rights of the minority, but even more importantly, Mr. Chairman, it's taking away the rights of the American people. It's unfair. It's not the right thing to do.

And I pledge and plead and beg my colleagues in the majority to do the right thing.

Mr. GARRETT of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we come here this afternoon on the eve of one-quarter of the way through the 110th Congress, and we have to ask ourselves, what now that the Democrats are in control of this House have they wrought? Three things: The largest tax increase in America's history on America's families; secondly, a breaking of the rules and/or their promises; and finally, what we learned last night, slush funds in very important appropriations bills.

If you were listening to this discussion last night, some of our friends on the other side of the aisle, in essence, justified their actions here today with this legislation by looking back to a couple of incidents in the past, back in the 1990s or what have you, and said, well, if it was done in the past, we're going to continue this tradition in the future.

I think the gentleman from Minnesota raised the point before quite accurately. Did they not hear the message that the voters of this country sent in the November election? I can tell you, we heard that message loud and clear.

The American public is tired of politics as usual. The American public is tired of the games in Washington. The American public is tired of changing the rules as you go along just to get your end.

We heard that message, and that is why we came to the floor last night and today. We are not politicizing this. We are just trying to protect the American public on important issues such as homeland security. At the end of the day, we heard. On the other side of the aisle, we thought the other side of the aisle did.

On these three points, tax increases. I have the opportunity and honor of serving on the Budget Committee, and I quite honestly was amazed, after all the hearings that we heard at the beginning of the year about the fiscal constraints we should be living under and the problems that we have, and yet we saw the budget that they presented us at the time of a $392 million tax increase in their original budget would affect everybody with tax increases.

Increase in the marginal rate of $182 billion; reduction in the child tax credit of $27 billion; increase in the marriage penalty of $13 billion; increase in the death tax, $91 billion; increase in the capital gains and dividend tax, $32 billion; other tax increases, $47 billion, all huge numbers. But if you break it right down to the individual family, you know what it comes out to be? Well, the New York Times answered that question.

They said the average family of four living in my area in the State of New Jersey, would see their taxes go up by around $50 or $100 or more. That's what the other side gave us when they gave us the largest tax increase in U.S. history.

Breaking of the record, breaking of promises, breaking of the rules. Well, if you follow what we do here on the floor, you will recall that it was just about a month ago when the other side of the aisle was trying to change the rules of the House that had been put in place as far back as 1820 to allow the minority to have the opportunity to offer motions to recommit and the like in the manner in which we have done in the past, as I say, for over 200 years. We fortunately were able to thwart those moves. We hopefully will be able to thwart their moves now as they try to break the rules again when it comes to transparencies and earmarks and the like.

And finally, when it comes to the third point, slush funds, slush funds? Can you imagine that we're still talking about in this day and age Members from the other side of the aisle creating an appropriation process where there are slush funds, where one Member is going to decide where literally billions and billions of American taxpayers' dollars go?

These are not just my comments as far as the criticism of the other side of the aisle. Let's take a look at what outside individuals and the media are commenting on this.

Public Citizen's Craig Holman said, speaking of what the Democrats are doing, ''It violates the whole spirit of the reform itself. We really did expect that earmark requests were going to be an open book so that all of America could sit there and take a look at who is requesting what earmark.''

Over on CNN, not a conservative network by any means, CNN's John Roberts said, ''The question people are asking today is, 'What happened to the Democrats' promise to shed light on the earmarks?' Because this plan as announced seems to do the opposite.''

Brianna Keilar, also from CNN, ''Democrats now are on the defense with Republicans . . . But advocacy

groups say'' their actions ''still violate the spirit of what Democrats said they would do when they came into power in January.''

Mr. Chairman, we are not trivializing this. If anything, the other side of the aisle is trivializing a very important piece of legislation, Homeland Security, an issue that is extremely important to my district, inasmuch as we live in the shadows of the Twin Towers.

Let's hear what the American public says and return civility and the rule of law to the House of Representatives.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, today I rise to commend my colleague from North Carolina for his leadership on the Homeland Security Appropriations bill, and I applaud him and members of the subcommittee who helped craft this bill.

The Homeland Security Appropriations bill is a top priority for the country, and it should be a top priority for every Member of this body.

Now, let's be clear. This bill protects the American people on Wall Street and on Main Street, on your street and on my street. We owe it to the American people to provide the highest levels of safety and security possible, and this bill does just that. The legislation will help protect our homes, families and communities from those who would do us harm.

This bill protects our borders. It fully funds the Customs and Border Protection Agency and adds 3,000 new Border Patrol agents to secure our borders.

This bill funds our first responders and provides them with the critical equipment that they need. It ensures that our own local police departments have access to the information and intelligence they need to perform a meaningful role in counterterrorism.

This bill restores the President's cuts to firefighters to ensure that those who protect our homes, our small businesses, our schools and our communities have the resources that they now lack to keep us safe.

The bill restores critical interoperability funding that will allow local police, firefighters and emergency responders to communicate during a crisis.

This bill protects our airports and our airplanes with baggage screening funding, and it protects our ships and seaports with funding for maritime security.

Mr. Chairman, I have my 8-year-old daughter with me this week, and as we observe the antics from my friends across the aisle, I'm reminded of a game that my daughter often plays with her friends called Consequences. Probably each of us has played that game at one time or another, but not when the stakes are as high as they are in this Chamber.

Basically what happens is, each child writes down on cards an event and a consequence of that event. The cards are shuffled and read out loud in a muddled sequence, with one event leading to consequences that then make no sense at all. This is not child's play, and Members of the people's House play the game of Consequences at their peril.

By obstructing this critical bill, they have elevated the politics of pork over the security of the American people.

Mr. Chairman, Republicans should stop playing the political game of consequences and join Democrats in focusing on getting things done and protecting our homeland, because the real consequences of holding up this bill are serious. That is what the election on November 7, 2006, was about.

I was elected in the 109th Congress, and I didn't see any of my colleagues on the other side of the aisle leaping to their feet to demand that their name be published next to the appropriations request that they submitted. I didn't see anybody leaping to their feet on the other side of the aisle insisting on reform. Where were the reformers on the other side of the aisle in the 109th, in the 108th, in the 107th, in the 106th? Where were they?

Now, suddenly, they're leaping to their feet, saying to the American people that they know what the election on November 7 was about. Why didn't they do any of this or insist on any of this before now? Because they didn't believe in it.

Mr. MCHENRY. Mr. Chairman, will the gentlewoman yield?

Ms. WASSERMAN SCHULTZ. I yield to the gentleman from North Carolina.

Mr. MCHENRY. Mr. Chairman, I appreciate my colleague yielding. There's a simple fact. We had a strong earmark rule in the last Congress, and we're asking you to reinstate the earmark rule.

Ms. WASSERMAN SCHULTZ. Reclaiming my time, if you had one, it was not evident. It was absent because one of the main reasons that the people insisted upon putting Democrats in the majority and moving this country in a new direction is because there was an absence of reform here, an absence of oversight, an abdication of the Congress' responsibilities.

And that's why Democrats are in charge. That's why we are making sure that we actually reform the process, put transparency into the appropriations process, own up to the earmarks that we sponsor and make sure that people know what we're asking for when we want to bring home funding to our districts, not do it in the shadows as was the practice up until the 110th Congress.

□ 1630

Mr. MCHENRY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to respond to my colleague from Florida. What she said was factually incorrect. The Republican Congress put in a strong earmark reform so the American people can see what we are spending here on this House floor. It's a matter of transparency and openness which the Democrats campaigned upon. What they have done in this whole process is put those earmarks back in the shadows, in the shadows of the chairman's pocket, and the chairman can divvy them up as he sees fit.

That is not the direction we should be moving in, and we are not delaying this bill. What we are doing is having a debate on the size and scope of the government and whether or not we should allow pork-barrel projects to invade our appropriations process or whether or not we should have openness and restrain the size and growth of government. That's what this debate is about, and it's a good debate.

Mr. Chairman, I yield to my colleague and friend from Kentucky for the remainder of my time.

Mr. DAVIS of Kentucky. I thank the gentleman.

Mr. Chairman, I think it's somewhat ironic. Listening to the words of the gentlewoman from Florida reminds me of a comment that Machiavelli made centuries ago. He said: ''For this is the tragedy of man—circumstances change, but he does not.''

It's fascinating that the Democrats ran on a platform of wanting to bring about the most ethical Congress ever, but, frankly, I have to say it's a sham based upon this approach to earmark reform. This is not earmark reform.

In fact, the reason we were here last night, contrary to the comments from the other speakers, was to protect the American people and to protect their right to accountability for every dollar that is spent in this Chamber. Let's look for a moment on the structure of accountability before talking about the validity of earmarks.

Last night, when we asked about the ability to debate specific spending bills, we were told, oh, this is in the guise of transparency, but, of course, you won't be able to vote on the individual earmarks. You can only vote after those have been dropped in after the conference report.

I would have to say this is a most surprising thing. In fact, we were told, with tremendous sincerity on the part of the gentleman from Wisconsin, that, in fact, this would be a wonderful way to protect the people's rights to transparency, and, frankly, wall us completely out of the process.

How is that? Well, I would be able to object to egregious spending. We have seen that in a number of areas through the years on both sides of the aisle. But how would we object to that from my office in Kentucky? I would be able to write a letter to the chairman of the Appropriations Committee. In fact, the staff members would make the decision on whether that was a legitimate earmark or not.

I have great respect for the staffs that work at all the committees in our offices and the House. But I would like to remind the gentleman from Wisconsin, the Members from the other side of the aisle, that last November, in

the election that they claim the American people chose to have a new direction, I didn't see the name of any staff member from Capitol Hill on a Federal ballot anywhere in the United States.

The people who were elected to uphold and defend the Constitution, who were to make sure that the people's money was spent wisely, were not staff members. The staff members were accountable to elected officials. Ultimately, the elected officials have to make those decisions because we are the ones that were accountable to the people.

What will the public know about these earmarks? All they see of them is at the last minute when we get into a position of simply voting up or down on a conference report where we will not have that ability to debate or to discuss those bills.

In fact, let me be clear about this. I don't think earmarks in and of themselves can be bad. They can be very good, but they should all be subject to public debate here in this Chamber on this floor or in this committee where they can be voted on up or down by a majority of Members clearly making a decision and being accountable for those decisions.

There are many good earmarks: investing in public works, creating jobs that can lay a foundation for future growth. The root of this practice is based on the idea there are many funding priorities very specific and unique to districts or regions of the country that should be decided by our elected officials, not some faceless bureaucrat in Washington, not some person hidden in a cubicle or an office away from the light of scrutiny and accountability.

To say this is bringing an ethical posture to Congress, I beg to differ with that. In fact, I believe what it would do is increase the likelihood of malfeasance on the part of taxpayers' dollars by taking away the direct accountability with Members of Congress.

In the Fourth District, I don't want a faceless bureaucrat to make those decisions. In fact, I am proud of every earmark that I have secured for the Fourth District of Kentucky. I want the people to know that this is how we believe, working with our local leaders, that taxpayer dollars should be reinvested in our communities, how their dollars should be spent that they can see that firsthand and see that return.

However, the process would be significantly improved if every earmark were defined in the bill, their sponsors named and that we have the ability to challenge those and let each Member defend the merits on return and investment to the American taxpayer on each one of them.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this has been a wonderful debate. For about 30 years, I hung around courtrooms and watched lawyers talk to juries, and a lot of times lawyers use terminology that people didn't understand.

We just used a ton of terminology, and every once in a while pick up on one or two that I think that maybe newcomers to this House really don't understand, maybe someone else that might be in the House or listening to the House might not understand. I want to talk about some of those things.

First I would like to address, before I do that, I want to point out that we have done an awful lot of talk about history. You know, last year is history.

In fact, yesterday is history. Today is reality and tomorrow, who knows.

But there was just a tirade of numbers thrown out of Congresses just a few months ago. If you want to play that game, then let's take the 40 years prior to the Republicans coming into the majority of Congress and say, what about those 20 Congresses that had the opportunity to reform the appropriations process?

That's a ridiculous argument. That argument carries no water whatsoever. The reality of the problem that we are addressing on earmarks actually came to the forefront when the vast majority of the people that sit in these chairs, in both parties, were surprised by the activities of a few who violated their sacred trust to the United States Government.

We had an election where all of us got painted with the brush of that few. But the reality is, the vast majority of people on this side of the aisle, and I am sure my colleagues on the other side of the aisle, were shocked to disbelief over some of the things that occurred with Members of the Congress, and are continuing to occur, to come to light. Recently, we had light spread on another shocking event that we have had here in Congress.

You know, the nature of democracy is that problems leap up in your face, and you react to those problems. We have had leap into our face that secretism when dealing with money causes people like Jack Abramoff to end up in prison, and those that may be associated possibly end up in prison.

If you look and study what happened, it's all secret things. That's the real offense we are talking about, when we say let's let daylight in on this earmark process. A term that we have used a lot is airdrop, but most people think airdrop, plane, parachute, that drops it in.

What we are really talking about is once a process goes through the House and the Senate, bills come to a conference committee, which is made up of representatives of both bodies. It is in a closed room behind closed doors where the bills are worked out to where they can get a compromise that both bodies can then vote on.

When we refer to airdrops, these are these expenditures and appropriation bills that when it comes back to this body, if we can dig through and find it, we go, where in the heck did that come from? We can't find any record anywhere of anybody talking about that in the Senate of the House. There it is. Where did that come from? So it's like it dropped out of thin air.

I think that's where the term ''airdrop'' gets its meaning. It's that when the Members of this body and the other body look at the final product and say where did that come from.

I think the proposal that's being made by the majority on their new earmark reform, by its very definition, creates a large body. We hear 31,000 possible ''where did that come from'' from for every Member of this body, except maybe one and some staffers who, some believe, are more competent than the Members of this body.

The Acting CHAIRMAN. The time of the gentleman from Texas (Mr. CARTER) has expired.

(By unanimous consent, Mr. CARTER was allowed to proceed for 1 additional minute.)

Mr. CARTER. Mr. Chairman, when we had these scandals, and we had the debate last term of Congress about this airdropping, this appropriations process, the public asked us to put what we were doing under a microscope and then let them see it.

That's what we are doing today. That's what we are going to continue to do until the whole process is visible and out in the daylight, and that's what this is all about.

Mr. PERLMUTTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to support the Homeland Security appropriation, and I would just have to say the word ''irony'' has been used by both sides of the aisle quite a bit. I think the irony here is that the Republican side of the aisle is trying to do what they did last year, which is not to pass a budget, not to pass appropriations and try to bring this country to a halt by delaying, delaying, delaying.

Well, that's fine and dandy for them to play those kinds of games, but this country expects a change. It voted for a change in direction. It voted for strong national security, which this bill reflects and represents.

This bill reflects and represents protection on our borders, protection on our ports. We have additions to FEMA so that we have protection and response to natural disasters. Instead, our friends would like to stall and hold this Chamber hostage because they can't get the pork they want. They want their pork, and they want to eat it too.

Ladies and gentlemen, this is wrong. This stalling tactic has got to stop. This Nation deserves much better than what we are seeing from the Republican side of the aisle.

They would like us to ignore the fact that billions of dollars are missing in Iraq under their administration and under their leadership. They would like us to forget the fact that there were sweetheart deals to Halliburton and to many others where there was no bid and no contracts.

They would like the country to forget history, which has brought this

country into the biggest debt that we have ever seen. They would rather talk about earmarks, which they really mean to be pork, because they aren't going to get their pork. They aren't going to get their bridge to nowhere because we are not going to let them have that. We will fight for the American people every day, as long as it takes.

We are here because of guys like Jack Abramoff, Duke Cunningham, Bob Ney, Mark Foley. Those are the individuals that helped create a Democratic majority because people were tired of it, and they wanted a change in direction.

We're going to change the focus of this Congress and this Nation from what the Republicans did, which was the wealthiest 1 percent to the hardworking people in the middle. We passed a minimum wage law. We passed bills out of here to reduce the cost of prescription drugs under Medicare part D. We are focused, ladies and gentlemen, under this bill on the national security of the United States of America.

Instead, our friends on the other side are focused on pork and their bridges to nowhere.

This is a travesty; this is a delaying tactic. This is not in the interests of the United States of America. I support this bill and ask for an ''aye'' vote.

Mr. DAVIS of Kentucky. Mr. Chairman, I move to strike the last word.

Before I speak, I would like to just share one thing. The gentleman who was just speaking reminds me again of the comment that Machiavelli made that the tragedy of man is that circumstances change, but he does not.

And in all of this rhetoric, I would remind the gentleman we were actually debating a Homeland Security bill, I haven't heard one person answer our reasoned arguments to ask them to defend the appropriations chairmen or the Speaker's approach to earmarks by taking them off the floor and out of committee and removing them from debate and accountability.

I happened to be in the meetings last year where the Republican conference was at work to move to improve the accountability. Certainly, I believe in complete transparency of records, and we have heard nobody defend the chairman's position on this.

I have heard no Democrat get up and defend the chairman's position on earmarks at all. They want to use ad hominem arguments, talk about yesterday. I think the gentleman is right: what happened yesterday, in fact, is history.

So far, to make this the most ethical House in history, I would think that openness and transparency would improve accountability, and not simply contribute to the increase of greenhouse gases in the atmosphere.

□ 1645

We talk a lot about that, but I think that a lot has been created inadvertently from the other side.

The issue is not whether earmarks themselves, it's not whether earmarks themselves are good or bad. It's simply having a mechanism for accountability for the American people so that they can see that.

One perfect example is a large project of national and regional significance that's in my district that affects 71 congressional districts. We worked together in a bipartisan manner through the 109th Congress to secure all of the funding necessary to the lead-up to the construction of the Brent Spence bridge on I–75 that connects Northern Kentucky and Cincinnati. This was not a Republican or Democrat project, it was an American project where many, many Members, ranging from south Florida, all the way to the Upper Peninsula of Michigan, up into the Northeast saw their districts, their industries, their jobs affected by that meaningful investment in infrastructure that would benefit the Nation as a whole.

We wanted that accountability. We debated it in public. We talked about it repeatedly. We made the case not only to one another in the House, but to the American people, that there would be a return on investment.

And I think, at the end of the day, that's the real key. Projects like that are not bridges to nowhere. Projects like that in the full disclosure of the light of day show a proper stewardship of the tax resources of the American people that are given to us to spend. But to take it away and not answer the fundamental question, to say that these are tactics to stall for pork, I would respectfully disagree with the comments that have been made, because nobody has defended the fundamental question that accountability, in fact, has been taken away and removed.

NANCY PELOSI, the Speaker of the House, stated on March 17, 2006 that ''before Members vote on the bill, there should be an appropriate time for people to be able to read it, that it be a matter of public record. And if there's an earmark that can stand the scrutiny, then that transparency will give the opportunity for it to be there.''

Unfortunately, moving to a concept of omnibus bills or dropping them in at the conference where there's not that room for debate or discussion, I think it creates opportunities that, I won't go so far as to suggest that there's an issue with integrity, but more importantly, as a businessman, as somebody who was a consultant helping companies to maximize their investments, their productivity, to keep their jobs and to grow, there's a greater risk of redundancy. There's a greater risk of waste. There's a greater risk of less efficient ways to go about solving the problem in a particular region.

The benefit of debate and the benefit of dialogue is to give us a synergy that, at the end of the day, will give us results that will benefit the American people. And I think that we've been trusted with the people's money.

This legislation, today, the structure and the reason that we have been put into a position where we have to exercise process to force this debate, is no different than what happened a month ago when a germaneness rule, where the minority had the opportunity to offer alternative opinions that had been in place since 1822; folks who stated that they were respecters of the institution moved to strike that rule, and we were simply informed an hour before it was going to go into effect, and we exercised our rights through procedure to remove all unanimous consent and to move to a place where this had to be brought into the light of day because of the opportunities that were given for Members before.

At the end of the day, that was wisely repealed that there could be some degree of comity and debate. In this same vein now, I think it's important that, rather than returning to the politics of yesteryear, of a bygone era, I think what we need to do is move forward in a spirit of openness.

We live in an information world that's interconnected and open and gives access. Let's give the people access to all the earmarks. Give it to them early. Let Members on both sides of the aisle stand by their projects, justify them to the American people.

The Acting CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. DAVIS of Kentucky was allowed to proceed for 1 additional minute.)

Mr. DAVIS of Kentucky. And with that, at the end of the day, what we come up with is not a majority or minority solution, not a Democrat or Republican or liberal or conservative solution. We come up with an American solution that optimizes the resources that we are entrusted with by the American people.

Mr. THOMPSON of Mississippi. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it's been 5 years since the Department of Homeland Security was established. November's election demonstrated that the Nation agreed with the Democrats' new direction for America.

In the movie A Few Good Men, Tom Cruise asked Jack Nicholson for the truth. Nicholson's response: You can't handle the truth.

Mr. Chairman, can the minority handle the truth? I submit to you today that the minority cannot, in fact, handle the truth. Mr. Chairman, the truth is that the minority can hear the heart of the American people no more than they could before November.

Truth is, Mr. OBEY has made this process way more transparent than it was under the minority's watch. The truth is, we have much more of an efficient process. Most importantly, the truth is that there are no earmarks in this bill that we're debating here today.

The appropriations measure has been on the floor for 12 hours and still

counting. Eight motions for the committee to rise later, the minority continues to stifle progress, the minority continues to foster trivial debate to defer and deter us from our mission.

Perhaps the minority's not in touch with the interests of our Nation. The Nation is interested in leadership that remembers not to forget. The Nation is looking for leadership that remembers 9/11, leadership that remembers Katrina, leadership that realizes that there are still vulnerabilities that we need to address to prevent the next terrorist attack or natural disaster.

Chairman PRICE has showed leadership by addressing these issues in this bill, as my committee addressed in H.R. 1, 1401 and 1684.

We owe Department employees, we owe the Department's management, and we owe our great country the passage of this appropriations measure.

Mr. Chairman, I invite my colleagues in the majority to join me as chairman of the House Homeland Security Committee in passing a measure that brings us one step closer to protecting this Nation.

Homeland security is not a partisan issue. Mr. Chairman, it's an American issue. If we agree on that, then let's end this obstruction and pass this bill.

Mr. LAMBORN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to just say that American ingenuity and civic involvement have come forward again. The American people are a creative and involved people. And I have here a letter from a blog site called porkbusters.org; let me just read you a couple of sentences from this blog site.

''As you know, Internet technology has made research faster and easier than at any previous time in human history. By releasing your 32,000 earmark request publicly, I, and other taxpayers across the country could work together in a cooperative effort to determine which Members of Congress may have financial conflicts attached to their earmark requests, which local projects may be unworthy of Federal funding, and which may have value to the taxpayers.

''Thanks for your consideration of this matter. I and millions of my fellow taxpayers across America stand ready to help you evaluate these 32,000 earmark requests. After all, we are the ones who are paying for these requested projects; the least we can do is help you evaluate their merit.''

We have volunteers now coming forward that are willing to help the overworked staff on appropriations that apparently do not have the time to look at these earmarks, and haven't had time over the last several months. Although we've had time for a lot of other things to do, but we haven't had time for that. So volunteers are now coming forward, and the American people are standing ready and they will be willing to help.

And on another note, I would just like to give a question to the colleagues I have on the other side of the aisle. I hear a lot of discussion about what's in the bill. And the bill has many good things. No one's denying that. There are some problems with the bill. The bill has some really good projects in it.

But why not talk about the earmark process that amounts to doing it in secret, that amounts to doing earmarks in the month of August when we're out of session, when we can't debate it, when it's going to be done in conference committee? We will not have a chance to vote one by one on these earmarks.

And you know that, generally speaking, past history is that the earmarks will be passed. Even when they're challenged, even when they're brought into the sunshine. They will, generally speaking, be passed. So really what do you have to be afraid of? They're probably going to pass anyway, unfortunately, even the most egregious ones. So you really have nothing to fear, and you really don't need to hide them, but you're doing so anyway, and I think that that's wrong.

Mrs. DRAKE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield my time to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I thank the gentlelady, and I'll consume just a portion of the time.

First off, to the gentleman from the other side of the aisle asking what truth is, and he went through a litany of truths, I ask, are his truths the same truths as America's truths when it comes to what is occurring here?

And as the gentleman behind me from Michigan, who is often quoting lyrics of music from Jesus Christ Superstar, are truths not unchanging law? And in this case, I would suggest that they are. Your laws are constantly being changed, or I should say your rules are constantly being broken that you implement and that you promise. So your truths are simply truths based upon laws that have been rules that you decide in November you're going to promise and then later on break.

As I've said each time that I come to this floor, what has this Congress under the Democrat leadership brought us? The largest tax increase in U.S. history; a breaking of the rules, so that now we see that they can change their definition of truths; and as we learned last night, surpluses, or rather, hidden fees and funds within these accounts as well.

But the point that I wanted to make at this point is to a point that the chairman raised last night, and that is to the difficulty of actually trying to address these earmarks. He said that they would rely upon the staff of his committee to effectuate this.

While I think we all take our hats off and commend the work of his committee. The staffers for the Appropriations Committee are probably some of the best and the brightest that this House has. These Members of the Appropriations Committee are also the same Members who appropriate their own salaries, for that matter. That committee is charged with the responsibility of bringing these facts not only to the House, but to the American public as well.

If the truth is that they are unable to perform their job, perhaps they can look outside this Chamber for assistance. I have a letter here of an organization, a good government organization, that made such an offer. Tim Phillips from Americans for Prosperity indicated to Chairman OBEY just a week ago, realizing what he had heard as well from Chairman OBEY that he is having difficulty, as he said, the extra time ''to evaluate the 36,000-plus earmark requests that have been submitted to the Appropriations Committee this year.''

The chairman says, I think we have a hell of a lot more ability than the individual working alone to do it, referencing the staff.

Well, Mr. Phillips, of American Prosperity came up with, I think, an appropriate manner or way to address these problems, if his committee and his staff and himself are not able to get this job done on time as the American public wants him to. May I read from the letter which says, ''I think that the thousands, the millions of individual taxpayers, working together, could greatly aid you in completing your earmark request evaluation before you resort to sticking earmarks into unamendable final legislation behind the closed doors of a conference committee. That's why, on behalf of thousands of Americans for Prosperity members from coast to coast, I'm writing to offer our help to you and your staff in evaluating this year's earmark request.''

You know, it's interesting. The chairman said last night that it would take literally weeks, if not months, to get the job done if they were to start right now. I think we have to ask the question, why are we even considering them starting right now? Why haven't they started weeks ago on this matter?

Let me get back to the letter. ''As you know, Internet technology has made research faster and easier than at any previous time in history.'' This is the crux of the argument. ''By releasing your 36,000 earmark requests to Americans for Prosperity, our allies and other taxpayer groups, and to concerned citizens around the country, we will be able to unleash taxpayers across the country in a cooperative effort to determine which Members of Congress may have financial conflicts attached to their earmark requests, which local projects may be unworthy of Federal funding and which may be of value to the taxpayer.''

He thanks him for the consideration, the members of Americans for Prosperity, millions of taxpayers who stand ready to help to evaluate those 36,000 earmark requests because, after all, it

is those millions of American taxpayers, they're the ones, at the end of the day, who are going to be responsible for paying for those requests.

The least that we can do in this House is, if the chairman and his committee and his side of the aisle cannot get the job done, the least we can do is turn over that responsibility and seek the assistance of the American taxpayer.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oklahoma (Ms. FALLIN).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Oklahoma will be postponed.

□ 1700

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $237,765,000, of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That of the total amount provided, $6,000,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations and $300,000 shall remain available until expended by the Federal Law Enforcement Training Accreditation Board for the needs of Federal law enforcement agencies participating in training accreditation: *Provided further*, That no funding provided under this heading may be used to design, build, or relocate any Departmental activity to the Saint Elizabeths campus until the Department submits to the Committees on Appropriations of the Senate and the House of Representatives: (1) the published U-Visa rule, and (2) a detailed expenditure plan for checkpoint support and explosive detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2008.

AMENDMENT NO. 9 OFFERED BY MRS. DRAKE

Mrs. DRAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mrs. DRAKE:

Page 2, line 16, after the dollar amount, insert ''(reduced by $10,400,000)''.

Page 17, line 23, after the dollar amount, insert ''(increased by $9,100,000)''.

Mrs. DRAKE. Mr. Chairman, I introduce an amendment today to highlight the importance of State and local law enforcement participation in immigration enforcement.

The intent of this amendment is to fully fund the President's budget request of $26.4 million for State and local law enforcement support for the training and support for the voluntary participation of local law enforcement officers and immigration law enforcement as authorized under section 287(g) of the Immigration and Nationality Act.

This program is designed to enhance cooperation and communication between Federal, State, and local law enforcement in identifying and removing criminal illegal aliens. Under 287(g), ICE provides State and local law enforcement with the training and authorization to identify; process; and, when appropriate, detain immigration offenders they encounter during their regular daily law enforcement activity.

It is very important to note that the 287(g) program is not used for rounding up illegal aliens in random street operations. This program is targeted specifically for those individuals who pose a significant threat to public safety and national security. Additionally, the 287(g) program is not used to determine the legal status of witnesses and victims of crime. Officers in the 287(g) program are trained to respect the status of witnesses and victims involved in a criminal case in order to ensure the integrity of our criminal justice system.

Currently, the 287(g) program is implemented in 13 jurisdictions. Perhaps the jurisdiction with the greatest success in this program is Mecklenburg County, North Carolina. In just 12 months, Sheriff Jim Pendergraph has been able to identify and deport nearly 1,900 criminal illegal aliens, most of whom had been previously ordered deported by an immigration judge. This program is working and the demand for participation among the States is increasing.

And in the report accompanying this appropriations bill, the committee has acknowledged the importance of identifying criminal illegal aliens while incarcerated in our State and local jails. Participation in the 287(g) program can rectify that problem.

Immigration enforcement is clearly a Federal responsibility. It is the Federal Government's primary duty to ensure the safety and security of its citizens. But we cannot do it alone. We need the assistance of our State and local law enforcement who encounter these issues on a daily basis.

Mr. Chairman, I urge my colleagues to support this important amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

I wish, Mr. Chairman, to offer some comments on this amendment.

The amendment offered by the gentlewoman from Virginia would reduce the Department of Homeland Security Under Secretary for Management Account by $10.4 million and reallocate $9.1 million of the funds to the ICE 287(g) program. Because of the differences in outlays, the remaining $1.3 million cannot be used.

Now, as we have said on this floor many times in the last 18 hours of debate, our Republican friends seem determined to trash the front offices at the Department of Homeland Security. They rail against bureaucrats. They have no regard for the President's requests for those front offices. The fact is that the Under Secretary for Management funding is critical for the Department of Homeland Security to ensure that it develops its new headquarters in a consolidated way and that it does its job.

But if our friends on the Republican side of the aisle are not going to defend their own administration's needs in this regard, let alone their budget requests, I and my colleagues here are not inclined to do so. So our colleagues will need to look at this amendment and maybe they will want to support it, the source of funding notwithstanding.

Let me say something about the recipient of these funds, the 287(g) program. Now, the ICE 287(g) program does require additional funding next year, and it requires additional funding because of the emphasis that we are placing in our bill on the necessity of ICE's getting serious about preventing the release of prisoners, people who have committed serious crimes, who are deportable, permitting the release of those people back out on the streets. It is just outrageous that criminals who have been convicted, who have committed serious crimes in this country are being put out on the street without their status even being checked.

So we do have in this bill a requirement for ICE to contact every prison, jail, and correctional facility in this country on a monthly basis to identify removable criminal aliens. And we have provided a good deal of additional 287(g) funding to enroll correctional facilities in this program and to provide training and technical support to participants so they can provide accurate and actionable data to ICE agents.

So we have tripled ICE's funding. We have tripled ICE's funding. We have more than tripled the amounts provided in fiscal year 2007, that was $5.4 million, to $17.3 million in fiscal year 2008. Now, we think that is sufficient to enable ICE to undertake these duties as well as to carry on its existing functions because, first of all, it is a tripling in funding. Secondly, the Department has yet to obligate more than half of a $50 million appropriation made in 2006 for this program. It has not yet been obligated.

I have to say to my colleagues that as far as the 287(g) program is concerned, the availability of funding is not the issue. Trying to increase participation rates is the issue. But it is not just a matter of throwing money at the problem, as our friends like to say.

So ICE is going to take on, we hope and believe, significant new responsibilities. We have provided funding to accomplish that, and we are also, of course, assuming that the Department is going to obligate that $50 million that is sitting there already.

Now, our colleague has offered an amendment to provide yet more funding for ICE, funding that it is not clear to me that she has really analyzed how and when the funding can be used. But if she wishes to take yet another bite out of her own administration's front office accounts at Homeland Security, then, again, she can be our guest.

I do want my colleagues to know, though, that we are serious about this prison program. We think of all the priorities in terms of deportation, this is at the top of the list. It is a major feature of our bill. ICE is going to be directed to undertake this as a top priority. We know it will require funding. We have provided the funding, and perhaps in the best of all worlds this additional funding contained in this amendment would help this function be performed even more effectively. That would be a positive way to look at it, and for that reason we will not be opposing the amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the gentlewoman's amendment. I have some concerns about the offset, but I believe this amendment will help restore balance to ICE's enforcement resources as well as the agency's support for State and local officials. As I said when we opened this debate, I believe a fiscally responsible funding level includes sufficient resources to carry out all legislative functions and directions.

This amendment helps to restore some balance of resources to meet the bill's mandate for ICE to contact every correctional facility across the country, over 5,000 of them, at least once a month to identify incarcerated aliens that can be deported and to initiate those deportation proceedings. That mandate is a lofty goal. Over 5,000 local and State jails and detention facilities that you have got to contact monthly and talk to the jailers who are State or local officials and are not being paid to help you with this, it is an unfunded mandate, and who are also not qualified to judge whether or not a person that is incarcerated is an illegal alien. It is not their job, and they are not trained for it. So that is going to be a difficult goal to implement and one that is unfunded but, I think, worthwhile.

So I remain concerned that the bill presupposes that ICE can simply redirect resources from some other vital criminal investigation or fugitive operation to meet this unfunded mandate. I mean, ICE is understaffed as it is with personnel out there. You take a lot of personnel off of what they are doing now to check with every jail in the country, 2,000 of which hardly have any incarcerated aliens in them anyway, and you have got to take that personnel off of fugitive operations, catching people who are not in jail who are rapists and murderers and thieves, and deport them.

So the bottom line is we have got to have some more money for ICE to do this new chore. In fact, the bill even suggests resources can be drawn from the 287(g) program to meet this mandate. But then the bill reduces funding for that very program by almost 30 percent below the request.

So restoring the $9.1 million cut in the 287(g) program will provide additional funds to help State and local correctional facilities at the ID and processing of illegal aliens, the very priority the bill is trying to force. In fact, over 40 percent of the local law enforcement officers trained to date through the 287(g) program are from jails and correctional facilities in States like Florida, Arizona, Alabama, North Carolina, California.

Look at some of the notable results from the ICE's 287(g) program.

□ 1715

I am quoting from the Nashville City Paper printed April 24. ''If the first week's worth of figures hold up, the number of illegal immigrants deported in the first year of the national 287(g) program would be more than 4,200, or equal to 11 percent of Nashville's total, legal and illegal, Hispanic population, according to a City Paper analysis of the first batch of 287(g) immigration enforcement data.''

Bottom line, Mr. Chairman, the 287(g) program is too vital a program in the fight to secure our borders to accept the bill's $9.1 million cut.

I urge Members to support the Drake amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

I would like to enter into a colloquy with the distinguished chairman of the Subcommittee on Homeland Security on the Appropriations Committee.

Mr. Chairman, we have learned from the recent devastation of Hurricanes Katrina, Rita and Wilma, as well as Tropical Storm Allison, which devastated my city of Houston in 2001, that severe consequences can result from not having the proper hurricane preparedness plans and outreach efforts in place prior to such a disaster.

In my own district in Houston, and in New Orleans, and in communities throughout America, we have personally seen firsthand that minorities, the elderly, the disabled and impoverished populations have not been adequately prepared for the upcoming hurricane seasons or, in fact, hurricane seasons in the past.

I am particularly dismayed that these vulnerable populations have not been targeted by outreach efforts communicating the need to prepare for a major hurricane or other natural disaster. Hurricanes Katrina and Rita struck some of America's most vulnerable and disadvantaged communities. Even rural communities have suffered from the lack of focus on emergency preparedness, communities which are just now beginning to find their feet again after these devastating storms.

National, State and local governments have not fulfilled their responsibility to ensure that they are not, once again, left to face nature's wrath alone. My colleague from Minnesota, Representative JIM RAMSTAD, has stated that the disaster in the gulf coast region exposed the enormous gaps in the emergency planning preparedness and management for people with disabilities. We desperately need to fill these gaps.

Mr. Chairman, I had intended to offer an amendment to H.R. 2638, the Homeland Security Appropriations Act of 2008, that would have provided an additional $5 million to FEMA to support emergency preparedness outreach and program efforts for vulnerable communities, including racial and ethnic minorities, persons with disabilities, the elderly, and the economically disadvantaged.

However, money does not answer all questions, and I would be willing to forgo offering my amendment if the chairman would be willing to work with me to ensure that FEMA makes specific efforts to engage those most vulnerable members of our communities in programs that would involve the necessary preparedness, education, training and awareness that is necessary to prepare our communities.

Mr. PRICE of North Carolina. I thank the gentlelady from Texas for raising this important issue. I will be happy to work with you on it. I want to thank you for your leadership on the issue. I agree with you, as the chairman of a Homeland Security subcommittee, that much more must be done to engage our communities about the need to be prepared for all types of disasters and that special efforts are required to engage the most vulnerable members of our communities. It is a very valuable focus that you brought to this.

So that's why we fund FEMA's management and administration account at $685 million, $150 million above the current fiscal year. FEMA has told us of its plans to engage in this type of preparedness effort. We intend to monitor that. We strongly support it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank you.

I am aware of dedicated community activists that have stepped forward to fill the void left by Federal, State and local governments. Currently, FEMA's national preparedness director only has an acting deputy administrator rather than the permanent leadership this office requires. Further, this administrator testified before our Homeland Security Subcommittee that our national strategy for citizen preparedness must be rooted in strong local efforts to integrate citizens and communities, and requires locally or regionally developed plans to address each community's unique risk and capabilities.

He also testified to the need for utilizing volunteer services, since there are not enough emergency responders to take care of everyone in every location during the most critical time.

I understand the chairman believes there are funds available in the legislation for FEMA to reach out to these State and local activists and groups to provide them with the resources that they need to continue their vitally important work, and to work to ensure that the absolute debacle that we saw 2 years ago before, during, and after Hurricane Katrina is never allowed to happen again. One such activist is Mr. Charles X. White, who has worked tirelessly to provide much-needed resources for Houston's vulnerable communities.

In light of predictions of a devastating hurricane season this year, we must take action to ensure that those who are reaching neglected segments of our American population are adequately funded, including these vulnerable populations, racial, ethnic, disabled, elderly and others.

I look forward to working with you, Mr. Chairman, on report language as this bill goes forward, to ensure that hurricane preparedness outreach to vulnerable communities is a priority for FEMA.

The Acting CHAIRMAN. The time of the gentlewoman has expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 1 additional minute.)

Ms. JACKSON-LEE of Texas. I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. I thank the gentlewoman. I will be happy to work with her on report language.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman for his work on this legislation, this appropriations bill. And I thank you on behalf of the vulnerable communities across America who may be facing a tough hurricane or man-made disaster season.

We need FEMA to focus their attention. I thank the gentleman for his work and his support.

Mrs. BLACKBURN. Mr. Chairman, I move to strike the last word.

I rise in support of the amendment from the gentlelady of Virginia, and also in support of the 287(g) program.

I want to thank the ranking member for mentioning our program in Nashville, Tennessee, and talking a little bit about that. He gave us some information about why this program works. I would like to expand on that for just a couple of minutes, and then I'm going to yield to the gentleman from Virginia for a couple of minutes of remarks.

The program in Nashville, the 287(g) program there, is working. We understand that it yields results. You heard about the first week's results from this program.

Now, the reason we need to put our money where our mouth is and the reason the funding needs to support the language in the bill is because this is a program that saves local governments money. And it works. And there is a waiting list to get into this program.

Now, a follow-up on the comments that the ranking member made from the June 10 issue of the Nashville Tennesseean. Fifteen deputies from the Davidson County department underwent training, and now they check the immigration status of every foreign-born person that is booked to that jail.

Also, they have 213 inmates that were held on immigration orders during the program's first 45 days. It is a sharp increase from the 151 metro jail prisoners subjected to immigration holds in the year of 2006. This is paying for itself. It is getting results. That is why this program deserves to be fully funded.

At this point, I would like to yield to the gentleman from Virginia (Mr. CANTOR) for his 2 minutes of remarks.

Mr. CANTOR. I thank the gentlelady. And I want to commend the committee for bringing this bill forward, but really take some difference in the remarks that were made regarding the gentlelady from Virginia's amendment on the 287(g) program. I couldn't think of anything that would be more effective in helping us enforce the law in the interior of this country than additional funds for this program.

As some of the speakers prior to me have said, we need all hands on deck as far as the criminal population that has made its way into this country. We need the ability to go after these criminals, in the words of the gentleman from Kentucky, these rapists, these murderers and these thieves. And there is no more effective way to identify them than to empower the folks, the first responders that are on the ground in our communities across this country.

Now, some of the words from the gentleman of North Carolina, the chairman of the subcommittee, were that, in fact, we have too much money in this program and it hasn't been used, and, in fact, they are unobligated funds. Well, then I would say to the gentleman and to my colleagues that we haven't done our job, because we have got to do our job to put the vision out there that we intend to get serious about the illegal immigration population, especially those that are criminals in this country.

The American people expect us to enforce the law. This vehicle allows the Federal Government to step up to the plate to provide local law enforcement and our agencies at home the necessary resources and the tools with which to identify and apprehend the illegal population that has run afoul of our law in the interior of this country.

Not more than a month ago we saw the individuals in New Jersey; we saw them apprehended, planning a terrorist attack on Fort Dix in that State. Later, we come to find out that those individuals had had various run-ins with the law, and in fact, combined, 75 times had been involved with some type of either traffic violation or other criminal interdiction, but yet these individuals were never identified as being illegal.

We have got to make sure that that scenario is not repeated. We have got to empower the most powerful force we've got, which is that on the grounds and in our local community.

So I would urge my colleagues to join the gentlelady from Virginia Beach in making sure that we adequately fund this program and insist that our local law enforcement agencies have the necessary tools and the resources that they need to assist in enforcing the law.

Mrs. BLACKBURN. I would yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. I thank the gentlelady for yielding. And to both Members, there are just a few thousand ICE agents, but there are literally hundreds of thousands of local law enforcement officials.

The Acting CHAIRMAN. The time of the gentlewoman has expired.

(By unanimous consent, Mrs. BLACKBURN was allowed to proceed for 1 additional minute.)

Mr. ROGERS of Kentucky. If 287(g) would provide the training and the authority for the local law enforcement to do just as the gentleman has said, think of the law enforcement power that can be brought to bear on the severe problem the country faces of getting rid of convicts in the penitentiaries, as well as fugitives on the run and on the lam, and raping and plundering and robbing in the country. I think it's as simple as ABC. I don't know why we don't do more of it.

I thank the gentlelady.

Mrs. BLACKBURN. Mr. Chairman, precisely, there are 13 jurisdictions that have this program. It works. We need this Nation right. The cop on the beat needs the information to get to these criminals that are on our streets.

Let's fully fund the 287(g). We're looking at $36.3 billion. There is money to do this right and be a good steward of our taxpayers' money.

Mr. FARR. Mr. Chairman, I rise to strike the last word.

I rise on this issue with just some concern here that we don't lose perspective of what we're really trying to accomplish.

This was an issue brought up in the committee, probably the most popular issue of all, which was that we wanted ICE, which is the second largest law enforcement agency in the country next to the FBI, at the rate it's growing, it's going to be bigger than the FBI, we wanted them to do their job of being able to determine whether people who had been arrested at the local level and were in jail, maybe not yet sentenced, but were pending trial or were being held, that somebody would review their legal status.

The question is that this program that we are debating and wanting to put more money into, and frankly, the committee doubled the amount of money that's going into it, which is a grant program to local governments, not all local governments are keen on wanting to do this. Why? Because they

have emphasized what they call ''community policing.''

They want the local law enforcement officer to be a friend of the community in order to be involved with the community, to have communities trust them. And if they think that the local law enforcement is also the Border Patrol, they are going to shut up and stop talking to cops. And you get all kinds of issues with this, particularly when it comes to children who are afraid of law enforcement, and so on, if they are the ones that are going to arrest their moms and dads.

So, let's put this into some perspective. What we really need to do is make sure that the ICE, the Federal law enforcement, does their job. Why? Because they are trained.

I have a note here from my sheriff saying that the ICE comes to our jails in Monterey County, a small rural county in California, three times a week. He said the number of confirmed, undocumented prison inmates varies. Last quarter, there were 52 identified undocumented inmates in Monterey County. The previous quarter there were also 52; prior to that, 72.

Some of the inmates claim citizenship status or legal permanent residency and don't have their documentation order. It takes some time to label them and do all that legal background work.

□ 1730

That is not what the legal background work is. We have that information. That is Federal information.

As we pointed out before, we have no national ID. None of you in here can prove you are an American citizens by any card you carry in your wallet, unless you want to show your voting card, but they won't accept that in the airport so I don't know what valid status that has.

The point here is, let's not stop making ICE do their job. They should be doing these local jail checks. If you want to do additional training for local jailers, that is fine. That is what this program is about. But don't substitute it so the local government has to do it, because I think you ought to believe that criminal management up to your local elected officials, your sheriffs and your police chiefs, to make that decision.

This is the second largest police force in the United States. It ought to be doing jail checks. They are the ones that have the qualifications to look into the Federal Information Bank to see whether these people are properly documented, and I think we ought to make sure that they do their job.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. FARR. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I just want to say the gentleman is absolutely right. We have to separate what ICE does from local law enforcement. This is trying to backdoor immigration reform. We really need, not piecemeal immigration reform, if we are going to do it.

ICE, in relation with the jails, that works. Make sure the incarcerated criminals are tracked in the right direction. But to go into neighborhoods using local law enforcement that is now using ICE money to train them really, I think, undermines the law enforcement system in that community, and law-abiding citizens who would be willing to help solve a crime are now being victimized.

If we are going to do immigration reform, let's do it. Let's do it in the right way. But let's not manipulate local law enforcement, who in fact have made official statements on the record that they would prefer not to be engaged in Federal immigration work.

So I thank the gentleman for the point that he has made, and I hope that this body will get down at some point to a reasonable and rational response to the problems of the immigration system.

Mr. FARR. Mr. Chairman, reclaiming my time, this amendment has been accepted. I am just concerned that we still need to put pressure on ICE to do the real jail checks.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when I talk to my local sheriffs back home, one of whom actually burned out the battery on my cell phone, what they want to do is do what people expect them to do, and that is help the very overtaxed, no pun intended, ICE employees who are out there trying to apprehend the criminals, the criminal illegal aliens.

In Florida, we were able to train 35 State and local law enforcement people under this program, under the 287(g) program. It is a good program, and, believe me, it is very much wanted by many local sheriffs, sheriffs who also get elected like we do and who get frustrated when ICE is unable to come to the jail with the frequency that they need to, who are frustrated because the citizens want illegals who have criminal records, they want them off the streets, off their lawns, and they want to once again be able to reclaim their communities, very often, from a lot of illegal activity.

The 13 jurisdictions that use the 287(g) program are very happy with it. We need to adequately fund it, and I commend my colleague from Virginia for introducing this amendment. It is a good amendment and one that I think the American people certainly would want to have well-funded because of its efficacy.

Again, I commend the gentlewoman.

Mr. POE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in my other life, before coming to Congress, I spent 22 years on the criminal court bench in Houston, Texas, trying all kinds of criminals. During that experience, I learned a lot about the way the world really is.

It is unfortunate that, in the society we live in, the Immigration Service cannot protect the United States as far as interior enforcement goes. There aren't enough interior enforcement agents to track down people who are illegally in the system. When I say ''in the system,'' I am talking about the criminal justice system.

What happens too often is a person is arrested for a crime. He is put in jail. The person is illegally in the United States, but nobody knows about that. They are sentenced to some term in jail or in prison. They get out, and they continue to stay in the United States illegally. That continues to be a problem, especially in big jurisdictions like Houston, Texas, where I am from.

They are committing more crimes, yes. The last three peace officers in the City of Houston that have been shot, Mr. Speaker, were all shot by people illegally in the United States. Two of those individuals had been arrested several times and yet kept being released. The problem breaks down in the local jails.

It needs to be clear that this program, the 287(g) program that is being funded and that we are asking more funds to be appropriated for, is voluntary. Cities are not required to participate.

Sanctuary cities, and we know what cities they are, that harbor illegals, they won't participate. They don't have to participate. But not all cities in the United States are sanctuary cities.

Some cities want to help clean up the crime problem in their neighborhoods. One way they can do it is to receive Federal funds, going to local law enforcement, who know best about policing and who the people are in the area and what criminals they are; to track those individuals illegally in the country and make sure they are legally deported back where they came from. We find that it works, and it works very well.

For example, in local jails, sheriffs use the 287(g) program to find out who foreign gang members are, like the MS–13 gang members. Once they are in custody, they can determine who those individuals are, that they are illegally in the United States, and, as soon as they are released from jail, which happens to all of them, rather than be released back on the streets of our cities, they will be deported back where they came from.

Now that doesn't seem to happen as much as it should. We have ''catch and release'' of illegals in our county jail system. Then we got to go catch them again and then try to have them deported after some crime is committed.

So I think it is wise to use the 750,000 local peace officers in the United States, those peace officers that want to participate in the 287(g) program, train them with Federal funds and allow them to police their own jails and their neighborhoods so that people who are convicted of criminal conduct,

that are illegally in the United States, once they are captured, we can deport them rather than continue to release them back on our streets.

So I want to commend the gentlewoman from Virginia for proposing this important amendment asking for more funds for local law enforcement to do their job. Obviously, the Federal Government cannot, has not done its job in protecting interior enforcement, and I think it is a wise use of money to allow local law enforcement to do so.

Mr. REICHERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment to fully fund ICE's request of $26.4 million for its 287(g) program. Let's just get down to sort of the cop's nitty gritty here.

Just 2½ years ago, I left the King County Sheriff's Office as the sheriff in Seattle, Washington, an 1,100-employee organization with a $110 million budget. I started in 1972 as a 21-year-old police officer in a patrol car for about 5 years. I worked in the jail, and I worked as a property crimes detective, and for the most part of my career, I was a homicide investigator. I worked with all kinds of communities.

All the different diverse communities that we serve across this Nation exist in King County, Seattle, Washington. I understand the theory of the Community Oriented Policing program. We implemented that program in the King County Sheriff's Office. It is one of those programs that really comes natural to a police officer working on the streets in their patrol car. They want to connect with their community. They want to be friends with their community, as mentioned earlier by my colleague across the aisle.

Part of the Community Oriented Policing program is to make friends and engage in conversation and build relationships, but it is also our job as law enforcement officers, local law enforcement officers across this Nation, to enforce the law. Sometimes we make friends doing that. We save lives doing that. But sometimes we make enemies.

In the process of making friends and making enemies and protecting our neighborhoods, we also build partnerships with those communities, but we also build partnerships beyond that. We build partnerships with the Federal Government. We build partnerships with the FBI, with the U.S. Attorney's Office, with DEA, with ICE, with Border Patrol. I could go on and on and on with the Federal agencies that join in concert, in partnership, with local law enforcement every day.

In Federal task force organizations, like the Joint Analytical Centers, the Joint Terrorism Task Forces, the HIDTA, High Intensity Drug Trafficking Areas, the Violent Offenders Task Force, the VICAP Program, and I could go on and on and on with Federal agencies and Federal programs and Federal task forces that come together; it is about partnerships between local law enforcement and Federal law enforcement. And it is about training, joint training, with each of these agencies so that we can get our job done, that we can protect this country.

I understand that. I worked as a partner with the Federal agencies when I wore a police uniform on the street. I worked with as a partner with Federal agencies as I wore my suit and tie and my uniform as the sheriff for 8 years in King County. These partnerships are essential. They create a seamless web, a seamless web of sharing information across all spectrums of the Federal, local, State law enforcement.

There is no undermining of the local police department when partnerships are created with the Federal Government. It is an uplifting and exciting experience to work with all of these agencies and train together to finally learn what each one of us does and what we can bring to the table as a team as we protect our country.

So Homeland Security now, as a fairly new agency with 22 departments, is another one of those agencies that we have to work with, and ICE is one of those.

This training program creates an understanding. It helps police officers understand and respect civil liberties. It helps police officers understand and respect civil rights. It helps police officers at the local level in training with the Federal Government understand and respect the diverse communities that we serve. Why would we not want to have our local police officers participate in training that helps give us a broader understanding of the diverse community we serve?

It makes no sense to me to be against increasing this budget to what ICE has asked for. It makes no sense at all. If we are truly interested in civil liberty, civil rights and respecting each other's diversity, we would want this training.

Let's make a point clear: This is voluntary. This isn't mandated by the government. Every police department and Sheriff's office across the country can volunteer for this program.

So, Mr. Chairman, this is a great program. I commend the gentlewoman from Virginia for bringing this forward. I fully support this amendment, and encourage my colleagues on both sides of the aisle to vote in favor of it.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. Has the gentleman from Texas spoken on this amendment yet?

Mr. CARTER. No, I haven't.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. CARTER. Mr. Chairman, I am very pleased that I follow my colleagues that have worked in law enforcement, for I, too, have worked in the court systems of criminal justice.

This 287(g) program to me is an exciting idea that has great potential, and I would love to see it expanded to where we have trained every law enforcement officer in America in just the style that my colleague from Washington just described, so that they can not only honor the diversity as he described, but also can participate in enforcing the laws of the United States, where the resources required for interior enforcement of the immigration laws, the number is overwhelming. To me, it is a good use of resources to use good, honest law enforcement wherever it exists to enforce the laws of this land.

□ 1745

I thought about this the other night, because it's an experience that most everyone here probably, if they will confess, has had. If you live in Houston, Texas, where my colleague, Ms. JACKSON-LEE, lives, or pick a town, it doesn't really matter, Washington, D.C., Cincinnati, Ohio, and you get a parking ticket, if you fail to pay that parking ticket, you're probably going to get a notice from the department that takes care of parking tickets, and they're going to send you that notice and tell you that you have failed to appear to answer to this parking ticket.

They're going to stick a fine on there to go with the parking ticket fine. It could be $100, it could be $50, whatever the jurisdiction chooses, and then that letter is going to say, if you don't pay these two offenses, then we're going to issue a warrant for your arrest on a parking ticket.

Believe me, it happens every day. Ask my daughter, okay? Now, they probably aren't going to get out and serve that warrant unless they do some mass roundup, but generally they don't do that. But you're driving down the street, if you get that ticket in Houston, Texas, and you happen to be in Dallas with a broken taillight, and a police officer stops you to tell you he wants to give you a warning about your broken taillight and he runs the national system of warrants that's available across this Nation. Guess what he finds? They have a warrant for your arrest for a parking ticket in Houston, Texas, and he will arrest you; and he will put you in jail or hold you until you deal with that ticket.

Now, that's what happens to every American citizen that follows the scenario that I just gave you, or could happen to them.

Now, 18 months ago, when I was meeting with ICE people, I asked them how many absconders we had from these folks that were catch-and-release that had been ordered to court and had failed to appear on the ICE warrants. I found the number was approximately 700,000 people. It's probably more now, because I'm talking about 18 months ago; that's the number they gave to me.

And I asked the ICE agents, are there warrants issued for their arrests? Are they in the system? And will local law enforcement respect those warrants? And I couldn't get an answer. I was privately told, ''No.''

Now, this program, with trained officers out on the street, at least we could pick up violators of the Federal law who had disrespected the court system created by this Federal law and had failed to appear in that court. At least we could pick them up in the manner we pick up people who get a parking ticket.

We have to be inventive in this problem that we are facing with massive violation of the law in the immigration system. And I think the 287(g) is the core, so that we train to find these people in prison. There were times when we were at the jail commission trying to close our county jail for overcrowdedness that the district judges would review it every Friday evening, and we would find that 30 percent of the inmates in our jail would be illegal aliens. Thirty percent. And sometimes higher.

Let's have trained people. Let's support this amendment. Let's have trained people and let the departments that want to participate put trained people on the street to deal with ICE issues.

Mr. CAMPBELL of California. Mr. Chairman, I move to strike the last word.

I've been listening to the debate on this particular amendment, and I've heard a number of people who are opposed to it speak, I suppose, about their theories, about how this won't work or why it may not be effective or what it may do or affect people in a community or whatever.

I am here, Mr. Chairman, not to talk about theories or not to talk about speculation, but to talk about what this particular program has done, in fact, in Orange County, California. My congressional district is entirely encompassed within the County of Orange in California. There are five other Members of this body whose congressional districts are either entirely within Orange County, California, or partially within Orange County, California, and two jurisdictions within that county, both the Orange County sheriff's department and the police at the city of Costa Mesa, California, have been engaged in this program.

I would like to read from a press release that was issued from the Office of Sheriff-Coroner Mike Carona. This press release was issued just last month relative to the effectiveness of the program that is the subject of the lady from Virginia's amendment.

It says, ''Since the inception of Orange County Sheriff Michael Carona's cross-designation program in January 2007, deputies have increased the number of immigration holds by more than 400 percent, from approximately 350 to over 1,600. Of this amount, more than 1,000 of the undocumented individuals who were booked into Orange County jail were charged with felony law violations, and over 100 were known gang members.''

Now, Mr. Chairman, this is fact, that since the Orange County sheriff's department participated in this program and had its deputies trained on how to enforce our illegal immigration laws, they have taken off the street 1,600 illegal aliens, 1,000 of whom were felons. So because of this program, there are 1,000 fewer illegal immigrant felons walking the streets in Orange County, California.

That is not theory. That is not conjecture. That is actually fact.

Also, in the city of Costa Mesa, which I do not represent, but is represented by Congressman ROHRABACHER, but it's adjacent to my district, they've recently trained their officers in enforcing immigration laws, and between March and May of 2007, they identified and placed containers on 146 illegal immigrants in the city jail, and of this amount, 53 had committed felonies.

Now, this is in addition to the 1,000 felons that I talked about before, because it's a separate jurisdiction, a separate city police force dealing with their jurisdiction within the County of Orange.

So, Mr. Chairman, this program is effective, and I know some people who are opposed to this amendment have said that somehow it's going to disrupt community relations or something like that. I can tell you that the Orange County sheriff's office has been very, very involved in the community generally, broadly in Orange County, both in ethnic communities and in regular communities, and very involved in stopping drugs.

Because what a lot of people are interested in, particularly in some lower-income communities, is getting the drug dealers and getting the problems that drugs create out of their community. That's what they're interested in. They're not necessarily interested in protecting felons or in making sure that somehow when we have illegal alien felons that we handicap or restrict the ability of local law enforcement to find those people, identify them and bring them to justice and eventually out of this country.

So, Mr. Chairman, I support the amendment from the lady from Virginia, and I support it on the basis of actual, real experience that has happened in my county; and, that we know of, well over 1,000 felons who are no longer on the street.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have been down this road before in this discussion, and it's easily something that the other party wants to do in spite of the fact that their local governments tell them they don't want this done. I think the public and all Members really need to understand what this is about. This is about the fact that there are people in this country who are undocumented. That's a fact. How do you remove them out of the country is another issue.

What happens while they're living in this country is the issue at hand. Now, throughout the discussion on immigration, we've had questions like, if a person is here, undocumented, and they have a child, do you say to that child, you can't go to a public school because your parents are here undocumented?

Well, if you think they're leaving tomorrow or next year, that might work. But if you think that eventually whatever plan we come up with allows X number of children to stay in the country, then you can't deny them education because you're just creating a generation of Americans who won't get education.

Then you move on to step two. At times, we have said that if a person is here undocumented, they should not get any kind of emergency medical care. Well, besides the humaneness of that, that we should never deny medical care to anyone, there is the issue of, so do you want the person working at a local hamburger place serving you food while they are ill and not able to treat their disease and the germs they may spread around. That is an issue.

This one is really a classic one. This is where you say to your local police department, we want you to enforce immigration law. And just about a unanimous cry throughout the Nation has been from police departments saying, Don't give us that responsibility. We don't want it. We don't need it.

The reason they don't want it and they don't need it is for a very proper crime-fighting purpose. A local police department, a local law enforcement department, makes contacts in the community, finds out who's committing crime in the community by talking to folks. Traditionally, undocumented folks have known and have felt secure in that they can tell a police officer that a crime has been committed and point a finger at the person who's committed the crime, knowing very well that their conversation is about crime and not about documentation or about their status as a citizen or a noncitizen, an illegal or undocumented person within the country.

That is the reason why just about every police department in the Nation, sheriff's, whatever they are called in different communities, have said, don't give us that responsibility; we don't want it because we want to keep this relationship going with this community, knowing well that we can get information out of them.

And they are not dealing with us on an immigration law issue. That's why we have ICE. That's why we have all other people in the country that enforce immigration law.

But now we bring it, since September 11, to a new point, and that is, what if in the gathering of information that could lead to the prevention of a terrorist attack, you can't get information from some folks because they're afraid that while speaking to you, their immigration issue comes to light rather than their information on the fact that there could be a terrorist plot being planned somewhere.

This is a classic case of the old line throwing the baby out with the bath

water. Yes, there is an immigration issue, and we are trying to deal with it, all of us. And, yes, I know that there are some people that are very upset about the fact that there are people here who are not legally in the country.

□ 1800

But now to go and say that you're the party for law and order, Mr. Chairman, and at the same time say, but we want to tie the hands of our local law enforcement in gathering information, is a terrible mistake.

You will continue to do what you want. Eventually more and more police departments will tell you that they don't want this job; they don't want this responsibility. And somehow we will continue to get it wrong. Don't tie the hands of our law enforcement folks. Let them continue to gather the information they need.

Mrs. MYRICK. Mr. Chairman, I move to strike the last word.

I appreciate the comments of the gentleman from New York, but we solved that problem in my community of Charlotte, North Carolina. We have a police department that has relationships with the people in their community, and they go out and deal with them; and the sheriff is handling our 287(g) program. We have one of the most successful ones in the country, and it is very simple. The misconception is out there of what the 287(g) program is really about. It is about people who have committed some kind of a crime, just like you and me, who are booked into the jail, and that is why it is perfect for the sheriff to handle it, because then they are booked into the jail, then the sheriff has the ability to check the national database and see if that person has any violations anyplace, anywhere else in the country. That is the beauty of the program.

We started it in our city. Our sheriff, Jim Pendergraff, has very successfully found ways to grow this program. And in the first few months, actually, we had over a thousand people who were removed and deported that were criminals on the street. It is working very well.

Again, I go back to the fact, and I thank the gentlelady from Virginia for this amendment because it is crucial we have these all over the country.

The Senate bill said there were only 50 programs going to be authorized. We have 3,200 jails in the country. That doesn't cut it. ICE can't do it all. They literally can't, and local law enforcement is in a perfect position to be able to help.

Since we started it in Mecklenburg County, all of the counties around us are also doing the same program because they have found that people are moving into their county to avoid being caught in Mecklenburg. So we have our surrounding districts who are applying, have applied or are now doing the 287(g) program in addition to Mecklenburg. It really works. It is a good program, and I totally support the efforts to see this come to fruition as an amendment.

Mr. AKIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would yield to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Chairman, I would just like to point out that the reason I chose this funding, the Office of the Secretary of Management, is because in researching this, I realized there was an $89 million increase between 2007 and 2008 funding. That is a 60 percent increase. I think it is important that money be spent in our communities.

I would also like to point out that I did research the $50 million that was referenced in the report, and that report isn't very accurate because by the end of this month, there will be roughly $1 million left in that account, not $50 million. In 2006, $5 million was appropriated for operating expenses. In 2007, it was $5.4 million; and then there was the $50 million appropriated for start-up costs. But by the end of this month, those will have been almost spent.

With the hard work of people like Sheriff Pendergraff in North Carolina and our other sheriffs across the Nation, the public is aware of the services, the resources, the technology and the training, that can be provided through this program.

Unfortunately for us in Virginia Beach, all of America heard of the very, very tragic accident that took the lives of two beautiful young women at the hands of an illegal alien DUI driver who had been apprehended in our community at least three times and was still back out on the street.

This is a voluntary program, but citizens in our State are asking: How can you break our law, be in our justice system and be right back out on the streets again? This is a program that deals with people who have been apprehended and not victims or witnesses.

There are also State-level programs. With our DMV, I think every one of us would want to know that our DMVs can find fraudulent documents because of these resources that are available.

And in regards to our correctional systems, for local governments to be telling ICE right in the very beginning, ICE can have all of the paperwork done and be ready when that person is released for that person to be deported, just like that, no additional cost of detainment.

Mr. Chairman, I want to thank my friends today who have spoken on behalf of this amendment, and I certainly appreciate the chairman of the subcommittee saying he is willing to accept this amendment. I think all of America thanks you.

Mr. AKIN. Mr. Chairman, I yield to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Chairman, I wanted to compliment the gentlewoman for being an aggressive leader on this subject. She is very knowledgeable on the subject and has done a great deal of work in backgrounding on the amendment she has brought forward. She is doing a great service to the country in this effort. I want to compliment and thank the gentlelady for a great job.

Mr. PENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment, but I come to the floor today having responded to the gentlelady from Florida, a distinguished colleague in the Democrat majority, who asked I think a very poignant question on the floor within the last hour, and that was: Where are the reformers?

I must admit, Mr. Chairman, I didn't get the whole gist and the whole context of her question, but it seemed to me that could be a headline. That could be the lead of an editorial. It really represents the question in which much of the exercise in which we are now involved could be summarized.

The chairman of this committee I think has earned throughout his career the label of reformer. I give Chairman OBEY that with great respect, not just as a colleague but as a man who has earned that reputation.

But today, as someone who over the last 6 years in this Congress has engaged in fights almost exclusively with my own colleagues on the Republican side, to achieve the beginnings of earmark reform, I ask: Where are the reformers?

And let me specifically say to my Democrat colleagues who share my passion for transparency and accountability, I ask the question: Where are the reformers?

In the last 3 years, and there are colleagues in this room whom I consider not just friends but good friends with whom I have clashed. The ranking member of this subcommittee, we have been on this floor together, Republican on Republican, using, in some cases, the same tactics that we are using today, but we were not training them on the majority. We were training them on our own. We were training these tactics on our own Republican colleagues. That is how passionately we felt for the need for point of order protection in conference reports and for fundamental earmark reform. It would be Members of the Republican Study Committee that virtually singularly took on, not Democrats in the minority, we took on Republicans in the majority. And it was painful among our friends to do it, but we withheld our support for the majority budget. We negotiated fairly but firmly with our own colleagues and friends to achieve the beginnings of earmark reform, requiring that people add their names to earmarks, requiring that earmarks be included in legislation, that they be subject to challenge on the floor of this Congress. These were modest gains, and clearly, the result of election day on November 2006, they

were too little, too late. Our clock ran out on this side of the aisle.

But we were fighting on this side amongst ourselves and making halting progress toward earmark reform. That is why, as I watched this debate and as I participate in it, I will be here, as we say in Indiana, until the cows come home. I ask with a sincere heart: Where are the reformers in the majority? Where are the reformers who will come down into this well, and I see some up there that wear that label and deserve it, but on this issue, where are the reformers who are willing to come into this well and say, how about ''no''? How about we don't bring appropriation bills to the floor without all of the spending items in the bill, including Member projects and earmarks, so they can be subject to the accountability and the scrubbing of the legislative process?

I know it is inconvenient. I do not question for one second the sincerity of the chairman of this committee, that he is trying and laboring to find a way forward to achieve his goals. But at the end of the day, we cannot set aside the accountability of the legislative process. I ask again: Where are the reformers?

Mr. FARR. Mr. Chairman, will the gentleman yield?

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

Mr. FARR. I thank the gentleman for yielding.

I have been in elected office, local, State and Federal, for 34 years, and I cannot imagine how any of your community got built without earmarks at the local level, the State level and the Federal level.

There are also earmarks in the bill the President sends down. I think you have misstated the whole symbol of earmarks. The reform in here is more severe than any local, State or Federal office has ever had in the history of the United States.

Mr. PENCE. Reclaiming my time, the distinguished gentleman should know that I have supported earmark reform, not banning earmarks, but we can't have earmarks that deny the legislative process here on the floor. Where are the reformers?

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had not intended to speak, and I certainly am not directing my comments to the gentleman who just spoke, but I do want to make a few comments about the issue of so-called earmarks.

For the last 2 days, Member after Member in this institution have traipsed to the well or stood at the committee table and misdescribed and mischaracterized my proposals and the proposals that several other Democrats have made to reform the earmarking process.

I would simply say, I would have been greatly, if I had had any regard at all for those who were making those statements, I would have been upset. Let me simply say there are many Members—well, that is not true. There are some Members who have embarrassed this institution by the carelessness of their earmarks who came to the well and sounded off as so-called champions of reform.

There are Members who have come up to me and chastised me because I was insisting on a 50 percent reduction on earmarks; who have sent me letters asking for earmark after earmark after earmark. And there are a great many Members of this body who are not members of the Appropriations Committee who seem to have a memory lapse and forget that the bridge to nowhere, and most of the actions by Mr. Cunningham had nothing to do with the appropriations process; they occurred on legislation out of other committees.

I want to make clear, I hate the earmarking process. I absolutely detest it, not because earmarks are wrong, I think 90 percent of the earmarks attached by Members of both parties are perfectly legitimate, and they are a whole lot more on target than the misdirected spending of some of our bureaucrats and the misdirected analysis of OMB, and I know that from personal experience.

The reason I hate earmarks is because they suck everybody in. They suck them into the idea that we have to be ATM machines for our districts, and so they focus on the tiny portion of most bills that are earmarks instead of focusing on the policy that is represented by the legislation that we produce.

□ 1815

It's a whole lot more important to know whether we have adequately funded education or whether we have funded the right programs in education and refused to add funding to some of the worst programs in education than it is to know whether a Member got a $200,000 earmark for an after-school center.

I want the public to know all of that. Every earmark I've ever gotten I believe I've put out a press release and talked as loud as I could and tried to get as much attention to it as I could, because I believed in it.

But what I don't believe in is people who walk both sides of the street. I could tell you what they call them in my hometown. The letter begins with W, and I just want to say that I'm going to be very interested in seeing which Members ask for earmarks and which don't, and I'm going to be very interested in seeing which Members vote for the amendment that I intend to attach to every appropriation bill, which would call for a total elimination on earmarks. I want to see how many of you actually vote for it. I want to see how many of you do not give hypocrisy a bad name.

I thank the House for its attention.

Mr. KING of Iowa. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the timing of this discussion, I really asked to be recognized to address the Drake amendment, but as I listened to the chairman of the Appropriations Committee, I think there are some things that we need to take up and add to this particular discussion that he's opened up.

And that is, what do we do about this conundrum of earmarks? First of all, we do have too many earmarks, and I've not been one that's said that that solves our spending problem here, but I think it puts bait out there for people to do things that, first of all, if the bloggers could see the things that are going on, they would weigh in on us, and perhaps that would be some of the regulatory function that the bloggers could perform.

But a couple of nights ago, I sat down and went through two appropriations bills. One of them was the omnibus spending bill for 2005, 1,600 pages; another appropriation bill, 400 pages; all together, 2,000 pages. And I didn't read it all, wouldn't have been possible, but I leafed through that appropriations bill, and I find in there earmarks that wouldn't be identified as earmarks. I find in there language that says this funding shall go to this company as funded in previous years.

And my recommendation to the chairman of the Appropriations Committee, who hopefully would hear what I would have to say, that being a bill I introduced last year called the CUT Act, ''cut unnecessary tab,'' as in a bar tab, unnecessary spending. But what it does is it solves the problem that's been identified here and, to some degree, described by the chairman of the Appropriations Committee and articulately addressed by Mr. PENCE and others here on this floor.

It puts us all up to public scrutiny. Sunlight is the antidote, and we ought to have enough pride in every earmark that we ask for that we would allow the public to see what we're doing with our spending.

And when I look through an appropriations bill, 2,000 pages of them, and I see that even if you knew what you were looking for, you couldn't identify that earmark, you couldn't identify the amount. You might identify the company that it goes to, but unless you had an in with the committee staff and you could trace back through that paperwork, and no one outside this Chamber that I know of can do that without favors by a Member, and a lot of Members couldn't walk in there and get that information, including myself. We need to set this all up for the public scrutiny.

So I spent a couple of years working through my proposal, and I'll hopefully be able to introduce the language again so it's here and goes into this discussion. But the CUT Act makes in order a bill to come to the floor once a quarter that is a rescissions bill and a rescissions bill only. It might just be a blank title offered by the majority leader or the minority leader on the

other side, but every Member could bring an amendment down to that.

And it takes this idea that once you go to the conference report and you offer it to the House and the Senate, up-or-down vote, no amendments, no one can know what's in there and no one can read it all, no one can analyze it if they can read it all, but if we put that all up and post it up on the Internet and let the world look at what we're doing and then bring a bill to the floor that's a rescissions bill and let any Member bring an amendment to strike something like the reference was to the ''bridge to nowhere,'' put that up on an up-or-down vote and accumulate that list of rescissions. Then, in the end, we've got an appropriations process that everyone in this Chamber, no one will have an excuse to say I couldn't find that amendment; I couldn't find that language; I couldn't take it out; it wasn't my responsibility. We all become collectively responsible for every dollar spent by this Congress, and if we do that, we truly have sunlight and we truly have a full responsibility. And that's the step that we need to take.

The rest is rhetoric. The rest is hiding behind one side of political argument or the other, but if we're willing to put our earmarks up for an up-or-down vote and let this Congress go on record for any line item, then we truly have the sunlight on this that we've asked for; and I'd ask that consideration from the chairman of the Appropriations Committee.

The people that want to stand up for reform, here it is, the CUT Act.

And then in the moments I have left, I would add that I stand in support of the Drake amendment. And I grew up in a law enforcement family. You cannot enforce laws effectively if you're going to have local government or State law enforcement that decides that they can't engage in enforcing Federal law or vice versa. This has got to be a kind of working, compatible relationship so that the city police, county sheriffs, highway patrolmen and Federal officers all work in a collaborative arrangement. And we need to have the resources to train those local officers.

When we have people on the streets that are picked up two, three, four, five or six times for a traffic violation or an insurance violation, or in an accident or a minor misdemeanor, and they're released back into society and then someone is killed or someone is raped or someone is robbed from, the price to this economy and this society is horrible and horrendous.

And we can't get government to tell us what those numbers are, but I commissioned a GAO study here that was released in April of 2005 that produced those numbers, and I'll bring those numbers back to this floor.

Mr. HARE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I'm a new Member of this institution. I sat here last night, along with a lot of Members of this body; and on my way, walking to my apartment, I was walking with another freshman Member, and we were talking about what did we just do.

It was what we didn't do. We listened to procedure after procedure, stall after stall, finger-pointing after finger-pointing; and here we were talking about, I thought, an appropriation for something that is incredibly important to this entire Nation. Our national security is at stake.

I'm going to say something also as a new Member. I will comment on the bill in a moment.

I want to commend the chairman of the Appropriations Committee. Quite frankly, he has a much longer fuse than I have. So much finger-pointing going on. I know how much work that he and Representative PRICE and other people have put into these bills.

I'm not an appropriator. I'm a clothing worker, but I'm a freshman Member of this body, and I know finger-pointing when I see it. I know coming to the floor and getting your picture on TV and making sure the cameras hear every word that you say, but I also know the difference between right and wrong. And I will tell you this, Mr. Chairman, last night this was absolutely one of the worst dog-and-pony shows I've seen, and hopefully we will never have to revisit this again.

To the chairman of the Appropriations Committee, let me say, I understand how much work went into this, and to the appropriators, how many hearings went on. I heard about the 3½-month delay that we were blamed about, but the very same chairman of the Appropriations Committee was verbally blasted in this Chamber because he had the unmitigated gall to try to put things in that would give hurricane relief to people affected on the gulf coast, give an opportunity for people to be able to have better lives, a farm disaster, wildfires that we don't have any money for to put out.

How quick we can be to criticize. It's easy, very easy to do.

I'm here tonight to say to this chairman of the committee and to the appropriators, I thank you for the hard work that you have done. We'll get these passed. We have agreed to a rule that opened this Chamber up to allow people to be able to do it, to be able to offer amendments and to come to the floor. I didn't think we offered it so that we could just have a 2 o'clock in the morning marathon, but I was elected to do the work of the people of the 17th Congressional District.

This bill fulfills the commitment to the 9/11 Commission's recommendations. How many years have we been waiting for that, Mr. Chairman?

It provides significant increased support to our first responders, to Customs and border agents and the Transportation and Security Administration. It appropriates $44 million above 2007 to infrastructure protection so communities can identify and assess critical security vulnerabilities. It funds disaster relief to the tune of $1.7 billion so our State and local governments can respond to declared disasters or emergencies.

My congressional district runs almost from the Wisconsin border to St. Louis. I've seen what floods can do to my district. I see what it could do to our farmers and how it can displace people. This bill provides $230 million to modernize and digitize over 100,000 flood maps used to determine rates for the National Flood Insurance program.

And the bill assures the consistent application of Davis-Bacon prevailing wage standards to construction projects funded with Federal grants. By guaranteeing payments of the prevailing local wage rate, this legislation facilitates a better standard of living and economic security for workers, particularly in rural communities and small towns in my district.

I want to close, Mr. Chairman, by again thanking the chairman of the Appropriations Committee. I thank my friend Congressman PRICE for the hard work that he's put in. As I said, these bills will pass, and we will let the people of our district and the people of this Nation be the ones to decide which one of us, which Member of this body, really came here to do the work of the people. I did and so did many, many of my colleagues in this Chamber. But I will tell you what I won't do: I will not go back to my congressional district and apologize for putting in for projects.

The Acting CHAIRMAN. The time of the gentleman from Illinois (Mr. HARE) has expired.

(By unanimous consent, Mr. HARE was allowed to proceed for 1 additional minute.)

Mr. HARE. Mr. Chairman, I'm not going to apologize for trying to keep my arsenal, the 7,500 jobs there that produce armor to keep our troops safe in Iraq. I'm not apologizing for trying to save the community of Galesburg that lost a plant because of unfair trade policies to Sonora, Mexico. I don't apologize for writing things and asking for money. It's the taxpayers' money.

I don't apologize for anything I came here to work on. I will continue to work. But let me tell you, I'm not going to go through another night like I had last night. I'm going to be very vocal, and I'm going to stand up and I'm going to defend the people of this district.

I'm going to defend our leadership because I don't think they need defense, but I think they need to know there are a lot of us that really believe in what they have been doing.

Mr. FLAKE. Mr. Chairman, I move to strike the last word.

I have great respect for the chairman of the Appropriations Committee, and I heard what he said about the position he's in. I don't envy being in that position, to try to wade through 30,000-some earmark requests. As he mentioned, there are some within that

number that will embarrass this institution and embarrass the Members, I have no doubt of that; and I think that's part of the reason that those have not been made public. I think that is the reason that they are kept with the committee.

But we are in a situation now where this well has been poisoned. If we go ahead and go through with the proposal that we simply in August list the earmarks that are being put into the bill, that are going to be airdropped into the bill later, without the ability to challenge them individually, there will surely be accusations, founded or unfounded, that people are being targeted for their opposition to earmarks, to speaking out on the floor, for speaking about them, against them or for them, or people will be favored or not. That's the nature of the game. That's the nature of the political process.

So I think it will be virtually impossible to go through that kind of atmosphere without the process being tainted even further.

I believe the chairman when he says that he hates earmarks. I think if it were up to him, he would get rid of them, and I would certainly support him. I don't think that the Democratic Caucus would allow that to happen because I fear that they believe, as we did as Republicans, that that's the surest path to reelection, that you protect vulnerable Members by giving them earmarks, that you spread it around in ways that you can curry favor with your constituents and your voters.

□ 1830

I think that is a road that leads directly back to the minority, but I wouldn't propose to give advice in that regard. I think that's part of the reason we are where we are today.

But all I know is that, when we have a situation, there is no perfect solution, certainly. We are in a fix now. But a situation where you have a choice of actually putting earmarks in bills with information about who has requested that earmark, what entity that earmark goes to, or balance that against a process where you simply can write a letter to the committee and ask about specific earmarks, I think that we as Members should demand the latter.

I, for one, am not willing to trade in this voting card. This is a card that we all get when we are elected that we use multiple times a day on this House floor. It allows us to register our support or opposition for specific legislation.

I am not willing to give this up for the ability to write a letter to the chairman of the committee or anyone else in Congress. That's a bad trade. I don't think that's a trade that anybody should be happy with.

I am intrigued by the chairman's proposal to offer an amendment on each appropriation bill to strike earmarks.

I would be most pleased if the gentleman would be glad to yield time if he would explain that amendment there is to offer. I will support it. I will gladly support it. So I would love to learn more about it. Perhaps we can jointly sponsor it.

But until then, until then, I think the country deserves to know what's in the bills when we vote on them. We aren't well served with the process, however intended, a process that keeps earmarks secret until a time that it is too late to actually challenge that earmark on the House floor.

So I think that this is a fight that is worth fighting, and I am glad that my colleagues have taken it up.

I support the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the Chair for this opportunity to explain my amendment to H.R. 2638, the ''Homeland Security Appropriations Act for Fiscal Year of 2008.'' My amendment would provide an additional $5 million to FEMA, to support emergency preparedness efforts for vulnerable communities, including racial and ethnic minorities, persons with disabilities, the elderly, and the economically disadvantaged.

My amendment is very simple, but it is extremely necessary. In my own district in Houston, and in communities throughout America, minority, elderly, disabled, and improverished populations have not been adequately prepared for the upcoming hurricane season. Special efforts must be made to engage these most vulnerable members of our communities in vitally necessary emergency preparedness education, training, and awareness.

I am particularly dismayed that these vulnerable populations have not been targeted by outreach efforts communicating the need to prepare for a major hurricane. Hurricanes Katrina and Rita struck some of America's most vulnerable and disadvantaged communities, communities which are just now beginning to find their feet again after these devastating storms. National, state, and local governments have not fulfilled their responsibility to ensure that they are not, once again, left to face nature's wrath alone.

We saw the utter failure of government response 2 years ago, when Hurricane Katrina struck our shores. One Katrina survivor, a resident of New Orleans named Charmaine Neville, told her story in an interview following Hurricane Katrina. Ms. Neville described having no way to evacuate the city before the storm hit, and her feelings of abandonment by the authorities. She discussed her personal efforts, and those of other volunteers, to rescue stranded and vulnerable individuals ''from the hospices, from the hospitals and from the old-folks homes.''

Ms. Neville's testimony is shocking, even 2 years later. She states, ''I tried to get the police to help us, but I realized they were in the same straits we were,'' and tells the story of her personal rescue of 2 elderly women in wheelchairs. Ms. Neville recalls, ''When we finally did get into the 9th ward, and not just in my neighborhood, but in other neighborhoods in the 9th ward, there were a lot of people still trapped down there . . . old people, young people, babies, pregnant women.'' She told the interviewer, ''What I want people to understand is that, if we hadn't been left down there like the animals that they were treating us like, all of those things wouldn't have happened. When they gave the evacuation order, if we could've left, we would have left.''

Another Hurricane Katrina survivor described the situation at a local hospital, where his wife was employed as a nurse, in the days following the storm. ''You can imagine a hospital with 2,000 people and no electricity, water, food, or flushing toilets. Breathing machines did not work. Cell phones did not work. Because the computers stopped working, medicines were unavailable. Elevators in the 8 floor building did not work. We quickly ran out of food because the cafeteria and food were also in the flooded basement. The gains of 21st century medicine disappeared. Over 40 people died in the hospital over the next few days as we waited for help.''

He went on to talk about the evacuation, stating, ''The Katrina evacuation was totally self-help. If you had the resources, a car, money and a place to go, you left. The poor, especially those without cars, were left behind. The sick were left behind. The elderly were left behind. Untold numbers of other disabled people and their caretakers were also left behind. Children were left behind. Prisoners were left behind.''

I believe in an America in which no one is left behind. I believe in an America where these vulnerable sectors of the population are targeted by education, training, and awareness programs; an America in which they receive the tools and resources that they need to survive the next disaster. And I believe that, thus far, federal, state, and local governments have failed to provide this.

In light of this lack of adequate response, dedicated community activists, like Mr. Charles X. White of Houston, have stepped forward to fill this void. Mr. White and his organization, Charity Productions, are working tirelessly to provide much-needed resources for the elderly, disabled, impoverished, and minority communities of Houston. Community projects, like Mr. White's, that reach vulnerable members of our population are particularly crucial in light of predictions of a devastating hurricane season this year.

I saw firsthand the plight of vulnerable populations after Hurricane Rita. During the hurricane, I fielded calls at Houston's Emergency Operations Center in order to facilitate obtaining assistance for elderly and disabled residents. I believe it is unconscionable to, despite the knowledge and experience we have gained in the past 2 years, allow this to happen again.

A major component of hurricane preparedness must be an evacuation plan. In New Orleans, residents were divided between those who had cars and could easily escape, and those who did not. Nationally, African Americans and Latinos comprise about 54 percent of those reliant of public transportation. Blacks are 6 times more likely than whites to travel via public transit.

Since Katrina, cities like New Orleans have made some attempt to address evacuation deficiencies. According to reports, New Orleans has developed a system of bus evacuation; however, managers of the program have released few details about accommodations for those individuals with limited mobility. Matthew Kallmyer, New Orleans' deputy emergency preparedness director, has been quoted as saying, ''Those people need to go ahead and try to make their own plan, of course. At the end of the day, you know you are someone who has a disability. Try to go ahead and find the means to get yourself out or get yourself to one of the evacuation points.''

We have an obligation to provide the American people with a disaster response system that works. We must not allow the lessons of Hurricanes Katrina and Rita to fall on deaf ears. My amendment seeks to fund the groups and programs that target vulnerable communities, to ensure that, when the next hurricane hits, these groups may be adequately prepared.

I look forward to working with the Appropriations Committee, and Chairman OBEY and Chairman PRICE, to ensure language in the Conference Report for H.R. 2638, the Department of Homeland Security Appropriations Act of 2008, which provides funds to FEMA for hurricane preparedness outreach to vulnerable communities.

Mr. OBEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. WEINER, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HARE). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from 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.)

## VICTIMS OF COMMUNISM MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. Mr. Speaker, yesterday was the unveiling of the dedication of the Victims of Communism Memorial here in Washington D.C. It is a replica statue of Lady Liberty, the Lady Liberty that inspired the Chinese students and their fellow people in Tiananmen Square.

It was this period of time in which there was great hope within the Chinese people that their desire to breathe free would finally be realized. Yet that hope, that inalienable right, which we all as human beings share, was crushed beneath the tyrant yoke of the Chinese communist party.

Yesterday, at the dedication of that memorial, to not only those students and those Chinese people, yesterday at that dedication, which commemorated all the tens of millions who have died beneath the inhuman atheistic ideology of communism, the President of the United States made his remarks.

I wish to say that I have an enormous amount of respect for the President. He has been a steadfast leader, and I believe he is a good man, but I am saddened by the fact that he missed the opportunity, not to simply and nobly and necessarily commemorate the victims of communism and the triumph of liberty in parts of the world over that invidious ideology, but he missed the opportunity to issue a clarion call for the American people and all free peoples in our world to summon the courage to call for the end of communist regimes that still exist in our midst, Communist regimes from North Korea, to Cuba and, obviously, to Communist China.

For it is easy for people to believe that we had reached the end of history, to view communism as an ideology that is no longer a threat to our freedoms, our way of life and to the way of life to all people, yet it is.

When the Cold War ended, we had won the European theater of the battle between freedom and communism, and, yet, hundreds of millions across the globe remained enslaved. It is too little to say to them, good luck finding your freedom. If, we as a free people, are a beacon of hope to all humanity, we must also accept the responsibility that we bear to do everything within our power to ensure that our fellow people have the opportunity to enjoy their freedom, for they are equally God's children, as are we.

So I would suggest to the President of the United States that he recall that the struggle, what John F. Kennedy called the bitter twilight struggle between freedom and communism is not over. It is not time for a victory lap. It is time for a rededication of ourselves as a free people of a Nation conceived in liberty to continue our historic and our moral mission to emancipate all humanity from this insidious ideology.

For we are a revolutionary country by birth, and we must remain a revolutionary country in present. If we fail that mission we lose part of ourselves, not only our legacy but the legacy we must leave to our children and to all humanity.

In conclusion, I would urge the President of the United States to realize that the victory over communism is not complete and that we as Americans must continue to be champions of human freedom in our world.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

(Mr. SESTAK 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 Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

(Mr. SOUDER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

(Mr. GINGREY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## 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. Mr. Speaker, it's an honor to come before the House, and we know that we have been working very hard over the last couple of days in trying to move these appropriation bills. I hope that we are successful and on schedule in moving these bills, because the American people deserve it.

Also, as you know, when the 30-Something Working Group comes to the floor, we share the latest numbers out of Iraq. Unfortunately, they have gotten greater than they were before as it relates to casualties. Total deaths in Iraq at this time stands, as of 10:00 a.m. on the 7th of June, 3,490; and wounded in action and returned to duty, 14,208; and wounded in action and not returned to duty, 11,622.

I think it's also important to know that when we moved the emergency

supplemental act or bill, those two amendments did the following, one, provided those that are in harm's way with the necessary MWRAP vehicles that they needed for protection against IEDs, which is one of the main reasons why we lose men and women in Iraq.

It also set forth the benchmarks that we know that there will be two reports by September that will come before this Congress and that the dollars that are only troop essential, only for troops and not for the actual mission, will be taken under serious consideration.

I say, Mr. Speaker, that it's important that we have a bipartisan approach as it relates to looking at these two reports that will be given to us.

The only way we're able to find our way out of Iraq any time in the very near future is through a bipartisan spirit. I think it's important that we talk about this from a leadership standpoint.

To get out of Iraq and do the things that we need to do to meet the needs of this country, it's going to take courage; it's going to take leadership. I am not just talking about the elected leadership in this House on the Republican side or on the Democratic side, I am talking about leadership on behalf of the Members of this Congress in a bipartisan way from east to west, from south to north.

□ 1845

We have accomplished bipartisanship in the past on major issues that have come before this Congress. And many times I speak of the fact that it was the Democratic leadership that brought these issues to the floor, and we knew all along that a number of our Republican colleagues wanted to vote on these issues. But, now, in the 110th Congress we've provided an opportunity for them to do so. This is not a follow or lead kind of situation when it comes down to the safety of those that are in harm's way.

And I just wanted to also mention, not only the benchmarks, not only the reports and the debate that's going to be coming up on this floor between now and September, but also what took place in that other amendment, the full funding for the gulf coast area as it relates to Louisiana, Mississippi, even Texas, Katrina, Wilma, and Rita, funding that has been clogged up in this process for a very long time.

But I want to thank those that were very courageous in hanging in there and making sure in the bipartisan way that we passed that legislation to help those Americans that count on us to stand up on behalf of their needs as a country.

Also, I think it's important that within that legislation, that emergency supplemental that passed through, off this floor, in a bipartisan way, waived the 10 percent Stafford Act, which I recently heard my good colleague and my friend, the majority whip speak in a very eloquent way about this recently, Mr. CLYBURN.

9/11, the 10 percent requirement local match for Federal dollars in the Stafford Act, that's when Federal dollars are given to locals after a disaster, that the 10 percent match was waived. New York did not have to carry out that match. Even my very own community in south Florida, when Hurricane Andrew hit, that 10 percent was waived. And a number of other natural disasters, in California, one earthquake was 10 percent, was waived.

But until we had the strong leadership here in this Congress to even bring this issue to the forefront, because the administration did not want to deal with this issue, that it was brought to the floor to waive the funding for the people of New Orleans and the people of the gulf coast and all of the small parishes and cities in between. I think that came to some sort of number of 3.6-something billion, somewhere in that neighborhood, and that match alone saved the City of New Orleans, a little bit under a billion dollars with the 10 percent on that number.

I think it's important to understand that when we work in a bipartisan way, we can get things accomplished.

Now, could that have passed with just Democratic votes? Of course it could have. But there are less than 100 votes against us from sending those emergency dollars, not only to those victims of Hurricane Rita, Hurricane Katrina, Hurricane Wilma, but also it allowed us to have the opportunity to be able to stand up on behalf of the children without health insurance.

When I talk about bipartisanship and tie Iraq into that equation, I think it's important for me to pull the evidence out of how we've worked together under the democratic leadership in the House and bringing issues to the floor that we can be Americans on, not just Democrats and Republicans.

Implementing the 9/11 Commission recommendation, H.R. 1, passed with 299 votes, and with 68 Republicans voting in the affirmative with Democrats.

Raising the minimum wage, H.R. 2, passed 315, with 82 Republican votes, and the rest, a supermajority of them were Democratic votes.

Funding to enhance stem cell research, 253 in the affirmative, 37 of those votes were Republican votes.

Making prescription drugs more affordable for seniors, 255; 24 Republicans joined us in that effort.

Cutting student loan, low-interest rates in half, H.R. 5, 356 votes; 124 of those votes were Republican votes.

Working in a bipartisan spirit, creating a long-term energy initiative as it relates to making sure that we're able to invest in the Midwest versus the Middle East, 264 votes, which is H.R. 6, with 36 Republicans joining us in that effort.

I think it's important to know that, and that was just in the Six for '06. But I think it's important for the Members to understand that it's important, and as we approach these reports and these benchmarks and the things that the Iraqi Government must do to be able to continue to receive, even beyond the 3-month funding that we've put in place until September; I want the Members to pay attention to these reports as they come before the Congress.

I want them to pay attention to the debate that we will have next month on this issue, and vote as an American, not as someone as a Democrat or Republican. I just want the Members to be able to understand that the Democratic leadership is providing this opportunity for us to come together as one on behalf of those that are in harm's way.

I think it's also important for the report that comes in in September, and I will tell you as a person that's paying very close attention to this, let alone, Member of Congress, I don't know if the report is going to be much better than what the situation is right now, but if there's a process to get our men and women out of—our combat troops, I must add, out of Iraq, going door to door, kicking in doors, 3:00 searches to bring about security in an area of Iraq or Baghdad itself, we have to allow the Iraqi Government to be able to do those things on behalf of their country to be able to carry out those security missions.

And I will tell you, someone that has, you know, children and, hopefully they will have children, and as we move on to future generations, I think it's important for us to understand that there has to be some point in this war where we give a supermajority of the responsibility of security to the Iraqi people.

I think it's very, very important that if we don't live by the rules that have been put forth in these benchmarks and the benchmarks that was in the emergency supplemental, and if we don't treat these two reports to Congress as Members of Congress versus a member of a given party, then this whole process that we set up to be able to give the administration an opportunity to share not only to the world, but to this Congress, that our mission there is still needed for security of the Iraqi people.

I think it's very, very important for us, because, you know, it's good to say, well, you know it's good to make sure that families are secure. But it's counterproductive in many ways. And Madam Speaker, I think it's important that we really reflect on what are the positives and the negatives.

Well, let me just talk a few minutes about the possible positives, making sure that we can help for a longer period of time the Iraqi Government to be able to secure itself and stand up on its own two feet, have the kind of democracy that's good for Iraq, probably not as good for the United States, but good for that area of the world. And there are some other countries and people are saying, Good job, United States. Those are the possible positives.

Let's talk about the negatives just for a minute; not to say that there

aren't other positives that are out there, but I don't want to take too much time on this particular point.

The negatives: The negatives come in a package that many of us cannot comprehend. And I know a number of Members have not taken the privilege that many Members that are from the national security arena or serve on the committees, but I welcome the Members to go to the Pentagon, or I welcome the Members to get the kind of briefing that many of us have received here in Congress about what our men and women are doing in Iraq.

Well, it goes something like this, or you can just watch any of the cable news shows and it'll show you exactly what they're doing. Many times, as it relates to these security missions, because there's a civil war that's going on right now in Iraq that our troops are in the middle of, they have to carry out security missions. And in those security missions, many times, locks and deadbolt locks on doors are kicked in, and it's not at a reasonable hour when folks know when you're coming, house search, looking for insurgents. 3:00, 4:00 in the morning, families are brought into the middle of the floor, flashlights are shining in their face.

And I will tell you this: Someone that's living here in the United States, if something like that was to happen at my home, I'm pretty sure that all involved would never forget the event.

It's motivating our actions there of fighting on behalf of the Iraqi Government and the people and trying to keep the peace, even though we're all well-intentioned, and our purpose is not to harm individuals, but as you look at it, it's one of the things that kind of come along with security in that part of the world. And it's necessary as long as we're there. And that's the reason why we have to get our combat troops out.

Just like many Americans were super-motivated after 9/11 to go to either one of our Armed Forces offices to sign up to join the military and go to Afghanistan, these young men, mainly, and women, are signing up to join the jihad against the United States of America in a radical way. And it doesn't make sense to a lot of us, but all they remember is that someone who had a U.S. flag on their shoulder kicked in their door, and instead of bringing the peace, and instead of us getting the kind of rose petals and seen as liberators; and as it was explained to us by the administration and by many of the folks that came before the Armed Services Committee, I think it's important for us to understand that the negative is the counterproductive action that is taking place now that's putting us in a situation that we've never been in before, where we have other countries questioning our motivation for being in Iraq.

So I want to make sure I'm saying it in a very plain way, because I'm not trying to get into acronyms and trying to head into an area that many Members, because you don't serve on the area or the subject, or you haven't served professionally in the Armed Forces, or you haven't been in a command position, I'm not talking—and I haven't either, but I want to make sure that we all understand, because I think the coming days and the coming weeks are going to be very, very important to not only the future of Iraq, but also the future of our country. I want to make sure that we have an opportunity to talk about some other issues here today.

But I wanted to recognize my colleague from Pennsylvania, who is here to not only talk about this issue, but other issues that may be facing the Congress.

I yield to the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Thank you for yielding. I wanted to also speak about Iraq and our U.S. security.

I've always felt that Iraq is a tragic misadventure. I can remember being on the ground for just a short period of time, 2 months after the war in Afghanistan began, and I saw what needed to be done. I brought an aircraft carrier battle group back, 30 ships, 15,000 sailors, Special Forces, SEALs, Marines. And then I went back on the ground 18 months later in Afghanistan and I saw what had not been accomplished because we diverted our attention, our resources, Special Forces, psychological forces, civil affairs forces to Iraq.

I have always believed that not only is Iraq a tragic misadventure, but there is a strategy by which we can redeploy out of Iraq and not leave a failed state.

□ 1900

I have never believed in doubling down on a bad bet, and that is what we have done by this most recent surge of forces into Iraq. The last 2 months have proven that. We have had more U.S. casualties among our forces than any 2-month period back to 2004.

There is only one solution to Iraq, and that is not by continuing to flow forces there. It is by setting a date that is certain, a specific date by which everyone knows we will redeploy out of Iraq. I believe that this date certain, much like a tax policy here in the United States, is something that can begin to change the structure of incentives within Iraq and about the surrounding countries so that their behavior in Iraq, as well as in the critical Nation's of Iran and Syria, changes. If we are to set a date certain, the Iraqis will begin to understand that no longer will we continue to provide a political and a military cover for their 32 ministries in their government, that each is headed by an individual that is bent not upon Iraqi ambitions but personal ambitions to ensure that they consolidate as we provide them cover for their personal fiefdoms. We should let them know that we will no longer let them pursue these ambitions; that they must step up and assume personal, professional responsibility for the challenging political questions that must be addressed.

When Senator HAGEL and I went together to Iraq, we had the most senior Shia and Kurd leaders tell us that the reBaathification law, which would welcome back in the Sunnis, was something that was not only not important, but in their minds, it was appeasement. When will they begin to make the political decisions, to make the political accommodations to begin to reconcile their country so there can be stability? A date certain, at a certain length of time, my bill has said, for the last 4 months, at the end of December, is the one remaining leverage that we have in that region to also turn to Iran, who is involved destructively with Syria in this war, making us lead profusely while we are there, to change their incentives so that they understand that if we no longer keep this top on a simmering pot, that they will have to deal with the stability that will ensue.

There are 4 million Iraqis that have been dislocated from their homes, 2 million of which have overflowed the borders. The Iranians and the Syrians do not want to have the remaining refugees come over their borders so that they have to deal with that instability. And, second, they do not want a proxy war between these two allied nations, Shia, Iran, on the one hand; and Sunnis, Syria, on the other, as they then would be left fueling different religious factions, a proxy war between themselves if we are not there. If the United States has the confidence to lead not just with its military but with diplomacy in that region, bringing Syria, Iran together to understand that the term ''insh'Allah'' that is so well known in the Middle East, God willing, tomorrow, will no longer be accepted by us. Give them a date certain by which we should redeploy, because we also need to remember the length of that time cannot for us be tomorrow.

It took us 6 months to redeploy out of Somalia with a much, much smaller force. In Iraq, we have 160,000 troops and over 100,000 U.S. civilians. It will take us some months. But under a date certain, we can leave behind a strategy that can leave an unfailed state as we redeploy within that region to our bases in Oman, Qatar, and Bahrain, carry a battle group into Afghanistan and many to come home because we have an army that does not have one unit that is ready to deploy anywhere in this world from home because they are in such a low state of readiness.

As I conclude, I ask this Congress, the Democratic party, to ensure they pursue the strategy that will leave not an unfailed state but a state that is stabilized to some degree as we work with the regional nations to also understand to never again put our troops between us and the President.

Being in the military has the dignity of danger. It is a dangerous business, but it doesn't have to be unsafe. We must do this on an authorization bill, not an appropriations bill. The moneys

should flow for the safety of our troops as we do an authorization bill, set a date certain, 6, 9 months from today, and safely redeploy our troops as the one remaining leverage for those nations in that region to come together under U.S. confidence so that we can leave that nation, build up our strategic security again and focus on the rest of the world and here at home. And I am very grateful for the time.

Mr. MEEK of Florida. Madam Speaker, I thank my friend from the great State of Pennsylvania. I think it is also important.

It is also important to recognize those that have been in the field. Like I said, I personally haven't, but I am a Member of Congress, and I do pay very close attention to what those that are in the field have to say about what is happening in the field and also with the administration. And it has been a great discussion.

One would say, we have a Democratic House, and we have a Democratic Senate. Why can't we bring about an end to this war? Well, I will tell you one thing: It can't be without effort.

We have talked so much, Madam Speaker, on this floor about Iraq that it is almost like Iraq, Iraq and that other issue, Iraq. And I think the reason why we have talked about it is the fact that we know that we have to bring an end to what we have presently in Iraq right now. And just like my good colleague from Pennsylvania said, it is going to take time. I mean, it is almost like when you are moving out of a neighborhood or out of a house, you just can't do it in a day. It is going to take time for you to pack and do the things that you need to do, and that is even more difficult when you start looking at moving brigades and battalions and also assets.

I want to just go through, Madam Speaker, the time line because I want to make sure that Members know that many of us here on this floor have done our due diligence in trying to get ourselves out of this situation. And we know, as it relates to the timeline, and I already talked a little bit about the benchmarks, but in February, there was a vote on this floor, which was a nonbinding resolution, but it sent a very strong message to the President of the United States that we did not stand with him as it relates to the surge technique that he came up with or the escalation of troops, as I call it, in Iraq. The Congress voted in the affirmative philosophy saying that it would actually work. That is one. It happened in February.

Also, there was also a resolution that imposed restrictions on the White House to responsibly begin a withdrawal of U.S. troops from Iraq. That was another vote that took place here on this floor, which then the President vetoed. It passed the House, passed the Senate, and he vetoed it. Then there was a big meeting at the White House of Republicans and the President, enough Republicans to assure that the Congress could not override the President's veto. I think 1 day or 2 days after that, I think, we remember everyone kind of came out in front of the White House, and they said, ''We support the President.'' And I am talking about the Republican conference in the House, mainly House Members, and they said, ''We will not participate in the overriding of the President.'' We know that took place.

But still this Democratic House, along with the Speaker and I would even add maybe a couple of Republicans, and I am not sure, so don't quote me on that, voted to override the President's veto. And we failed. We did not have enough votes to do it. Why? It wasn't because Democrats went south on us or they didn't vote to override the President's veto. It happened because we didn't have the votes. We didn't have the bipartisan spirit that we needed to make it happen, and it did not happen.

Also, when we look at the force protection and when we look at the things that our men and women have, I would say it was a courageous vote if you voted for the supplemental or you voted against it. It was courageous. And, also, I think it is important for us to understand that many of the issues that we are facing right now and our troops having what they need through the Defense Authorization bill; we imposed the readiness standards on the Armed Forces and making sure that there are standards. We knew. We took this from the DOD rules, but no one wanted to enforce it over there. We voted for being responsible and complete as it relates to the redeployment of our troops and to be able to withdraw our troops again, a vote that received 171 votes. Many of the members of the Out of Iraq Caucus and others spearheaded that vote. And I voted for it. I think it is important for us to understand that that time has now come. So we have to get that process started.

One may say, well, why don't we stop? Well, the reason why we had to make sure that the men and women have what they needed, and no one wants anyone in the field not having what they need, is that we do have a political battle going on here and we do have a political impasse that is going on right here between the administration, members of the Republican Party that are in the U.S. House of Representatives and Senate, and it is important that we get past that impasse.

And that is the reason why, Madam Speaker, when I started out here today in this Special Order, I said it is going to take the bipartisan spirit that we had in the Six in '06 initiatives. It is going to take the bipartisan spirit that we had on the two emergency supplemental amendments. It is going to take that bipartisan spirit for us to get there.

Now we have these benchmarks. Now we have reports that are going to have to come before Congress. And I am asking the Members to not look at it as a Republican or a Democrat or I am a real Republican or I am a conservative, a liberal Republican or a moderate or a conservative Democrat or a moderate Democrat. It doesn't matter. You have got to look at it through the eyes of being an American. And I think it is very important that we realize that, come the dates of the benchmark, when the reports have to come before the Congress, which is July 15 and September 15, that action has to be taken, and there will be other votes that will be coming up. There will be votes that will be introduced in September to deauthorize the war. That is not a secret. I will say it right here. It is going to happen. So do your reading. Do your research. Do your soul searching. Talk to your constituents because the bottom line is it is what it is. It is what it is. We are in the middle of a civil war in Iraq. And I don't need to even go back to the whole thing about Iraq originally having nothing to do with 9/11. We all know that. I don't even need to go back to the fact that we were told and the country was told about weapons of mass destruction, and there were no weapons of mass destruction. We all know that. I don't even need to go back to the administration, the Republican leadership at that time, saying we will use the revenues from oil in Iraq to be able to fund the war, and we will be greeted as liberators, and it will be the best thing since apple pie and Chevy trucks. We already know that, and I don't need to go back there and elaborate further on those issues.

A lot of folks like to talk about the past. Someone took a vote a couple months ago and has got a problem with that vote. Well, that's fine. You can have a problem with that vote. Let's talk about the votes that are coming up. Let's talk about the benchmarks where one has to report before Congress. Let's also talk about July 15. Let's talk about September 15. Let's talk about what is going to happen when the 3 months of authorization or funding that was given in the emergency supplemental, let's talk about that. Let's talk about looking at a step-by-step process to deauthorize the war in Iraq. Let's talk about those issues. Let's act on those issues.

And to those that believe that this war should have ended yesterday and that it has not ended yesterday because there is not enough leadership on the Democratic side to make it happen, well, look at this and listen to this: There wouldn't even be a vote on the floor if it wasn't for the Democratic leadership bringing these issues up. It wouldn't even be in the newspaper. It wouldn't have been considered. There wouldn't have been a number of hearings that have been held in the Rayburn building, the Armed Services Committee and in the Foreign Affairs Committee and the Appropriations Committee.

□ 1915

We have already surpassed the hearings on Iraq and all of those committees in this Congression alone, and we're not even past 7 months yet. So, for those that are saying well, what is the House doing and what is the Senate doing? Understand this; in the Senate, it's hard to even get the votes to even get half of the stuff that we've done here in the House, not because the will is not there, it's because we don't have that bipartisan spirit that I spoke of.

I think it is important here in this House that we realize, I mean, last night was a perfect example, that we have to work in a bipartisan way if we're going to stand up on behalf of the American people. We may have impasse, but we've got to get beyond that. We've got to make sure that we run this House in a way that the American people can be proud of it.

But, you know, it's one thing about procedural motions, Mr. RYAN, my good friend from Ohio, and it's another thing about action. And because so many American lives are in jeopardy in Iraq right now in the middle of a civil war, we don't have enough time to play politics here in Washington. The only thing that we have to do is to allow our troops to have the kind of representation, and their families, here in this House and over in the Senate and in the White House that will eventually reunite those families with their fathers, their mothers, their sisters and their brothers. There is a process. The name of this action of getting out of Iraq is not checkers, it's chess. We have to think about it and it has to be thought out.

We're not trying to microwave major decisions. But I can tell you, we don't have enough time for those who want to play ''operation run the clock out'' and see how long can we go until we get that end date. My good friend from Pennsylvania was just here saying that there has to be an end date. On the lease of a car, there is a date that you've got to return the car back in. On a loan, there is a date that the loan has to be paid off. There is a date that it has to be paid.

Mr. RYAN of Ohio. Will the gentleman yield?

Mr. MEEK of Florida. I will yield.

Mr. RYAN of Ohio. The opposite of that, if there is not a date certain, that means that there is no end. And quite frankly, if there is no end in sight, how do we expect the Iraqi troops to get trained and to actually stand up if they think we are going to continue to be there? You know, it's like raising kids, at some point they've got to leave the house. They've got to stand up on their own. They've got to go pay their own rent, their own cars, their own insurance and everything else. I think that is what we are trying to communicate. We're not saying we want an end date just to have an end date. There is a reason. I think it is important for the Iraqis to know that the American people are not going to support this forever, and they need to stand up, regardless of what side you are on on the vote a few weeks ago or at the beginning of the war.

I want to talk about what happened last night and today on the House floor and what bill we were trying to pass. As most people know who are paying attention to this now, we have a procedure here where we bring a bill to the House floor after it goes through the committee process. And yesterday it came to the House floor and it was what we will call an open rule, so anyone can offer an amendment. There were over 140 amendments to the Homeland Security bill. And our friends in the minority who used to run the Chamber, Republicans, Madam Speaker, were frustrated about earmarks in the congressional process, and so they were protesting this bill. They kept invoking a motion called a motion to rise, which basically ends debate on the bill and on the amendments and stops the process. They did this, I think, nine times last night, and debate went until 2 in the morning.

I share this with other Members and those paying attention, Madam Speaker, because they, in essence, filibustered the Homeland Security bill. And it is important for us to recognize what this bill does. This funds the Homeland Security Department. I want to go through this because our friends filibustered more border patrol agents, 3,000 that the Democrats were trying to fund and get to the border so that we can secure our border.

Now, we hear from our friends on the other side about border security, about illegal immigrants, about all of this stuff that they keep talking about about illegal immigrants and terrorists. Last night and today, Mr. MEEK, we tried to put 3,000 Border Patrol agents on the border, and they filibustered the bill. So we have not had a vote on this bill. It has not passed the House.

We had money in here for first responders, for our firemen, those people who would arrive on a scene first in the most critical time in the most critical positions. They filibustered that. So this bill did not pass the House.

We have equipment and technology that will allow us to keep our ports safe and to monitor what is coming into our ports and detect possible attacks on the United States; the Republicans filibustered that. And this bill did not leave the House floor today as it was scheduled. State grants for law enforcement, $90 million, urban area grants. The list goes on and on. Transit grants; emergency management perform grants; fire grants; metropolitan medical response grants; interoperable communication grants; port security grants; REAL ID grants; explosive detection systems; air cargo explosive screenings. It did not pass the House because the Republicans filibustered the bill today. You know why? Because of earmarks. And you know what? There wasn't one earmark in this bill, not one; not a Democratic earmark, not a Republican earmark. It was pure politics today on the House floor, Mr. MEEK. You know it, I know it, they know it. And who suffered through all of this? The American people.

Let me make one final point before I volley it back over to you. The National Intelligence Estimate stated last year that the war in Iraq has created more terrorists around the world who hate America. Okay. So whether you were for or against the war in Iraq at this point is irrelevant, really. What are we going to do now? Well, the National Intelligence Estimate has said that there are more terrorists who hate America now. So now there are more terrorists out there than there were before, around 9/11, that are going to come to America and try to harm us.

So, in order to combat that, the majority of the Democrats are saying, why are we fighting this war in a country that had nothing to do with 9/11, was not harboring terrorists, was not the Taliban, right? And we have this war going on. Democratic philosophy is, fund the Homeland Security bill. Protect our ports; protect our borders; fund our first responders. Let's put some money so we can have more Arabic-speaking translators so that the stuff we are pulling down off the satellites we can translate. Right now we don't even have enough translators to translate the tapes that we are taping from the satellites from terrorists around the world.

Let's be smart. This isn't 1940. You don't drop big bombs anymore. Everything is decentralized; it's more delicate, it's more complicated. It takes a more complex constructive debate, not filibustering the demagogue earmarks in a bill where there are no earmarks.

I thought what happened in the last 24 hours has been a real disservice to the American people, and I think it continues to point out why they had a change of heart in the last election.

A couple of the comments that I would like to respond to, Mr. MEEK, that were made today and last night. First of all, we hear a lot from our Republican friends, Madam Speaker, that the Democrats are fiscally irresponsible, okay? Which holds absolutely no water.

Mr. MEEK of Florida. Will the gentleman yield?

Mr. RYAN of Ohio. I would be happy to yield.

Mr. MEEK of Florida. Mr. RYAN, I always get into this thing that I don't even like to say what they say because it's just so, you know, it's almost like because they say it, I guess that it's supposed to be true. It is so far from the truth. It's almost like if you get a letter and you say, wow, in this letter it says that the rain goes up from the ground and into the sky, let me go outside and check. I mean, it's so funny. I mean, you know the rain comes down, so why do you have to check their point that it goes up?

You know, I came today, Mr. RYAN, to talk about and hopefully provide

some verbal leadership in a bipartisan spirit, because if it was just politics I would say, well, Republicans keep doing what you're doing and we're going to keep doing what we're doing and we will see next November how the people feel about it. You continue to dig the hole. But you know something, Mr. RYAN? The difference between politics and what happened on this floor last night and today is the fact that American lives are at stake.

Mr. RYAN of Ohio. That's right.

Mr. MEEK of Florida. It's not politics. This is blood. It's family. You know? And it's very, very important that we all understand our responsibility.

I also think, Mr. RYAN, as you go on to speak in a very forceful way, and I am glad that you are doing that, as a member of the Appropriations Committee, that if we are going to get through this process we have to think about the institution of the House of Representatives.

Now, I am not a Member of Congress with a conspiracy theory, but the last time we were in control, all of the appropriations bills passed the floor and went through the process, conference and everything, on time. It wasn't continuing resolutions upon continuing resolutions upon 3 more months of a continuing resolution and say, oh, my goodness, we're into the following year. It wasn't that kind of effort. It was running the government like it is supposed to be operated.

We came in here this week to complete how many appropriations? Four, five appropriation bills? Four appropriation bills. And now we find ourselves behind schedule. We find ourselves in a posture that we did not plan to be in, and that's running behind, not because the will wasn't there on behalf of the committee, not because the staff didn't do what they were supposed to do to prepare the necessary bills to move to the floor and through committee and through subcommittee, it's because of the procedural moves that some Members of the House, Republicans, use.

Mr. RYAN of Ohio. Will the gentleman yield?

The arguments we were hearing today from our friends, two things that really struck me as funny, actually, it was so outrageous, one is, we are not fiscally responsible, Madam Speaker. That was the first argument is that we're not fiscally responsible. This is coming from a party who, in the last 6 years, Republican House, Republican Senate, Republican White House, borrowed more money from foreign interests than every President and Congress before them combined. Now we are going to get lectures on fiscal responsibility. Borrowing money from China, Japan, OPEC countries, South Korea, the list goes on and on. And we've only been in charge 5 months. We haven't even passed a bill yet and now they're saying we are fiscally irresponsible. It doesn't hold any water.

And then the other comment was that we are not spending the money properly. This is coming from the party that has been running the war in Iraq, where they are giving more money to Halliburton. Halliburton has already been fined for marking up food, trying to basically war profiteer off of what's going on in Iraq. The Pentagon lost a trillion dollars and nobody even knows where it is. And we're going to get lectures on how we are spending our money. Same group of people who oversaw Katrina, the disaster where people were dying because of the poor investment, poor management, poor execution, poor planning of this administration with a Congress that provided zero oversight, we are going to get lectures on how to spend money and how to run government. Doesn't hold any water.

Now, here's why I think, and I'm going to get out here on a limb here a little bit, Mr. MEEK. Here is why I think our Republican friends are trying to filibuster and distract and throw up red flags and put some smoke into the air to try to distract, and mirrors, just to try to get everybody thinking differently.

□ 1930

Here is why I think. I want to just briefly review what we have done with our budgets out of committee. Some haven't passed yet, but some are on their way, and we are going to get these through, because the American people deserve it.

Our veterans budget, Mr. MEEK, was the largest, and we all know the veterans' problems across the country, we don't have to outline them, the largest increase in veterans spending in the history of the VA. Our veterans who come back home will be taken care of.

Saying that we support our troops is not a punchline for us. It is something that we take to heart. Budgets are about priorities and values, and in our budgets we have the largest increase for veterans. We have programs that are funded in there for brain injuries, for posttraumatic stress, to make sure the drug supply stays safe for our veterans, and on and on and on. We fixed the Walter Reed problem, rehabilitation, prosthetics. Everything that is needed for our veterans, they got.

In the last 21 years, there has been a small coalition of veterans groups who have their own little budget that they submit to Congress. Never before has Congress met what they wanted in their budget, until this year. We not only met it, we surpassed it by $230 million. We went above and beyond even what the veterans groups were asking for, because that is the commitment that we have.

With that coming down the pike, if I was in the minority and been in charge for 16 years or 14 years and had a President, a Republican President, and didn't deliver on any of that, I wouldn't want to talk about the Democrat's success either. I would want to start all kinds of other fights and filibusters and do everything else.

That is just the beginning. In the education bill, we increased the Pell Grant by $600 or $700. In Ohio, for example, where Governor Strickland now passed a budget where there is a zero percent increase in Ohio college tuition next year and a zero percent the next year, it used to be 9 percent and 9 percent, you take that, if you are a student going to school in Ohio, you go from 9 percent increases to zero percent increases and a $700 bump on your Pell Grant, that is a tax cut for average families.

We have increased Community Health Centers, so poor and middle-class people can go to a Community Health Clinic, by $400 million. Thousands of people in America who didn't have access to healthcare will now have access to it, at least through a clinic.

EvenStart, Head Start, after school programs, all funded with increases from the Democratic Congress. We passed the minimum wage, Mr. MEEK. We passed a $200 million-plus investment in alternative energy resources and research.

Now, I am done, but I just want to make the point that with all of this positive news going on, Mr. MEEK, I wouldn't want to talk about our budgets either. I would filibuster anything to prevent the Democratic Congress from passing these bills, taking them to the American people and campaigning on them next year.

Mr. MEEK of Florida. I think what is important, Mr. RYAN, is that we look at this thing for what it is, we look at it for what it is, and we let it be known, because you know, it takes us a little while, Mr. RYAN, to kind of get ourselves in the grove of really talking about the situation at hand.

The situation is, unfortunately, politics is overruling the governance of this country. It is almost like having someone at the dining room table, Mr. RYAN, that will continue to be disruptive when you are trying to have a decent conversation at the table.

Now, let me just tell you, last night about 11 p.m., it was very interesting to hear some of the debate, about, you know, it wasn't about the fact that there was a lack of border agents in this bill or ICE agents or there was a lack of homeland security equipment to follow up on all the 9/11 recommendations. That wasn't the argument. It wasn't an argument that we were being weak on something. The argument was all about, well, you know, somebody told me that this is the procedure and I disagree with the procedure. This is the homeland security bill, and as we started to go through the process of showing that Democrats can govern, it was, well, how can we disrupt that process?

Now, there are two things, Mr. RYAN, when you were talking that came to mind. The President has said, as a matter of fact, he hasn't said it, he sent a

letter to the Speaker saying that if you send me a bill that is over the budget that I sent you, then I am going to veto it. That means if we have any great ideas as it relates to doing something about healthcare in this country, the President is saying I don't want to hear it, because it is not in my budget. So shall it be written, so shall it be done.

I know the President is a little spoiled. I know he is accustomed to having certain things from the rubberstamp Congress and all, and this is a new kind of thing for him and the administration. But I think it is important that we pay very, very, very close attention to what is happening as we start to think about democracy.

Now, to say you are going to veto something, that means two things. This is speculation, maybe. Our colleagues on the other side of the aisle are saying, let's slow this thing down a little bit, because we get all of these bills passed, which they will pass, and then it goes to the President and he starts to veto these bills. Then they call us on the next day, the President, ''come down to the White House,'' like they did when we passed the emergency supplemental, putting not only dates of redeployment, but also benchmarks, and if they weren't met, then redeployment would start automatically, and then had an end date as relates to making sure we get a majority of our combat troops out of Iraq. He called the Republicans down to the White House and they said, we are not going to override you. Okay.

Will they do that, or can they do that, Madam Speaker, when it comes down to education? Will they do that or can they do that when it comes down to homeland security? Will they do that, and when I say ''they,'' the Republicans, stand with the President when it comes down to the largest increase in the VA history? Can they stand with the President to withstand an override or to help him withstand an override? That is the problem.

So as we start to look at this issue and as we start to march down the road of responsibility and moving this country in a new direction, that is what the people voted for, and, guess what? Some Republicans were elected on new direction too. Folks wanted a change. They wanted to come to Washington and do what they needed to do. Independent thinkers.

It didn't look like that last night. It looked like, you know, well, the leadership has told us this is what we have to do, and if we have to be here and the sun is going to rise, that is fine. We will be here.

I voted against rising last night. It is already on the record. It was on the board. I voted against it, because I didn't believe that it was right to allow anyone to do what they were doing to the level that they were doing it. That is fine.

The Democratic side, we have done motions to adjourn, done motions to rise. But, guess what? One or two or three times, maybe. But when you start making history, and I haven't checked, maybe I need to check with the Clerk's Office or the Historian of the House, of double digit motions to rise in the middle of the night, that is something that we must question.

So, Mr. RYAN, as we start to focus on this issue of the true motivations of what is happening with these appropriations bills, I think the Six in 06 was a little bit too much for the Republican minority to swallow and go home and explain. And I think because there has been a date certain, again, Madam Speaker, it is interesting, we have a date certain to pass these bills off the floor, I think that they don't want to go home the 4th of July weekend and start to explain why they didn't vote for the largest increase in VA history, why they didn't vote for education and healthcare for our children, why they did not vote to protect our environment, why did they did not vote as it relates to the issues of transportation and infrastructure, and why, you know, Mr. RYAN, in closing, I take that from you, sir, why did we continue to stand with the President to withstand an override, because the President has said I am going to veto any bill that comes to me $1 over the budget.

Now, here is the President that has sent us into a free-fall as it relates to deficits as far as the eye can see and record-breaking borrowing from foreign nations, higher than it has ever been in the history of the Republic. This is coming from this President. It is coming from the administration and the minority that was in the majority in the last Congress and the Congress before that of borrowing money in a rubber stamp fashion.

I just want to say that, because we have to figure out who is the pot calling the kettle black.

Mr. RYAN, we are brushing up on the last minute. I am going to yield back, and then you claim the time and we can go from there. You will have time.

Madam Speaker, I want to thank the leadership and also the Members for allowing me to serve, and I yield back the balance of my time.

## THE 30–SOMETHING WORKING GROUP

The SPEAKER pro tempore (Ms. GIFFORDS). Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN of Ohio. Madam Speaker, we are going to be brief. We just wanted to make a few more points here before we wrapped things up.

One of the issues that is a major issue for the country, for the Congress, for the American people, for people living on border states, is Customs and border protection.

We sat here many nights, Mr. MEEK and I, and listened to our friends come on the other side and give 5-minute speeches, 1-hour speeches, on the issue of immigration, on the major threat to the United States of America of illegal immigrants coming over our border.

In this homeland security bill that our Republican friends filibustered today and yesterday, there is $8.8 billion for Customs and border protection. $1 billion is provided for border security fencing and tactical infrastructure, along with 3,000 additional Border Patrol agents being funded.

Now, we have a bill that they agree with. I mean, you want to talk about the Potomac Two-Step, Mr. MEEK? We have got a bill here that, across-the-board, everybody agrees with. You ask them why they are not voting for it, and they say, because we are against earmarks.

We say there are not any earmarks in here. Now why are you voting against it? Politics.

We have got to get past this, especially on an issue so critical as this.

Now, we added $27 million for 250 additional Customs and Border Patrol Agents for commercial operations and validations of commercial vehicles, verifying that trusted shippers have placed necessary security measures mandated in the SAFE Port Act. I mean, I don't understand. I mean, you know, this is my fifth year here, but I don't understand.

We are trying to pass a homeland security bill, and one of our friends, our buddy from North Carolina on the other side, said today that we should have passed the defense bill first. That was his big argument he made today, when we just passed a defense supplemental bill for $120 billion, with close to $100 billion of defense spending in there. We just passed one, and the funding goes until September 30th.

We are talking about protecting the homeland, Mr. MEEK. We are not talking about all these other great things we are doing. This is essential. This is our constitutional duty, is to protect the country. Article I, Section 1 of the United States Constitution, Mr. MEEK, creates this House right here, and that is our first obligation, to make sure that we support that.

So I think it is important that those folks who are at home find out what is going on in this bill. Those folks in our own congressional districts across the country, who are members of law enforcement, who are police, fire, they need to know that we had millions and millions, and it probably adds up to billions of dollars, in here.

□ 1945

One of the things you hear about is intra operable communication grants. If you hear from our local police and first responders, it is that they don't have the proper equipment in a crisis situation to communicate with each other. So we put in here $50 million to continue a program to help local police, firefighters and first responders to talk to each other during a crisis.

Fire grants, $800 million; that is $500 million above the President's request

to address communications and staffing problems facing local fire departments.

Emergency management performance grants. And $300 million for all hazard grants, State and local emergency managers, national emergency management agency performance grant report. There is a $287 million shortfall in that program. We are trying to fix it. We are trying to fix it. And we had a filibuster last night until 2 in the morning last night.

Mr. MEEK of Florida. We are trying to slingshot the firefighters and first responders in for a win. We are trying to give those protecting our homeland on the front line, we are trying to give them what they need.

There is an old saying that the field mouse is fast, but the owl can see at night. I think it is very, very important that everyone understands that even though procedural, and it may be funny in the Republican conference, oh, we showed them, remember the CONGRESSIONAL RECORD reflects what one says and what one does.

If you want to take the time, and I want to say in the 30–Something Working Group we want to be correct. We found eight motions to rise last night. As we talk about this, when I go back home I tell my constituents, we are doing everything possible to end this war in Iraq. The last thing that we want to do is not give our service men and women what they need while we get through this partisan impasse.

Secondly, it is going to take a bipartisan fix to deal with Iraq. Democrats cannot do it alone because we don't have the votes. We have put benchmarks and redeployment of combat troops and moving our troops out to the peripheral, giving more responsibility to the Iraqi government, defunding some of the things that we said we would fund to the Iraqi government based on the fact that we don't want to reward lack of work or bad behavior or lack of accountability.

And I think as we start all of these different agencies that are looking into these issues, as they start to release the reports and as we start to look at them, we look at the lack of funding and the lack of accountability that has taken place in Iraq. As we look at this, I came to the floor to share with my Republican colleagues and be on the record so that Americans will know that you all of us have a choice. Over 70-plus percent of Americans, and I am not going to an exact number, but 70-plus percent of Americans would like to see us out of Iraq.

Democrats, Republicans, people that vote for the first time, Independents, are waiting for the kind of leadership that should happen and needs to happen, but it has to happen in a bipartisan spirit. I didn't see any Democrats saying we will not participate in overriding the President's veto. I want to also say that the President wouldn't even have the opportunity to take out his veto pen if it wasn't for a Democratic Congress bringing that issue to the floor and voting in the affirmative to make it happen. It would not have happened. I share that with my constituents and Members of Congress.

I think it is important when we look at the issue, 218 gets us to where we need to be in terms of votes. But we need more Members to tell the President, we will not stand for the status quo because American lives are at stake. We know that many members of the Bush administration are well intended. I don't think that they are saying we are going to continue to carry out bad ideas that bring about bad results. I don't think that is premeditated thought. But those of us who are paying attention, reading and listening, understand that what we are doing now is not the answer.

I can commend many of the Members for voting or against the spirit of benchmarks and voting for accountability. I commend that. But July 15, September 15, it is going to be an opportunity for folks to be able to hear information and to be able to bring that information to the House of Representatives and for us to take a vote and for us to take a vote in the affirmative.

Sp those who went to the White House and said, we will stand against our very own colleagues in Congress if you try to override the President, to think about it. Think about it if you are going to go down there again. Think about appropriation bills where America is in need of domestic attention. The will of a majority here in this House is concerned about education, concerned about health care, concerned about the lack of resources our veterans have. We are concerned about our transportation and infrastructure. We are concerned about moving in the direction of creating our own energy, investing in the Midwest versus the Middle East and concerned about homeland security.

Do you want to continue to stand with the President against the will of the majority of the Congress when the American people are on the side of the U.S. Congress as it relates to Iraq? How many times do you want to walk through the gates of the White House and stand with the President on this very issue?

So I want to, I implore my colleagues, my Republican colleagues, I am not saying, stand with Democrats; I am saying, stand with your constituents. Stand with the American people. Stand with what is making sense right now, and that is making sure that we get our troops out of the middle of a civil war.

Mr. RYAN of Ohio. Two points I want to make before we wrap things up here tonight. I appreciate what you've said.

One of the provisions in this Homeland Security bill, and I keep going back through here to see what our Republican friends filibustered, and we have heard a lot over the last couple of years about airport security, obviously after 9/11.

I want to share with the American people, Mr. MEEK, and get into the CONGRESSIONAL RECORD exactly what is in this bill for transportation security. There is $6.62 billion, $307 million above last year, $219 million above the President's request.

There are three major components of this bill: Explosive detection systems, there is $849 million for procurement, installation and maintenance of equipment to protect commercial aircraft. This allows the TSA to address the most pressing needs identified in their recent aviation baggage screening study. They studied it and said, here is what we need. We said, here is $849 million, get what you need to make the American people safe when they fly.

Air cargo explosive screening, $78 million, which doubled the amount of cargo screened on passenger aircraft.

Our friends on the other side of the aisle filibustered this bill. It did not pass because of what they were doing.

Secure flight certification, TSA would certify that no security risks were raised by TSA secure flight plans that would limit screening of airline passenger names only against a subset of the full terrorist watch list, another mechanism to protect the American people.

Three major components of protecting the people when they travel, make this process easier and safer at the same time; our Republican friends filibustered this issue last night and today.

I want to end with one point. Conservatism is dead. I want to be completely clear about this. This isn't a George Bush, Madam Speaker, has screwed things up so bad we can fix it if we are just more conservative. Republican House, Republican Senate, Republican President, implemented the neoconservative foreign policy and implemented the conservative agenda without any inhibitions, without any barriers. It was all implemented.

Their tax policy, their spending policy, their foreign policy, their domestic policy, all passed the Congress and was implemented, and we have the largest gap between the wealthy and the poor since 1929. We have a foreign policy disaster that doesn't even need an explanation it is so atrocious. From the Middle East and all over the world, we are less safe today than we were just a few years ago because of this philosophy on government.

They have run down government for a decade and a half to two decades now, and when you turnaround and you need health care or you need FEMA to be able to react to a natural disaster, it doesn't work because you ran it into the ground. The philosophy doesn't work. It is not enlightened. It is not flexible. It is eight key words, and if you can't fit the whole problem of society and the complexity of society into those eight key words, then it doesn't work. And that is what we have seen happen.

We need a government that can change, that is responsive, that adapts

to the needs of our society. And our conservative friends have wrecked it. Now we have the keys to the car, and we are trying to do some things that are constructive. And we understand that they were incapable, Madam Speaker, of governing, but it doesn't mean that they should then impede us from doing it. That is what we want to do here.

Port security, border security, fire grants, police, first responders, all of these things are in this bill that our friends filibustered, and you will see our agenda implemented. You have already seen it in the increase in the minimum wage. You will see it with more community health clinics. You will see it with funding of Head Start. You will see it with Early Start and after-school programs, safer food. You will see it with transportation investments. You will see it from the Democratic Congress.

Their agenda has been implemented over the last 6 years without anybody to stop them, and it doesn't work, period-dot. The field mouse is fast, but the owl sees at night.

Mr. MEEK of Florida. Mr. RYAN, it is almost like that was a benediction of our Special Order here today. I just want to say, because you are going to have to yield back your time, that I want to not only commend those who work here in the House, the Clerk's Office and the Sergeant's Office and the Capitol Police and the folks from the physical plant, clerical staff and what have you, I appreciate it. It was a long night last night, and it has been a long week.

Also, Mr. RYAN, I think it is important, I want to thank you for coming down to the floor. I want to thank Mr. SESTAK for coming to the floor, my good friend from Pennsylvania, who spoke in a very forceful way about this issue of Iraq.

Madam Speaker, I am glad that, on the Democratic side of the aisle, we still have the resolve that we had when we were in the minority. Mr. RYAN and I both have an opportunity now to serve on two wonderful committees.

□ 2000

I actually serve on two. He serves on the mighty and very powerful Appropriations Committee that he reminds me of constantly, and I have the opportunity to serve on the Ways and Means Committee and the Armed Services Committee, through waiver of the Democratic Steering Committee.

So the fact that we would come to the floor to say that we promised the American people that we were going to do things differently and that we had a new direction and still feel that it's our job to come to the floor and ask our colleagues on the Republican side of the aisle to work with us and work by us on these national security issues and the issues that are facing our children I think speaks to the level of intent that we had of saying, if you give us the opportunity to lead, we will lead.

So, with that, I thank Mr. RYAN for allowing me to be a part of your hour.

Mr. RYAN of Ohio. Madam Speaker, I thank Mr. MEEK. It's always an honor and a pleasure to be with you. If I don't get an opportunity to, I'd like to wish you a happy Father's Day.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WESTMORELAND (at the request of Mr. BOEHNER) for today on account of family medical reasons.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. TAUSCHER) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

(The following Members (at the request of Mr. WALBERG) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, June 19 and 20.

Mr. FRANKS of Arizona, for 5 minutes, today, June 14 and 15.

Mr. GINGREY, for 5 minutes, today, June 14 and 15.

Mr. JONES of North Carolina, for 5 minutes, June 19 and 20.

Mr. MCCOTTER, for 5 minutes, today.

## SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 676. An act to provide that the Executive Director of the Inter-American Development Bank or the Alternate Executive Director of the Inter-American Development Bank may serve on the Board of Directors of the Inter-American Foundation.

S. 1537. An act to authorize the transfer of certain funds from the Senate Gift Shop Revolving Fund to the Senate Employee Child Care Center.

## ADJOURNMENT

Mr. RYAN of Ohio. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 p.m.), the House adjourned until tomorrow, Thursday, June 14, 2007, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2185. A letter from the Under Secretary Rural Development, Department of Agriculture, transmitting the Department's final rule — Rural Economic Development Loan and Grant Programs (RIN: 0570-AA19) received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2186. A letter from the Director, Executive Office of the President, transmitting a request for FY 2008 budget amendments for the Departments of Commerce, Energy, Homeland Security, Justice, and Transportation, as well as the Legal Services Corporation; (H. Doc. No. —37); to the Committee on Appropriations and ordered to be printed.

2187. A letter from the Associate Director, FinCEN, Department of the Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations — Imposition of Special Measure Against Banco Delta Asia, Including Its Subsidiaries Delta Asia Credit Limited and Delta Asia Insurance Limited, as a Financial Institution of Primary Money Laundering Concern (RIN: 1506-AA83) received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2188. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's report on the amount of the acquisitions made from entities that manufacture the articles, materials, or supplies outside of the United States in fiscal year 2006, pursuant to Public Law 109-115, section 837; to the Committee on Financial Services.

2189. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Oversight of Credit Rating Agencies Registered as Nationally Recognized Statistical Rating Organizations [Release No. 34-55857; File No. S7-04-07] (RIN: 3235-AJ78) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2190. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television [MB Docket No. 03-15 RM-9832] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2191. A letter from the Acting Legal Advisor to the Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule — MARITEL, INC. and MOBEX NETWORK SERVICES, LLC Petitions for Rule Making to Amend the Commission's Rules to Provide Additional Flexibility for AMTS and VHF Public Coast Station Licensees [WT Docket No. 04-257 RM-10743] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2192. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Facilitating Opportunities for Flexible, Efficient, and Reliable Spectrum Use Employing Cognitive Radio Technologies [ET Docket No. 03-108] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2193. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Modifications of Parts 2 and 15 of the Commission's Rules for unlicensed devices and equipment approval [ET Docket No. 03-201] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2194. A letter from the Assistant Bureau Chief for Management, IB, Federal Communications Commission, transmitting the Commission's final rule — The Establishment of Policies and Service Rules for the Broadcasting-Satellite Service at the 17.3-

17.7 GHz Frequency Band and at the 17.7-17.8 GHz Frequency Band Internationally, and at the 24.75-25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Satellite Services Operating Bi-directionally in the 17.3-17.8 GHz Frequency Band [IB Docket No. 06-123] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2195. A letter from the Associate Chief Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Propietary Network Information and Other Customer Information IP-Enabled Services [CC Docket No. 96-115 WC Docket No. 04-36] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2196. A letter from the Acting Legal Advisor/Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule — Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies [WT Docket No. 99-87 RM-9332] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2197. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Revision of Parts 2 and 15 of the Commisson's Rules to Permit Unlicensed National Information Infrastructure (U-NII) devices in the 5 GHz band [ET Docket No. 03-122] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2198. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Emergency Preparedness Policies Developed for Nuclear Materials Facilities (RIN: 3150-AI17) received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2199. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Access Authorization Fees (RIN: 3150-AH99) received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2200. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 3 (RIN: 3150-AH98) received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2201. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: NAC-MPC Revision 5 (RIN: 3150-AI13) received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2202. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

2203. A letter from the Secretary, Department of the Interior, transmitting the 2006 Annual Report for the Office of Surface Mining Reclamation and Enforcement, pursuant to 30 U.S.C. 1211(f), 1267(g), and 1295; to the Committee on Natural Resources.

2204. A letter from the Pricipal Deputy Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ended June 30, 2006, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

2205. A letter from the Senior Vice President, Girl Scouts of the United States of America, transmitting the Girl Scouts of the United States of America 2006 Annual Report, pursuant to Public Law 105-225, section 803 112 stat. 1362; to the Committee on the Judiciary.

2206. A letter from the Secretary, Judicial Conference of the United States, transmitting a copy of a draft bill to authorize additional judicial resources in the United States bankruptcy courts; to the Committee on the Judiciary.

2207. A letter from the Director, National Legislative Commission, American Legion, transmitting a copy of the Legion's financial statements as of December 31, 2006, pursuant to 36 U.S.C. 1101(4) and 1103; to the Committee on the Judiciary.

2208. A letter from the Commissioner, Social Security Administration, transmitting the 2007 Annual Report of the Supplemental Security Income Program, pursuant to Public Law 104-193, section 231 (110 Stat. 2197); to the Committee on Ways and Means.

## REPORTS FOR COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 948. A bill to strengthen the authority of the Federal Government to protect individuals from certain acts and practices in the sale and purchase of Social Security numbers and Social Security account numbers, and for other purposes; with an amendment (Rept. 110–191 Pt. 1). Ordered to be printed.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than July 20, 2007.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. WOOLSEY (for herself, Mr. GEORGE MILLER of California, Mr. HARE, Ms. DELAURO, Ms. SOLIS, Mr. PAYNE, Mr. GRIJALVA, Mr. KUCINICH, Mr. KILDEE, Ms. SHEA-PORTER, Mr. BISHOP of New York, Ms. LINDA T. SÁNCHEZ of California, Mrs. MCCARTHY of New York, and Mr. ANDREWS):

H.R. 2693. A bill to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl; to the Committee on Education and Labor.

By Mr. TOWNS:

H.R. 2694. A bill to protect the rights of consumers to diagnose, service, maintain, and repair their motor vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WAMP (for himself and Mr. LEWIS of Georgia):

H.R. 2695. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating Green McAdoo School in Clinton, Tennessee as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. LAMBORN:

H.R. 2696. A bill to amend title 38, United States Code, to increase assistance for veterans interred in cemeteries other than national cemeteries, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LAMBORN:

H.R. 2697. A bill to amend title 38, United States Code, to expand eligibility for veterans' mortgage life insurance to include members of the Armed Forces receiving specially adapted housing assistance from the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. UDALL of Colorado (for himself and Mr. GORDON):

H.R. 2698. A bill to authorize appropriations for the civil aviation research and development projects and activities of the Federal Aviation Administration, and for other purposes; to the Committee on Science and Technology.

By Mr. PATRICK MURPHY of Pennsylvania (for himself, Mr. WALZ of Minnesota, Mr. ARCURI, Mr. CARNEY, Mr. MORAN of Virginia, Mr. BOUCHER, and Mr. SALAZAR):

H.R. 2699. A bill to amend title 38, United States Code, to repeal authority for adjustments to per diem payments to homeless veterans service centers for receipt of other sources of income, to extend authorities for certain programs to benefit homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SHEA-PORTER:

H.R. 2700. A bill to suspend implementation of an Absolute Priority issued by the Department of Education on July 3, 2006; to the Committee on Education and Labor.

By Mr. OBERSTAR (for himself, Mr. DEFAZIO, Ms. NORTON, Mr. NADLER, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOSWELL, Mr. CAPUANO, Ms. CARSON, Mr. HIGGINS, Mrs. NAPOLITANO, Mr. LIPINSKI, Ms. MATSUI, Mr. HALL of New York, and Mr. MCNERNEY):

H.R. 2701. A bill to strengthen our Nation's energy security and mitigate the effects of climate change by promoting energy efficient transportation and public buildings, creating incentives for the use of alternative fuel vehicles and renewable energy, and ensuring sound water resource and natural disaster preparedness planning, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SCOTT of Virginia:

H.R. 2702. A bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ANDREWS:

H.R. 2703. A bill to amend the Private Security Officer Employment Authorization Act of 2004; to the Committee on Education and Labor, 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. BILIRAKIS (for himself and Mr. MARIO DIAZ-BALART of Florida):

H.R. 2704. A bill to give the consent of Congress to an agreement or compact between Alabama, Florida, Louisiana, Mississippi, and Texas for the purpose of establishing an

all-hazard mitigation, readiness, response, and recovery plan, and for other purposes; to the Committee on the Judiciary.

By Mrs. CHRISTENSEN (for herself, Mr. FALEOMAVAEGA, Mr. FORTUÑO, and Ms. BORDALLO):

H.R. 2705. A bill to amend the Compact of Free Association Amendments Act of 2003, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FRANKS of Arizona (for himself, Mr. FOSSELLA, Mr. BARRETT of South Carolina, Mr. PAUL, Mr. EHLERS, Mr. HOEKSTRA, Mr. GERLACH, Mr. BLUNT, Mr. CHABOT, Mr. KING of Iowa, Mr. BARTLETT of Maryland, Mr. RADANOVICH, Mr. PITTS, Mr. RENZI, and Mr. AKIN):

H.R. 2706. A bill to amend the Internal Revenue Code of 1986 to provide for a credit which is dependent on enactment of State qualified scholarship tax credits and which is allowed against the Federal income tax for charitable contributions to education investment organizations that provide assistance for elementary and secondary education; to the Committee on Ways and Means.

By Mr. KUCINICH:

H.R. 2707. A bill to reauthorize the Underground Railroad Educational and Cultural Program; to the Committee on Education and Labor.

By Mr. NADLER (for himself, Mr. MURPHY of Connecticut, Mr. PATRICK MURPHY of Pennsylvania, Mr. HIGGINS, Ms. SOLIS, Mr. GRIJALVA, Mr. MICHAUD, Mr. RUSH, Mr. SCOTT of Georgia, Mrs. CAPPS, and Mr. HONDA):

H.R. 2708. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for women 40 years of age or older and for such screening and annual magnetic resonance imaging for women at high risk for breast cancer if the coverage or plans include coverage for diagnostic mammography for women 40 years of age or older; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (for himself and Mr. LOBIONDO):

H.R. 2709. A bill to extend the minimum wage index established by regulation for each all-urban State under the Medicare inpatient hospital prospective payment system; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 2710. A bill to repeal and modify certain provisions of law relating to the review of the detention of enemy combatants; to the Committee on the Judiciary, 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. PAUL (for himself, Mr. GOODE, Mr. DEAL of Georgia, and Mr. AKIN):

H.J. Res. 46. A joint resolution proposing an amendment to the Constitution of the United States to deny United States citizenship to individuals born in the United States to parents who are neither United States citizens nor persons who owe permanent allegiance to the United States; to the Committee on the Judiciary.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

79. The SPEAKER presented a memorial of the Legislature of the State of Montana, relative to House Joint Resolution No. 31 opposing the Rockies Prosperity Act; to the Committee on Natural Resources.

80. Also, a memorial of the Senate of the Territory of American Samoa, relative to a resolution opposing legislation that would direct the Department of the Interior place three measures on the voting ballot for the next general election in the territory; to the Committee on Natural Resources.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. LINDER.
H.R. 39: Mr. MCNERNEY.
H.R. 63: Mr. ROGERS of Kentucky.
H.R. 111: Mr. HALL of New York.
H.R. 154: Mr. PRICE of North Carolina and Mr. FORTUÑO.
H.R. 174: Mr. STARK and Mr. SIRES.
H.R. 181: Mr. COHEN.
H.R. 223: Mr. DAVID DAVIS of Tennessee, Mr. DANIEL E. LUNGREN of California, and Mr. INGLIS of South Carolina.
H.R. 250: Mr. KIRK.
H.R. 260: Mr. ROTHMAN.
H.R. 282: Mr. MCCOTTER.
H.R. 322: Mr. WALSH of New York.
H.R. 406: Mr. KENNEDY.
H.R. 446: Mr. TIBERI.
H.R. 491: Mr. SHERMAN, Mr. DAVIS of Illinois, and Mr. TANNER.
H.R. 507: Mr. PATRICK MURPHY of Pennsylvania, Ms. NORTON, Mr. WAMP, Mr. CONAWAY, Mr. GONZALEZ, Mr. BERMAN, Mr. BARTLETT of Maryland, Mr. CARNAHAN, Mr. JEFFERSON, Ms. HERSETH SANDLIN, Mr. GILLMOR, and Mr. SNYDER.
H.R. 552: Mr. ABERCROMBIE and Mr. BOSWELL.
H.R. 566: Ms. KAPTUR and Mr. SERRANO.
H.R. 620: Mr. MOORE of Kansas.
H.R. 660: Mr. WEINER and Mr. SMITH of Texas.
H.R. 676: Mr. BECERRA.
H.R. 695: Ms. ZOE LOFGREN of California.
H.R. 748: Mr. BARROW, Mr. TURNER, Mr. MILLER of North Carolina, Mr. HINOJOSA, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 808: Mr. STARK.
H.R. 861: Mr. ADERHOLT and Mr. REHBERG.
H.R. 871: Mrs. MALONEY of New York.
H.R. 891: Mr. FRELINGHUYSEN.
H.R. 898: Mr. BISHOP of Georgia.
H.R. 900: Mr. CUMMINGS, Mr. DAVIS of Alabama, and Mr. BISHOP of Utah.
H.R. 923: Mr. SMITH of Texas, Ms. ZOE LOFGREN of California, and Mr. SHERMAN.
H.R. 927: Mr. TOWNS and Mr. PICKERING.
H.R. 957: Mr. BROWN of South Carolina and Mr. BUYER.
H.R. 969: Mr. MCGOVERN, Ms. HIRONO, Mr. CONYERS, Mr. MEEK of Florida, Mr. LARSON of Connecticut, Mr. HALL of New York, Mr. BRALEY of Iowa, Mr. VAN HOLLEN, Ms. CLARKE, Mr. FARR, and Mr. GEORGE MILLER of California.
H.R. 980: Mr. TURNER, Mr. BOREN, Mr. JEFFERSON, and Mr. HALL of New York.
H.R. 1023: Mr. POE, Ms. SUTTON, Mr. LATHAM, Mr. UDALL of Colorado, Mr. LATOURETTE, Mr. ROGERS of Michigan, Ms. JACKSON-LEE of Texas, Mr. GRAVES, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. LARSEN of Washington, Ms. GINNY BROWN-WAITE of Florida, Mr. WALSH of New York, Mr. MARCHANT, Mr. RADANOVICH, Mr. RYAN of Wisconsin, Mr. SESTAK, Mr. CULBERSON, Mr. BOYD of Florida, and Ms. PRYCE of Ohio.
H.R. 1029: Mr. CARNAHAN and Mr. LINCOLN DAVIS of Tennessee.
H.R. 1061: Mr. MCGOVERN.
H.R. 1063: Mr. INGLIS of South Carolina.
H.R. 1069: Mr. AL GREEN of Texas.
H.R. 1070: Mr. DAVIS of Illinois.
H.R. 1127: Mr. COOPER and Mrs. EMERSON.
H.R. 1142: Ms. SOLIS, Mr. DOYLE, and Mr. LEWIS of Georgia.
H.R. 1154: Mr. BRADY of Pennsylvania, Ms. MOORE of Wisconsin, and Ms. SUTTON.
H.R. 1190: Mr. LEWIS of Georgia, Mr. LUCAS, Mr. JOHNSON of Georgia, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FATTAH, Ms. LEE, Mr. RUSH, and Ms. CORRINE BROWN of Florida.
H.R. 1193: Mr. MITCHELL, Mr. GONZALEZ, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. OBERSTAR.
H.R. 1222: Mr. DAVIS of Illinois.
H.R. 1223: Mr. DAVIS of Illinois.
H.R. 1280: Mr. RANGEL.
H.R. 1295: Mr. JINDAL.
H.R. 1343: Ms. HARMAN, Mr. SMITH of Nebraska, Mr. CARNEY, Mr. BISHOP of Georgia, and Mr. BOOZMAN.
H.R. 1350: Mr. KUCINICH.
H.R. 1357: Mr. BROWN of South Carolina, Mr. HENSARLING, Mr. BUYER, and Mr. TIBERI.
H.R. 1460: Mrs. GILLIBRAND, Mr. MEEK of Florida, Ms. HIRONO, and Mr. BRADY of Pennsylvania.
H.R. 1524: Mr. ALLEN.
H.R. 1532: Mr. SPRATT and Mr. LARSEN of Washington.
H.R. 1537: Mr. GILCHREST and Ms. HARMAN.
H.R. 1567: Mr. DOGGETT and Mr. POMEROY.
H.R. 1582: Mr. PATRICK MURPHY of Pennsylvania.
H.R. 1644: Mr. DICKS, Mr. REICHERT, Mr. ABERCROMBIE, Mr. LIPINSKI, Mr. LARSEN of Washington, and Ms. BALDWIN.
H.R. 1709: Mr. BISHOP of New York, Mr. WEXLER, Mr. MILLER of North Carolina, and Mr. MANZULLO.
H.R. 1713: Ms. KILPATRICK, Mr. PAYNE, Mr. BISHOP of Georgia, Mr. CONYERS, Mr. GUTIERREZ, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1728: Mr. ALLEN, Mrs. MALONEY of New York, and Mr. SERRANO.
H.R. 1730: Mr. TANNER.
H.R. 1738: Mrs. MCCARTHY of New York and Mr. COHEN.
H.R. 1759: Mr. MCCOTTER and Mr. PATRICK MURPHY of Pennsylvania.
H.R. 1801: Mr. PICKERING.
H.R. 1809: Ms. HIRONO.
H.R. 1810: Mr. PASCRELL.
H.R. 1823: Mr. MCCAUL of Texas, Mr. FORBES, Mr. WALSH of New York, and Mr. BARTLETT of Maryland.
H.R. 1924: Mr. LARSON of Connecticut and Mr. BAKER.
H.R. 1926: Mr. RANGEL and Mr. RUSH.
H.R. 1947: Mr. CAPUANO and Mr. DEFAZIO.
H.R. 1977: Mr. CAMPBELL of California.
H.R. 2005: Mr. WILSON of Ohio and Mr. CONYERS.
H.R. 2014: Mr. TOM DAVIS of Virginia.
H.R. 2015: Mr. YARMUTH, Mr. MEEKS of New York, and Ms. SOLIS.
H.R. 2017: Mr. COHEN and Mr. MEEKS of New York.
H.R. 2040: Ms. DELAURO and Mr. WYNN.
H.R. 2053: Mr. GONZALEZ and Mr. LAMPSON.
H.R. 2054: Mr. MCINTYRE.
H.R. 2060: Mr. SHUSTER and Mr. JORDAN.
H.R. 2066: Ms. HARMAN and Mrs. MCCARTHY of New York.
H.R. 2075: Mr. KILDEE.
H.R. 2095: Mr. MOLLOHAN and Mr. BRALEY of Iowa.
H.R. 2102: Mr. WALBERG, Mr. RUPPERSBERGER, Mr. KENNEDY, Mr. MURPHY of Connecticut, Mr. LAMPSON, Mr. MEEKS of New York, Mr. ROTHMAN, Mr. BUTTERFIELD, and Mr. ORTIZ.
H.R. 2116: Mr. LEWIS of Kentucky, Mr. BRADY of Texas, Mr. LATOURETTE, Ms. SCHAKOWSKY, and Mr. KANJORSKI.

H.R. 2125: Mr. MOLLOHAN.
H.R. 2139: Mr. SHERMAN, Mr. SCOTT of Georgia, Mr. BOSWELL, Mr. BOYD of Florida, Mr. RAHALL, Mr. CLEAVER, Mr. CALVERT, Mr. DAVIS of Kentucky, Mr. MCHENRY, and Mr. PEARCE.
H.R. 2165: Mr. OLVER, Ms. WOOLSEY, Ms. ZOE LOFGREN of California, Ms. HARMAN, Mr. CRAMER, Mr. BOREN, Mrs. GILLIBRAND, Mrs. LOWEY, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. VELÁZQUEZ, and Mr. RYAN of Ohio.
H.R. 2215: Mr. DELAHUNT and Mr. MCNERNEY.
H.R. 2216: Ms. ZOE LOFGREN of California and Mr. HASTINGS of Florida.
H.R. 2217: Ms. ZOE LOFGREN of California and Mr. HASTINGS of Florida.
H.R. 2238: Mr. MCDERMOTT.
H.R. 2255: Mr. INSLEE.
H.R. 2265: Ms. WOOLSEY.
H.R. 2274: Mr. CANTOR, Mr. RUPPERSBERGER, Ms. HARMAN, Mr. CRENSHAW, Mr. WELLER, Mr. KIRK, Mr. JOHNSON of Georgia, and Mr. LOBIONDO.
H.R. 2286: Mr. BILBRAY and Mr. FEENEY.
H.R. 2290: Mr. KIND.
H.R. 2295: Mr. MELANCON, Mr. DOGGETT, Ms. HERSETH SANDLIN, Mr. JONES of North Carolina, Mr. MOORE of Kansas, Mr. BRADY of Pennsylvania, Mr. RUPPERSBERGER, Mrs. BOYDA of Kansas, Mr. DONNELLY, Mr. LEVIN, and Mr. POMEROY.
H.R. 2304: Mr. MILLER of North Carolina.
H.R. 2332: Mr. BUYER and Mr. HENSARLING.
H.R. 2365: Mr. MILLER of North Carolina and Mr. PENCE.
H.R. 2366: Mr. WYNN.
H.R. 2407: Mr. BROWN of South Carolina, Mr. AL GREEN of Texas, and Mr. YOUNG of Florida.
H.R. 2421: Mr. MEEKS of New York.
H.R. 2453: Mr. MATHESON.
H.R. 2473: Mrs. BOYDA of Kansas.
H.R. 2478: Mr. MILLER of North Carolina.
H.R. 2484: Mr. FILNER.
H.R. 2508: Mr. BOOZMAN.
H.R. 2514: Mr. KANJORSKI.
H.R. 2580: Mr. BURTON of Indiana.
H.R. 2593: Mr. CUELLAR, Mr. FILNER, and Mr. RODRIGUEZ.
H.R. 2596: Mr. BISHOP of New York, Ms. MOORE of Wisconsin, Mr. WYNN, Mr. MILLER of North Carolina, Mrs. CAPPS, Mrs. MCCARTHY of New York, Mr. FARR, Mr. DAVIS of Illinois, and Mr. MCGOVERN.
H.R. 2604: Mr. MCGOVERN, Mr. WAXMAN, Ms. MCCOLLUM of Minnesota, Mrs. DAVIS of California, and Mr. BERMAN.
H.R. 2617: Mr. COHEN and Mr. MEEKS of New York.
H.R. 2630: Mr. SCOTT of Georgia and Mr. BISHOP of New York.
H.R. 2633: Mr. PATRICK MURPHY of Pennsylvania.
H.R. 2640: Mr. ROSS and Mrs. CHRISTENSEN.
H.R. 2669: Ms. HIRONO, Mr. HARE, Ms. CLARKE, Ms. WOOLSEY, Mrs. DAVIS of California, and Mr. SARBANES.
H.R. 2677: Mr. BONNER, Mr. POMEROY, Mr. FORTUÑO, MR. MCHUGH, and Mr. LATOURETTE.
H.J. Res. 12: Mr. ROYCE and Mr. WALDEN of Oregon.
H. Con. Res. 75: Mr. KIRK, Mr. COHEN, and Mr. MCNERNEY.
H. Con. Res. 108: Mr. FRANK of Massachusetts, Mr. JEFFERSON, and Mr. ROGERS of Alabama.
H. Con. Res. 162: Ms. SHEA-PORTER.
H. Res. 54: Mr. PETRI.
H. Res. 67: Mr. TIAHRT.
H. Res. 231: Mr. RYAN of Wisconsin, Mr. COBLE, and Mr. WOLF.
H. Res. 232: Mrs. JO ANN DAVIS of Virginia, Mr. PLATTS, and Mr. MCCOTTER.
H. Res. 282: Mr. REICHERT, Mr. DAVIS of Alabama, Mr. KANJORSKI, and Mrs. MILLER of Michigan.
H. Res. 356: Mr. PALLONE.
H. Res. 415: Mr. FALEOMAVAEGA.
H. Res. 417: Mr. ARCURI.
H. Res. 445: Mr. GONZALEZ.
H. Res. 467: Mr. FOSSELLA.
H. Res. 482: Mr. WALSH of New York.

## PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

49. The SPEAKER presented a petition of the City of Santa Cruz, California, relative to a petition advocating for funding for the National Marine Sanctuary Program; to the Committee on Natural Resources.

50. Also, a petition of the California State Lands Commission, relative to a Resolution expressing support for Senate Bill 151, which would prohibit new oil and gas leases in federal waters off California; to the Committee on Natural Resources.

51. Also, a petition of the California State Lands Commission, relative to a Resolution expressing support for H.R. 1187; to the Committee on Natural Resources.

52. Also, a petition of the Santa Fe County Commission, New Mexico, relative to Resolution No. 2007-45 opposing the United States Citizenship and Immigration Services (USCIS) Fee Increase; to the Committee on the Judiciary.

53. Also, a petition of the Town of Woodstock, New York, relative to Resolution No. 171-07 requesting an investigation of the activities of President George W. Bush and Vice President Richard B. Cheney to the end that they may be impeached and removed from office; to the Committee on the Judiciary.

54. Also, a petition of the Town of Shelburne, Massachusetts, relative to a Resolution calling upon the United States House of Representatives to investgate charges and vote to impeach President George W. Bush and Vice President Richard B. Cheney; to the Committee on the Judiciary.

55. Also, a petition of the Town of Colrain, Massachusetts, relative to a Resolution calling upon the United States House of Representatives to investigate charges and vote to impeach President George W. Bush and Vice President Richard B. Cheney; to the Committee on the Judiciary.

56. Also, a petition of the Town of Leverett, Massachusetts, relative to a Resolution requesting the investigation of the activities of President George W. Bush and Vice President Richard B. Cheney to the end that they may both be impeached and removed from office; to the Committee on the Judiciary.

57. Also, a petition of the County Board of Shelby, Illinois, relative to Resolution 2003-21 requesting that legislation not be supported that would adversely effect the Second Amendment, the Right to Keep and Bear Arms; to the Committee on the Judiciary.

58. Also, a petition of Mr. Cecil Ray Taylor, a citizen of Independence, Missouri, relative to petitioning the Congress of the United States for action on possible misconduct or disability on the part of Missouri Judges or Court Commissioners; to the Committee on the Judiciary.

59. Also, a petition of Twelve Mayors of Ohio and Kentucky, relative to a Resolution calling on the Congress of the United States to remove the ''Tiahrt Amendment'' illegal gun trace restrictions; to the Committee on the Judiciary.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2638

OFFERED BY: MR. PEARCE

AMENDMENT NO. 128: Page 6, line 5, after the first dollar amount, insert ''(increased by $125,000,000)''.

Page 22, line 9, after the dollar amount, insert ''(reduced by $125,000,000)''.

Page 22, line 13, after the dollar amount, insert ''(reduced by $125,000,000)''.

Page 22, line 14, after the dollar amount, insert ''(reduced by $125,000,000)''.

H.R. 2638

OFFERED BY: MR. PEARCE

AMENDMENT NO. 129: At the end of the bill (before the short title), insert the following:

SEC. 544. None of the funds made available in this Act may be used to used to fill FTE positions within the Transportation Security Agency until the number of Customs and Border Patrol agents has reached the congressionally authorized level.''.

H.R. 2638

OFFERED BY: MR. PEARCE

AMENDMENT NO. 130: At the end of the bill (before the short title), insert the following new section:

SEC. 544. None of the funds made available in this Act may be used, either directly or indirectly, for projects or activities occurring on land obtained after June 23, 2005, through eminent domain by a State, unit of local government, or the Federal government, unless the owner of the land was paid an amount as just compensation that was triple the value of the land as appraised by an independent licensed appraiser or real estate agent at either the time that the land was condemned or the time that the land was obtained, whichever is higher.

H.R. 2638

OFFERED BY: MR. ROYCE

AMENDMENT NO. 131: Page 11, line 24, insert before the first comma the following: ''(in accordance with clauses (i), (ii), (iii), (iv), and (v) of section 102(b)(1)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996)''.

Page 11, line 25 strike '':'' and all that follows through page 16, line 2 and insert ''.''.

H.R. 2641

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 5: At the end of the bill (before the short title), insert the following:

SEC. ____. It is the sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

H.R. 2641

OFFERED BY: MRS. TAUSCHER

AMENDMENT NO. 6: Page 27, line 4, after ''expended'' insert the following: '': *Provided*, That $173,250,000 of the amounts provided are available for nuclear weapons dismantlement activities at Department of Energy facilities authorized for such activities, of which $91,000,000 is for the Pit Disassembly and Conversion Facility Project at the Savannah River Site, South Carolina''.

H.R. 2641

OFFERED BY: MS. BERKLEY

AMENDMENT NO. 7: At the end of the bill, before the short title, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used to administer the ''Yucca Mountain Youth Zone'' website.

H.R. 2642

OFFERED BY: MRS. DRAKE

AMENDMENT NO. 6: Page 44, after line 22, insert the following new section:

SEC. 223. Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the status of the number of pending disability benefit claims and the actions taken by the Secretary to reduce processing time for veterans disability claims.

H.R. 2642

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 7: At the end of the bill (before the short title), insert the following:

SEC. ____. It is the sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

H.R. 2642

OFFERED BY: MR. FRANKS OF ARIZONA

AMENDMENT NO. 8: Page 19, beginning on line 15, strike section 125.

H.R. 2643

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 4: At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. It is the sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

H.R. 2643

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 5: Strike section 104.

H.R. 2643

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 6: Strike section 105.

H.R. 2643

OFFERED BY: MS. EDDIE BERNICE JOHNSON OF TEXAS

AMENDMENT NO. 7: Page 111, after line 17, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available under this Act may be used to promulgate or implement the Environmental Protection Agency proposed regulations published in the Federal Register on January 3, 2007 (72 Fed. Reg. 69).

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

*Vol. 153* WASHINGTON, WEDNESDAY, JUNE 13, 2007 *No. 95*

# *Senate*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, we trust in Your unfailing love and commit our lives to You. Help us to live in purity so that we will never dishonor You. Guard our minds so that our thoughts will please You as we passionately seek Your truth.

Today, strengthen the Members of this body in their work. Use them to bring comfort and courage to the less fortunate. Help them to give their hearts to You and seek to please You in all they do and say. May they find their peace and freedom in knowing You. Empower them to live in such a way that by the wisdom of their words and the power of their example, others may be moved to give their hearts to You.

We pray in Your majestic Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, June 13, 2007.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business for an hour this morning. The majority controls the first half, Republicans control the final 30 minutes.

Following the period of morning business, the Senate will resume consideration of H.R. 6, the comprehensive energy legislation.

Under an order entered last night, the time following morning business until 11:45 will be equally divided between Senators BOXER and INHOFE, dealing with an amendment offered by Senator INHOFE regarding oil refineries. So at 11:45, the Senate will vote in relation to the Inhofe amendment.

Other amendments are expected to be offered after the Inhofe amendment is disposed of, and votes will occur throughout today's session.

Senator MCCONNELL and I have a meeting at the White House this afternoon, so I don't think we will have a vote until about 3:30 or so after this first vote. I will also state it appears, because we need to move this Energy bill along, there will likely be no morning business tomorrow, so we should alert Members to that fact.

It is my understanding the Republican leader has something which he has to attend to.

## MAKING MINORITY APPOINTMENTS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 233, which was submitted earlier today; that the resolution be agreed to and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 233) was agreed to, as follows:

S. RES. 233

*Resolved*, That the following be the minority membership on the Select Committee on Ethics for the remainder of the 110th Congress, or until their successors are appointed: Mr. Cornyn, Mr. Roberts, and Mr. Isakson.

## SENATE ACCOMPLISHMENTS

Mr. REID. Mr. President, I thought it was important to point out to the Senate and to the country what we have accomplished during this 6 months that we have been in session. We have had some hurdles to go through, and as a result of that, it has taken a little longer than we wanted on most everything, but we have made some significant accomplishments, and I think the Senate should talk about the accomplishments we have made.

Democrats can't take credit for all this work that has been done because everything that passed took Republican votes also. So I think we, as a Senate, should be able to talk about what we have accomplished.



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We have passed the minimum wage bill, which is now law. We passed a balanced budget, which also has in it the restoration of pay as you go. We passed a continuing resolution. Remember, when we came here, there had been no funding preparations made for after February 1, so we had to do that, and we did. We worked on approving the appointment of U.S. attorneys. That passed on a bipartisan basis.

We worked to make sure there was equipment for Guard and Reserves that was appropriate for those people serving in Iraq. We worked hard to push Mine Resistant Ambush Protected vehicles, and now they are in theatre. We passed health care legislation for the veterans, and we provided military medicine that was over and above what the President requested.

We basically full funded the Katrina disaster, which was something that was long overdue. We provided health insurance for children. And I would say, without question, this was as much pushed by Republicans as Democrats—the $600 million that will fund many programs in an adequate fashion until the 1st of October, which would not have been the case otherwise.

We provided $1 billion for homeland security, something we had been working on for a long time. This will allow the Department of Homeland Security to provide more security at our train stations and on our rails and to do some things we have not been doing at airports.

For 3 years, we have been trying to get agriculture disaster relief passed. We were able to do that. Again, clearly bipartisan. Western wildfire relief is important. For example, in the State of Nevada, more than a million acres have burned.

We have had many hearings dealing with the conduct of the war. We have had only two things that have been vetoed. One was the emergency supplemental with timelines, and the other is—I don't know if the President has vetoed it yet. I didn't check with my staff before I came here. But I know we sent the President the stem cell bill yesterday, and I am told he is going to veto that.

We have a number of things that are in progress. We expect to be able to do the ethics and lobbying reform in the near future, hopefully within a matter of the next week or 10 days.

The 9/11 Commission recommendations, Senators LIEBERMAN and COLLINS have been working hard on that with their House counterparts. That is basically done. We have security at the U.S. courts. I have spoken to the House yesterday and they are going to move on that, so that can be completed with the conference because we passed it over here.

Reauthorization of FDA, we have done that here. I think that should be able to be conferenced quite soon.

WRDA, Senators BOXER and INHOFE are working on that very hard. We expect that conference to take place without a lot of heartburn. And the competitiveness legislation. I spoke with the Speaker last evening. They have a bill they have already passed. We have passed one. We should be able to do that—again, clearly a bipartisan bill.

We have a number of things we tried to move on and were unable to do so because procedurally we couldn't get to them, even though we tried. One was to change the Medicare prescription drug law on negotiation and allow Medicare to do that. We wanted to do intelligence authorization. We were prevented from being able to get it on the floor because of a filibuster. Immigration reform is a work in progress. Perhaps in the next few days we will have a pathway to get that completed.

I have had some good conversations this morning with both Democrats and Republicans on that issue, and the Republican leader and I hope we can sit down and talk about that when he has a proposal he can give. I understand that could come as early as today or tomorrow.

We have on the Senate Floor now an energy bill—again, totally bipartisan. Everything that is in the bill that is on the Senate Floor has been bipartisan. So I hope we can move forward on that and complete that.

As I indicated, we need to start, before we leave here, the Defense authorization bill. I hope we can do that.

So we have done a lot. A lot of times you hear little bits and pieces of what we have done. I have not covered everything, but I have touched on most everything we have been able to do this year, and I think it is something that we should feel good about.

Ms. STABENOW. Mr. President, will the majority leader yield for a moment?

Mr. REID. I am happy to yield.

Ms. STABENOW. Mr. President, I would like to thank our majority leader for his effort. He read a list in the last few moments that goes through quite quickly a whole list of things that have required an extraordinary amount of effort to be able to accomplish, and I wish to thank him personally.

This has not been an easy 6 months. I think our friends on the other side of the aisle have wished to slow things down, with procedural motions over and over again, to even go to a bill, and to see the leader's patience and determination and perseverance has been extraordinary.

I am very proud of the fact, when we compare our first 6 months to the 6 months in previous Congresses, that this gentleman has been a task master. He has kept his nose to the grindstone and has kept us focused on things that matter to the American people, from the war in Iraq and bringing that to the forefront, to having hearings where we have asked for accountability and attempted to change the direction on the war, as well as to things we in Michigan are desperately caring about every day, in terms of our economy and our quality of life.

So I wish to thank the leader personally for all he has done and will continue to do. I know that with all of us working together, we are changing the direction of this Congress and working very hard to address the things that people care about every day.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## ENERGY

Mr. MCCONNELL. Mr. President, the Senate takes up energy today. Let me say at the outset the proposed bill has some good provisions and it has some troubling ones. What most concerns Republicans are the issues it doesn't address at all.

Everyone agrees energy independence is a top priority. America imports nearly 60 percent of its oil, much of it from dangerous and unstable countries that do not have our best interests at heart. Yet the bill on the floor does nothing to increase domestic production of oil and gas—absolutely nothing. If energy independence is truly a priority, we will increase domestic production of oil and gas, period.

Increasing production at home will lead to greater independence and it will lead to lower gas prices. The average price of gas has gone from $2.20 to $3.15 a gallon since the Democrats took over the Senate. It is in danger of going up even more if this bill is not amended. We know gas prices go up as supply goes down. Yet this bill, as written, does nothing either to increase domestic supply or refinery capacity and, thus, drive down gas prices.

Liberals in Congress have historically blocked both these efforts. But with the price of gas where it is, this annual gift to the environmental lobby is a luxury we can no longer afford. If we are serious about gas prices, we will increase both domestic production and refining capacity. This bill, as written, does nothing to address either; therefore, nothing to lower gas prices.

Republicans will be offering amendments that will fill the gaps and give Members a chance to do something about energy independence and out-of-control gas prices. Yesterday, Senator INHOFE offered an amendment to increase refinery capacity, and Republicans will soon have a chance to vote on his proposal.

I also appreciate Senator BUNNING's hard work on coal to liquids, which is poised to become a major industry in Kentucky. This technology is one of the more promising alternative fuels we know of. Its addition to the market is one more way Republicans are proposing to lower fuel prices.

We will also debate fuel economy standards, and that is appropriate. We

should do all we can to increase fuel efficiency of our cars and our trucks. But we have to do it in a way that is realistic and that doesn't cost thousands of autoworkers, in places such as Louisville, Bowling Green, and Georgetown, KY, and countless other communities across the country, literally eliminating their work.

Every summer, our good friends on the other side dust off the old class warfare playbook and blame our gas prices on cigar-chomping oil executives. Look, price gouging is wrong. If it is found, it should be punished. But the other side has called countless hearings to try to pin down big oil on price gouging and they haven't come up with the goods yet. It is time to put away the playbook and do something that can help Americans who are suffering every day from high gas prices.

Republicans are eager to move forward on this energy legislation. We are acutely aware of the dangers associated with our dependence on foreign sources of oil. But we can address all of these dangers responsibly, and we should start with the most immediate concern, which is gas prices. Increasing refinery capacity and domestic production should be our goal in this debate. After all, the purpose of an energy bill is to reduce the cost of energy and that is what Republicans intend to do.

I yield the floor.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes each, the time equally divided and controlled between the two leaders or their designees. The first half shall be under the control of the majority, of which 20 minutes shall be under the control of Mr. BROWN or his designee and the second half shall be under the control of the Republicans.

The Senator from Ohio is recognized under the order.

Mr. BROWN. Mr. President, I ask unanimous consent that the 20 minutes time be divided among myself, Senator STABENOW, and Senator DORGAN and that we will, during this 20 minutes, do a colloquy and discussion.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## TRADE POLICY

Mr. BROWN. Mr. President, it is pretty clear, as we survey the landscape around our great country, what has happened to manufacturing jobs and what has happened to our economy. Over and over, in my State of Ohio, I know, and Senator STABENOW's State of Michigan, we have seen huge job losses, especially in manufacturing. In my State, since 2000, Ohio has lost 1,800 manufacturing companies, more than 200,000 jobs with average wages of $48,000, according to the Northeast Ohio Campaign for American Manufacturing. We also know that American workers, when it is a level playing field, can outcompete workers, can outcompete small businesses, can outcompete companies all over the world—when there is a level playing field.

Last week, Senator STABENOW and others participated in a manufacturing summit. She brought leaders of small businesses and large manufacturers to the Nation's Capitol with labor leaders and other people who care about manufacturing. We discussed how we remain competitive, how we shape trade policies to help not hurt our small- and medium-sized manufacturers. At that summit, an Ohio businessman named John Colm walked up to me with a stack of fliers. They were auction notices. He had received 47 of them in the last 4 months. These notices were for ''going out of business'' sales; they were companies selling off assets, in essence cannibalizing their companies, selling their machinery at rock-bottom prices—all that this manufacturing crisis has done to small manufacturers and large manufacturers but especially small companies in our communities.

We also know how U.S. trade policy has failed American business, especially small business, especially small manufacturers. We know the year I first ran for Congress, in 1992, we had a trade deficit in this country of $38 billion. Today our trade deficit, whether you count services or not, exceeds either $700 billion or $800 billion—from $38 billion to $700 billion to $800 billion in a decade and a half. Our trade deficit with China went from low double digits a decade and a half ago to somewhere in the vicinity of $250 billion today.

President Bush, Sr., the first President Bush, said for every $1 billion in trade deficit, it costs a country somewhere in the vicinity of 13,000 jobs. You do the math and you figure how many jobs we have lost, in part, because of our trade policy.

The response of the administration is: Let's do more of these trade agreements. We have already had NAFTA, we have already had PNTR with China, we have already had CAFTA and Singapore and Chile and Morocco and Jordan; let's do more, let's do a trade agreement with Panama, let's do one with Peru, let's do one with Colombia, let's do one with South Korea. The fact is, this trade policy is the wrong direction for our country.

In elections last fall, where Senator STABENOW, who has been a leader on trade and manufacturing, was reelected with a huge margin in a State that has been devastated by bad trade policies; in my State, and Senator WEBB's, Senator SANDERS', Senator TESTER's, the Presiding Officer's, and Senator CARDIN's—in all of our States, the voters spoke loudly and clearly that our trade policy has failed our middle class. Our trade policy has failed small business. Our trade policy has failed our communities. When a company shuts down with 300 workers in Steubenville or Lima or Dayton or Finley—when a company shuts down, it devastates a community. It means schoolteachers are laid off, police and firefighters are laid off. It means people are not as safe in their communities as their economy deteriorates.

I will close and turn the podium over to Senator STABENOW with a brief mention of energy. Senator REID, the majority leader, spoke about energy. He spoke about Democratic accomplishments today and talked about the energy bill coming up. I wish to illustrate, for a moment, how energy policy can matter and make a difference in manufacturing. At Oberlin College, a community not too far from where I live, between Cleveland and Toledo, on the campus of Oberlin College is located the largest building on any college campus in America that is fully powered by solar energy. When speaking to David Orr, the professor who helped raise the money to build this building, he told me the solar panels that power this building at Oberlin College—a whole roof, a large expanse of roof or solar panels—they were bought in Germany and Japan because we don't make enough of them. Go west of there, where the University of Toledo is doing some of the best wind turbine research in the country. Yet we are not building the turbines and the components and the solar panels and solar cells in this country. This Energy bill we will discuss today, this week and next week, coupled with a real manufacturing policy as Senator STABENOW has articulated over the last several years, can mean more good-paying industrial manufacturing jobs in our country, can help to stabilize energy prices, and can make a difference in rebuilding the middle class in Ohio, Michigan, North Dakota—all over this country.

I yield the floor to Senator STABENOW and thank her for her leadership.

Ms. STABENOW. Mr. President, thank you to my colleague from Ohio. It is so wonderful to have this strong voice, a leader in the House of Representatives on trade and manufacturing and all the issues that affect middle-class families and to now have Senator BROWN joining us in the Senate. It is such a benefit for all of us who care deeply about keeping the middle class in this country, about making sure we move forward with a 21st century manufacturing strategy that works for our country in a global economy. I thank the Senator from Ohio for his words and also join with him and with our wonderful colleague from North Dakota who has been such a champion on issues of fair trade.

First, I will start by reinforcing what has been happening to manufacturing in the last 6½ years. In this country, we have lost over 3 million manufacturing jobs. Why should we care about 3 million jobs that people raised their kids on, sent them to college—middle-

class families with good jobs, good incomes, with health care, with pensions? These are the jobs that have created the middle class of this country. That is not rhetoric. That is a fact.

These are those kinds of jobs, even though they are different. This is not your father's factory. These are new, advanced technology manufacturing jobs now that are being created. But in the future these are needed if we are going to keep the middle class of this country. That is why we are on the floor of the Senate, to express deep concern about the incredibly poor judgment and lack of attention coming from this administration and coming, in general, from those all together making policy that relates to trade and how we compete in a global economy.

We have to pay attention before it is too late, before we lose our economic competitiveness in a global economy, our ability to make things.

I believe any economy is based on the ability to make things and grow things and add value to that. We have to have a strong, vibrant manufacturing economy in order to be able to move forward and compete around the globe now.

We did hold a manufacturing summit, I think the first of its kind in the Senate, last week. I was very proud that Senator REID, our leader, enthusiastically supported us bringing together 70 different CEOs and high-ranking manufacturing leaders, as well as those representing their labor force, their unions, to come together and talk about what has happened in manufacturing and how we in the Senate can be supportive of keeping manufacturing competitive—a level playing field, which is all we are asking for in a global economy.

We heard some desperate pleas for us to pay attention to what is going on. Over and over again these CEO's talked with us about the fact that in a global economy, now competing with nonmarket economies such as China, they in fact are not competing with companies, they are competing with countries. We go out in the marketplace. There are rules required of our companies to be able to put a plant in another country or have local content in China with auto suppliers. You can't send it in and do business with China. You have to make the product there. Their country owns part of the business or provides great incentives, through a variety of other policies. Yet we are not paying attention. Unfortunately, this administration has not gotten what is happening when we talk about currency manipulation and counterfeiting and all the other policy issues that have put our companies at a disadvantage.

We are happy to export in a global economy. We wish to export our products, not our jobs. Right now we are exporting too many of our jobs.

What is the reality? When China went into the WTO in 2001, we were told two things: our trade deficit would go down and that our jobs would go up. Unfortunately, the facts are exactly the opposite; a $83 billion trade deficit with China. Last year that number skyrocketed to $288 billion, from $83 billion to $288 billion. It is certainly not going down. We have seen the Economic Policy Institute release a study 2 weeks ago that revealed 1.8 million jobs have been displaced through trade with China alone since they entered the World Trade Organization. They promised they would follow the rules. That is part of how you become part of the WTO. We were told: Support them so they can become a part of this international organization, where they will be required to follow the same rules as everybody else. They have not and we have lost, with China alone, 1.8 million good-paying, middle-class jobs.

It is now time to say enough is enough. In fact, 11 agreements have been completed since this administration, new trade agreements. Yet to enforce the agreements, the money has actually gone down by 17 percent. There is no willingness to understand what is going on.

In the counterfeiting business, we have a $12 billion counterfeit auto parts industry alone. What does that mean? These are auto parts coming in that do not meet our safety standards. The brakes may look the same, but if you go to a shelf and say I want this one because it is cheaper and put it in your car, it doesn't meet safety regulations. What happens when you are driving with your kids in the car? These are serious issues for what happens when auto parts are brought in, in a counterfeit manner.

Now, $12 billion worth of counterfeit auto parts have come in. In fact, in the last 5 years, we have lost 250,000 jobs in America because of that, and we have seen six of our Nation's largest auto suppliers go into bankruptcy. This is no accident. We don't have a policy. We passed, here, a counterfeit policy to strengthen our counterfeiting laws and the administration doesn't even use those. They have turned a blind eye. We have lost 250,000 jobs. We have seen our largest auto suppliers going into bankruptcy—Delphi, Dana Corp., Collins & Aikman, Federal-Mogul, Tower Automotive, and Dura Automotive.

Our job is to fight for our businesses that are competing in a global economy where other countries are not following the rules.

Let me give one other example, and I will be happy to turn to my colleague from North Dakota, the issue of currency manipulation. When we say currency manipulation, most people's eyes glaze over. What does that mean? Because a country such as China or Japan, when it comes to the auto industry, purposely keeps their currency down in value, they get a discount on the exchange rate when they bring their product into this country. In China, for instance, again, where we look at an auto part, the same auto parts that are being pirated, snuck into America or they are stealing the patents and making them illegally in China—if they actually bring them in, they also, on top of everything else, get a discount. They can sell the same auto part, the same bolt for $60 that we sell for $100 here, a $40 difference.

When you add that up, that is a $40 discount. On top of that, they are not paying health care the way we structure it. We are the only industrialized country that puts that on the backs of our businesses.

They are following a whole different set of rules. Their wages are dramatically lower. When we say to our auto suppliers or we say to our furniture makers or we say to others: Why can't you compete in a global economy, well, Mr. President, the manufacturers who joined us last week, and the great manufacturers in Michigan I go home and speak with every single weekend are saying: Look around you. We are competitive. We can be competitive. We are productive, but we have to have a Federal Government that partners with us so we have a level playing field on which to operate. Don't let the other team go down to the 20-yard line toward the goal. Put us both on the 50, have the level playing field, and we will compete with anybody and American ingenuity and hard work will win. That is what fair trade policies are all about.

I yield now to my colleague from North Dakota who comes to the floor every day speaking out on these issues and who has been a powerful voice for American workers and free trade.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator from North Dakota has 4 minutes remaining.

Mr. DORGAN. Mr. President, first of all, I thank my colleagues for their strong voice on trade.

I note this morning in the Washington Post that they have written one more ''don't confuse us with the facts'' editorial on trade. It is a creed that we see often in this newspaper. And this one is under the guise of criticizing Senator CLINTON for saying that she opposes the United States-Korea Free Trade Agreement.

In fact, let me read a part of the article. It says: If ratified, this Korean free-trade agreement, would be the most far-reaching trade agreement since the pact with Mexico and Canada.

Oh, really? Well, the pact with Mexico, we actually negotiated that when we had a trade surplus with Mexico. We have turned that into a $60 billion-a-year deficit. The trade with Canada, we had a small deficit with Canada. We have turned it into a giant deficit.

So if the Washington Post compares this with the NAFTA and the Mexico and Canada trade pacts, they ought to go back and look at the facts.

But let me just say, if they choose to applaud this trade agreement as the

ideal of what trade agreements ought to be like, I think they have chosen the wrong tent pole.

Here is what is happening with trade. This is what the Washington Post is supporting: an avalanche of red ink, dramatic trade deficits, which means we have shipped American jobs overseas. I believe we have begun to undermine this country's economy.

With respect to automobile trade and Korea and this agreement, let me say we have already negotiated two agreements with Korea in the 1990s. They have not abided by either of them. They say: Yes, yes, yes. They sign up for the agreement, and they do not do anything with respect to the enforcement.

Here is what we have with Korea. Last year, they sent us 730,000 Korean cars to be sold in the United States. Guess what. We were able to sell 4,000 cars in Korea. Let me say that again. They shipped 730,000 cars to be sold here. We were able to sell 4,000 cars in Korea.

Fair trade? I don't think so. Ninety-nine percent of the cars driving on the streets of Korea are Korean-made because that is the way they want it. That is the way they will keep it. Go read the story about the Dodge Dakota pickup that we tried to sell in Korea, and how the Korean government blocked that. You will know all you need to know about Korea auto trade.

So when the Washington Post criticizes Senator CLINTON for standing up for this country's economic interests, I think it is a curious kind of thing for the Washington Post to do.

This issue of trade is about jobs, real jobs. And the people who have those jobs are the people who know about second shifts, second jobs, second mortgages. They are American workers trying to make a go of it in a global economy, supported by the Washington Post, that puts downward pressure on their wages, and says let's sign up for any trade agreement, even if it is unfair to this country's economic interests.

A group of us proposed that we do benchmarks with trade agreements. Let's find out whether there is the kind of benchmark and accountability that will meet the test of progress on the other side with respect to trade agreements. But this administration opposes that as well.

The reason I wanted to take the floor today was to talk about the Korean free-trade agreement. We could talk about most others, as well, but the editorial this morning criticizing Senator CLINTON is unbelievable, and deals with the Korean deal.

This is the weakest possible point the Washington Post could make, or those who support these trade agreements could make. The Koreans send us 700,000 cars. They will allow only 4,000 of ours into their marketplace. That is fair trade? So they say, let's sign up for a third agreement with them. How many bitter lessons do we have to learn? What about accountability? What about benchmarks? Why won't this administration agree to benchmarks on trade agreements so that we can see whether we really are standing up for this country's economic interests?

Mr. President, in my judgment, it is not just the Washington Post but so many others here I think are experiencing a triumph of hope over real experience when they support trade agreements that we know to be bad agreements from this country's economic standpoint.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from New Jersey.

## ENERGY

Mr. MENENDEZ. Mr. President, as a member of the Energy Committee, I know a tremendous amount of work has been put into making this a strong energy package that will help us achieve energy self-reliance, lower gas prices, and reduce our greenhouse gas emissions.

Under Democratic leadership, we are headed into a new cleaner, greener, and more affordable energy future, one where we do not seek to treat our addiction to oil by drilling for yet more oil in the Arctic or off the east coast. This bill represents a bold step forward toward an economy that is based upon energy efficiency and renewable rather than fossil fuels.

I do believe, however, that there are a few key amendments that will make this good bill even better. The most important of these is Chairman BINGAMAN's renewable portfolio standard amendment, requiring that 15 percent of the Nation's electricity be produced from renewable sources by 2020. This forward-thinking provision is a declaration that our country is ready to be a renewable energy leader.

I often hear in the Halls of Congress that energy is a regional issue. If you represent a cold State, you probably support one set of policies; if your State grows corn or drills for oil, you support other policies.

I understand the passionate advocacy one must undertake on behalf of one's home State. But energy can no longer be viewed as a parochial issue that only affects local interests. We in the Senate have a responsibility to ensure that our local interests do not jeopardize the Nation's interests as a whole, nor can we stand in the way of this great Nation becoming a global leader on what has become a global issue.

For most of the past two centuries, this country has been blessed with an abundant supply of domestic energy, bountiful enough to provide us with all of the heat and power we have needed. But for the last 40 years we have increasingly had to look abroad to secure supplies of oil. This quest to feed our seemingly insatiable appetite for oil has unquestionably shaped our foreign policy.

We pay the price for our oil habit when a corrupt regime such as Iran feels emboldened to threaten its neighbors with nuclear weapons, and do so with impunity because their access to oil makes it possible for them to buy influence around the globe.

As New York Times columnist Tom Friedman has pointed out, it is not a coincidence that when oil was $20 a barrel, both Russia and Iran launched internal reform programs to increase democratic participation. As the price of oil has soared past $70 a barrel, both of those countries have reversed course and used their burgeoning treasuries to stifle dissent and roll back democratic progress.

The same story can be told across the world, from the corrupt royal governments and pseudo-theocracies of the Middle East, to the iron-fisted dictators who hold sway in the former Soviet countries in Central Asia, to the petro-populism of Hugo Chavez in Venezuela. Many of the countries that sit on the largest reserves of oil are the same countries that are now resisting reform and creating global instability.

If the story of the 20th century was of a tidal wave of democracy sweeping across the globe, the emerging story of the 21st century is of that wave being swallowed underneath a floor of crude. As long as there are tyrants who have the lucky fortune to sit on top of massive oil reserves and prop up their regimes through huge petroleum profits, there will be no reform. Finding alternatives to oil is a key to democratic, economic, and social reform in much of the world.

In response to this energy security challenge, some of my friends and colleagues will undoubtedly advocate Federal support for efforts to support a liquid fuel from coal. They point out that we have an abundant supply of coal, that we are the ''Saudi Arabia'' of coal. This line of thought ignores the threat of global warming.

The lifecycle emissions of liquid fuel made from coal are over twice that of gasoline. If we substitute oil for coal, a fuel that releases even more greenhouse gasses than oil, we are setting our planet up for disaster. Global warming is happening. It is caused by human activities. It is threatening our very existence.

Recently, the New Jersey Research and Policy Center catalogued the impacts of global warming in my State over the next century. If we do not act quickly and decisively, Cape May Beach will erode between 160 to 500 feet inland. The Holland Tunnel will be forced to close due to repeated floods. Heat-related deaths in our cities will rise fivefold, and flooding along the Delaware River will cause millions of dollars in property damage.

Similar devastating impacts will be seen all over the world. Floods will require the evacuation of millions in India and Bangladesh. East Asia will experience increased water shortages. Central Africa will see ever worsening

drought conditions. Warmer ocean surface temperatures will lead to stronger hurricanes and cyclones.

In order to address our energy challenges, we must keep these worldwide impacts in mind, but that does not mean we should not act locally to achieve our national goals. Just this past weekend, the Washington Post ran an article with the headline, ''Cities Take Lead on Environment As Debate Drags at Federal Level.''

The article detailed the actions that mayors have taken to fill the void left by the President's lack of leadership on climate change. Hundreds of mayors have created energy efficiency projects, promoted renewable energy, and vowed to meet the greenhouse gas reductions laid out in the Kyoto Protocol.

To foster this local spirit in our cities to tackle climate change, I, along with Senator SANDERS, have included a provision in this bill to create an energy and environmental block grant program. This program will allow cities and counties to get Federal grants to make their buildings more efficient, create new renewable energy projects, and continue their leadership in reducing U.S. carbon emissions.

Mr. President, not only does the Clean Energy Act of 2007 lower greenhouse gas emissions and help us achieve energy self-reliance, but the bill also promises to reduce prices at the pump. First, the bill creates real competition for oil by increasing the production of renewable biofuels from 8.5 billion gallons per year in 2008 to 36 billion gallons per year by 2022.

Second, the bill lowers the demand for oil by requiring the National Highway Traffic Safety Administration to achieve a nationwide fleet fuel economy of 35 miles per gallon by 2020 for passenger cars and light trucks.

Third, the bill expands the Federal research into plug-in hybrid technology so that electricity can compete against liquid fuels as a power source for our vehicles.

Finally, by cracking down on price gouging, the bill will ensure that oil companies cannot drive up costs without justification. For too long companies have been allowed to squeeze motorists for record profits without economic justification. This bill will make oil markets more transparent and institute tougher civil and criminal penalties for market manipulation.

Taken together, these measures will create more supply, put downward pressure on demand, and create a more competitive marketplace. In turn, this will lead to drastically lower prices for all drivers.

Mr. President, in closing, each of us comes to the Senate as a representative of our respective State, but our responsibilities do not end at our State's borders. As national leaders, we also have a responsibility to come together and address issues such as our global energy challenges.

When it comes to these issues, whether it is national security or global climate change, we must rise above local interests and show national leadership. Then, and only then will we be able to effect change that benefits consumers, improves our energy security, and establishes the United States as a leader in the fight against global warming.

I salute Senator BINGAMAN and Senator DOMENICI in this effort. I urge my colleagues to support this important bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I rise to speak on the very important bill before us. Like the Senator from New Jersey, I serve on the Energy Committee. It has been my pleasure to work with the chairman and ranking member to discuss the problems we have in our country and the State of Florida with energy, the fact that it is such an essential ingredient in our daily lives. It needs more help. It needs reform, and Congress needs to address it.

As we move forward in shaping the policies that guide our Nation in securing domestic, stable, and affordable sources of energy, we must remember that everything we do here will have a direct impact on every American who drives a car, turns on a light, or takes a sip of water. Gas prices are hovering around historic highs. Energy bills are climbing. Over the last 5 months, gas prices have risen almost 50 percent. That is the one place where all Americans have to, at some point during the week, make a stop, as with the grocery store. If prices have gone up 50 percent over the last 5 months, imagine what that does to a family on a budget trying to make ends meet, trying to send children to school, trying to live on a fixed income—retire, perhaps—members of our military. This cuts across all people evenly. Energy bills are climbing for all Americans. There is increased concern over the impact our energy production has on our environment, and rightly so.

I am glad we are talking about this important issue because it is a vehicle we can use to address all three of these pressing concerns. But in this bill, there are areas where we can do more, areas we can improve to help shape the long-term outlook for domestic energy production.

In the area of gas prices, this bill does nothing to remove the barriers to refineries. Total U.S. demand for oil is about 22 million barrels per day. Right now, we have domestic refinery capacity here in the United States to produce about 17 million barrels a day. That means we have to import at least 5 million barrels of refined products every day just to meet our current deficit. But the problem is, our needs are growing and refinery capacity is static or shrinking. We need more refineries and more refinery capacity. But the fact is, we have not built a refinery in the United States in 30 years because of burdensome overregulation.

Under the current system, there is no incentive for companies to take the risk or make the investment in a process that in all likelihood will result in rejection. This is something this bill should address. We know the problem. We know the solution. All we need now is a commitment to do something about it. Until we address the refinery capacity and petroleum infrastructure problems, there will be no relief for this problem, for the ever-rising prices of gasoline for American consumers at the pump. Until we address refinery capacity, this bill will not be complete.

This bill attempts to address supposed price gouging at the pump. I think I speak for all my colleagues when I say we oppose price gouging and we should encourage vigorous prosecution of unscrupulous business practices. We should do all we can to see it doesn't happen and those who engage in that are punished. But study after study and investigation after investigation have shown that widespread price gouging is not happening. That is not the problem. After the devastating hurricanes of 2005, I joined my colleagues on the Energy and Natural Resources Committee to ask the Federal Trade Commission if there was any sort of collusion among the oil and gas industry to drive up prices. Once again, the FTC found no evidence of price gouging or of collusion.

Until we address the capacity of our refineries to produce more gas, the supply will be limited. Basic economics says if demand is high and supply is low, you are going to pay a premium at the pump. Gas prices are hurting Americans. We are looking at historic highs. Pick up a gas pump and open your wallet. Does this bill address that? No. This doesn't add any more production. This doesn't reduce inefficiencies. Instead, this bill mandates alternative fuels without removing cost barriers. We will still have a 54-cents-a-gallon tariff on Brazilian ethanol. That is fuel which could be flowing today in Florida and throughout our country. That is fuel which could increase supply, reduce the price at the pump, and have an impact on prices tomorrow. It is part of what this bill should address. We need to look at whether, in fact, it is prudent, at a time when we are trying to increase ethanol consumption, for us to put a tax on the import of ethanol from Brazil.

Another area of this bill where we could make improvements is by adding incentives to promote the production of nuclear energy. If we are looking for a clean, reliable, stable, and affordable energy supply, look no further than nuclear energy. In my State, we have five nuclear units generating roughly 15 percent of our energy needs. We need more of that kind of power generation. In the time since we ordered our last nuclear reactor in the 1970s, France has embraced nuclear energy. Now their country is 80 percent nuclear. They get it. They are using it. They are recycling the waste to generate even more

power. If we are looking for a renewable, clean, and stable source of energy, there is one. But instead of promoting nuclear energy, this bill is silent. Instead of giving Floridians relief from the costs associated with storing the waste at our facilities, we are faced with mounting bills.

Florida ratepayers have already paid $1.2 billion to move waste to Yucca Mountain, but it currently remains stored in Florida. It is sitting at the powerplants. This money, intended to store nuclear waste in Nevada, is costing Floridians money every month in every electric bill. It is costing us the money that should have been spent on producing more energy, on finding ways of bringing down the costs.

Under the 1982 Nuclear Waste Policy Act, we were supposed to be sending this waste to Yucca Mountain starting in 1998. We have let politics prevent us from embracing the promise of nuclear power. If we are serious about promoting the production of clean energy, we had better do what we promised Florida ratepayers and others around the Nation, that we open the central repository in Nevada.

We have enough coal to meet our energy needs for 200 years, and very little in this bill addresses that fact. States such as Kentucky, Montana, and Wyoming are rich in resources and ready to bring those resources to meet our growing fuel demands. As a Senator from Florida, I would much rather be digging for coal in Montana or Kentucky than drilling for oil on the beaches of Florida.

The Bingaman 15 percent RPS amendment is one of the amendments I encourage my colleagues to oppose. For Florida ratepayers who have embraced nuclear energy as a way to help reduce pollution, by 2030, the Bingaman amendment will have a cost of $21 billion. I don't know how many people in Florida think their energy bills are too low, but I can't imagine that they are willing to start subsidizing wind farms in North Dakota. Florida property taxes are already sky high. Our property taxes, our insurance costs are even higher. The last thing Floridians want is a $21 billion increase in their power bill. Break that down, and that is a rate increase of about $2,500 per household. That is more than a year's tuition at the University of Florida. That is more than a family on a fixed income might spend in a year for any type of recreational activity. Florida doesn't have the resources or the capacity to meet the arbitrary definitions or demands of the Bingaman amendment. We will take a big financial hit if it passes.

In the next 10 years, Florida's energy demands are expected to grow 60 percent. We need reliable, affordable, abundant, clean-burning energy to meet our demands. Disincentives like the renewable portfolio standard amendment don't provide power to the State of Florida. They don't help Florida meet its needs for seniors, veterans, working families, and those on fixed incomes.

This bill regulates and mandates, but where is the bill streamlining? Where is the redtape being reduced? Where are the incentives for States such as Florida to build upon those power sources which we have already found to be clean and successful?

A bright future for America and our economy depends on energy. We need it to run our homes, computers, cars, our entire way of life. Right now, we have a reliance on foreign sources of energy that is unhealthy. To get away from foreign sources of energy, we need to make the hard decisions today to give us a better tomorrow. That is certainly the case with our energy policy. Domestic solutions include nuclear, clean coal, biofuels, increased production of oil and natural gas. Obviously, conservation needs to be a cornerstone of what we do.

In Florida, we rejected oil and natural gas drilling off our coast in favor of pursuing alternatives, including expanding production in some of the deepest regions of the Outer Continental Shelf, opening 8.3 million acres for production. We are also studying new sources of energy. We are making great strides in biofuels research and development. We are working through public and private partnerships to harness the power of cellulosic ethanol and find ways to more efficiently turn orange rinds and sugar cane into energy. These are the ideas. These are the innovations we need to pursue in our natural energy policy. We need to reward States that are pursuing smart strategies. We need to stay away from penalizing those that don't have the resources to meet arbitrary and unrealistic benchmarks. We need an energy policy for the long haul.

I am hopeful we can do that, but we still have a lot more work to do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

## THE ECONOMY

Mr. ENZI. Mr. President, I listened to the conversation that has gone on this morning. I have to say I am a little bit disappointed in some of the negative comments about our country. I always thought you had to be an ultimate optimist to serve in this body. Things go slowly, which is probably fortunate, but we just can't keep trying to make ourselves look better by running down our country. I often remind people that I am not aware of anybody trying to get out of our country, but from the past 2 weeks' discussion, I know there are a lot of people trying to get in.

I will cite an article from the Wall Street Journal of Wednesday, May 23, 2007, that says, ''The Poor Get Richer.'' It reads:

It's been a rough week for John Edwards, and now comes more bad news for his ''two Americas'' campaign theme. A new study by the Congressional Budget Office says the poor have been getting less poor. On average, CBO found that low-wage households with children had incomes after inflation that were more than one-third higher in 2005 than in 1991.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 23, 2007]

THE POOR GET RICHER

It's been a rough week for John Edwards, and now come more bad news for his ''two Americas'' campaign theme. A new study by the Congressional Budget Office says the poor have been getting less poor. On average, CBO found that low-wage households with children had incomes after inflation that were more than one-third higher in 2005 than in 1991.

The CBO results don't fit the prevailing media stereotype of the U.S. economy as a richer take all affair—which may explain why you haven't read about them. Among all families with children, the poorest fifth had the fastest overall earnings growth over the 15 years measured. (See the nearby chart.) The poorest even had higher earnings growth than the richest 20%. The earnings of these poor households are about 80% higher today than in the early 1990s.

What happened? CBO says the main causes of this low-income earnings surge have been a combination of welfare reform, expansion of the earned income tax credit and wage gains from a tight labor market, especially in the late stages of the 1990s expansion. Though cash welfare fell as a share of overall income (which includes government benefits), earnings from work climbed sharply as the 1996 welfare reform pushed at least one family breadwinner into the job market.

Earnings growth tapered off as the economy slowed in the early part of this decade, but earnings for low-income families have still nearly doubled in the years since welfare reform became law. Some two million welfare mothers have left the dole for jobs since the mid-1990s. Far from being a disaster for the poor, as most on the left claimed when it was debated, welfare reform has proven to be a boon.

The report also rebuts the claim, fashionable in some precincts on CNN, that the middle class is losing ground. The median family with children saw an 18% rise in earnings from the early 1990s through 2005. That's $8,500 more purchasing power after inflation. The wealthiest fifth made a 55% gain in earnings, but the key point is that every class saw significant gains in income.

There's a lot of income mobility in America, so comparing poor families today with the poor families of 10 years ago can be misleading because they're not the same families. Every year hundreds of thousands of new immigrants and the young enter the workforce at ''poor'' income levels. But the CBO study found that, with the exception of chronically poor families who have no breadwinner, low-income job holders are climbing the income ladder.

When CBO examined surveys of the same poor families over a two year period, 2001–2003, it found that ''the average income for those households increased by nearly 45%.'' That's especially impressive considering that those were two of the weakest years for economic growth across the 15 years of the larger study.

One argument was whether welfare reform would help or hurt households headed by women. Well, CBO finds that female-headed poor households saw their incomes double from 1991 to 2005, and the percentage of that

income coming from a paycheck rose to more than a half from one-third. The percentage coming from traditional cash welfare fell to 7% from 42%. Poor households get more money from the earned income tax credit, but the advantage of that income-supplement program is that recipients have to work to get the benefit.

The poor took an earnings dip when the economy went into recession at the end of the Clinton era, but data from other government reports indicate that incomes are again starting to rise faster than inflation as labor markets tighten and the current economic expansion rolls forward.

It's probably asking way too much for this dose of economic reality to slow down the class envy lobby in Washington. But it's worth a try.

Mr. ENZI. Another article I refer to is from Denver's Rocky Mountain News for April 9, 2007, ''Not bad for a much-maligned economy.'' We keep talking about how bad the economy is. Well, it isn't bad.

Just when your mind may have been grappling with the disturbing news that Circuit City stores had fired 3,400 of their highest-paid hourly salespeople—not to trim the workforce, as you might expect, but to replace those let go with lower-paid workers—along comes the Labor Department with equally startling news, but of a positive bent.

In March, the U.S. economy added 180,000 jobs; the unemployment rate declined again, to 4.4 percent; and average hourly and weekly earnings advanced, with weekly income up 4.4 percent . . .

The article goes on to read:

But after six years of fairly steady economic growth despite a costly war, Katrina, a housing slump and other body blows, fair-minded people should at least entertain the possibility that current policies must be getting something right.

It ends by saying:

After all, what exactly is it about the March economic figures that [you] don't like?

I ask unanimous consent that that article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rocky Mountain News, Apr. 9, 2007]

NOT BAD FOR A MUCH-MALIGNED ECONOMY

Just when your mind may have been grappling with the disturbing news that Circuit City stores had fired 3,400 of their highest-paid hourly salespeople—not to trim the workforce, as you might expect, but to replace those let go with lower-paid workers—along comes the Labor Department with equally startling news, but of a positive bent.

In March, the U.S. economy added 180,000 jobs; the unemployment rate declined again, to 4.4 percent; and average hourly and weekly earnings advanced, with weekly income up 4.4 percent on an annual basis.

In other words, amid all of the economic anxiety fueled by globalization, immigration and the relentless rhetoric about a growing class divide in the United States, the actual performance of the American economy remains fairly remarkable.

We're not suggesting that the popular worries are baseless. Globalization involves winners and losers; immigration puts pressure on wages (at least on the lower end); and the rich have indeed been getting richer at a faster rate than the rest of us.

Even some of the popular resentments—such as over the steep trajectory of CEO pay—are hardly without merit.

But after six years of fairly steady economic growth despite a costly war, Katrina, a housing slump and other body blows, fair-minded people should at least entertain the possibility that current policies must be getting something right.

The burden of proof, indeed, should be on those who want to raise taxes, reverse advances in free trade, and micromanage businesses with a slew of new regulations affecting compensation, benefits and employment conditions.

After all, what exactly is it about the March economic figures that they don't like?

## ENERGY

Mr. ENZI. Mr. President, what I really came to address is an issue of utmost importance to the American people. When I visit my home State and read the mail I receive from constituents, I am consistently reminded of the fact that we are seeing record-high energy prices. High energy prices affect almost every American. They affect the parent who drives his or her kids to school. They affect the college student who wants to make it home for the weekend. They affect Members of the Senate as we travel to and from our States. But we have to be careful with what we do. A lot of the time, something that we think is going to be a positive move turns out to be a negative.

I refer to a Wall Street Journal article of May 16, 2007. It is titled ''Green But Unclean.'' It reads:

Remember those water-saving toilets that Congress mandated a few years back? Yes, the ones that frequently clog and don't flush, causing many Americans to resort to buying high-performance, black-marketed potties in Canada and sneaking them into their homes like smugglers. Well, get set for Washington's latest brainstorm.

I ask unanimous consent to print this article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 16, 2007]

GREEN BUT UNCLEAN

Remember those water-saving toilets that Congress mandated a few years back? Yes, the ones that frequently clog and don't flush, causing many Americans to resort to buying high-performance black-market potties in Canada and sneaking them into their homes like smugglers. Well, get set for Washington's latest brainstorm: $800 washers that don't really clean.

The June issue of Consumer Reports states that ''Not so long ago you could count on most washers to get your clothes clean. Not anymore. . .'' The magazine tested the new washers and found that ''Some left our stain-soaked swatches nearly as dirty as they were before washing.''

The cause of this dirty laundry is a regulation issued in the waning days of the Clinton Administration mandating that washers use 35% less energy by 2007. Regulators claimed at the time that this would save money and energy without sacrificing performance. That's what they always say. But, according to Consumer Reports, the new top-loading washers ''had some of the lowest scores we've seen in years.''

Don't expect apologies from Congress or the green activists who promoted these mandates. We are living in one of those eras where all Americans are supposed to bow before the gods of energy conservation, even if it means walking around with dirty underwear. One irony is that because the new machines clean so poorly, consumers will often have to rewash clothes, which could well offset energy savings from the mandates. Not to mention the use of extra detergent. But no matter: Crusades like these are about pure green intentions, not the impure actual results.

And this is just the beginning. President Bush's endorsement of more immediate auto-mileage standards this week is the latest sign that we are returning to the era when the environment is used as the political justification to promote a new wave of government regulation.

Members of Congress and state legislatures are proposing new government edicts forcing Americans to use new and more energy-efficient fluorescent light bulbs instead of the conventional incandescent bulbs that many people prefer. Apparently Americans aren't wise enough to make up their own minds, as technology adapts and prices of the new bulbs fall.

Once upon a time liberals said government should stay out of the bedroom; at the current rate, that will be the only room in the house where Uncle Sam won't be telling us how to live.

Mr. ENZI. Price increases are for a number of reasons, but the simplest explanation is that we lack the supply to meet the demand for energy. At the same time, prices decrease when we see strong supplies that are capable of meeting the demand that exists.

We have to be careful that we reduce the demand—and that is what part of this bill does—but we also have to figure out a way to increase the supply. I am a little disappointed in what the bill does with that.

On June 12, 2007, there was an article in the Casper Star-Tribune. The title is ''Official warns of energy crisis; Growth in demand for electricity in West exceeds generation capacity.'' Of course, for years we have been hearing about rolling brownouts in California and even blackouts in part of the country.

It says:

Construction of new electrical generation in the West is projected to grow by 6 percent, while demand for electricity is projected to increase by 19 percent over the next 10 years, according to the Federal Energy Regulatory Commission.

FERC Commissioner Suedeen Kelly, speaking on her own behalf, said the situation is nothing short of a crisis.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Casper Star-Tribune, June 12, 2007]

OFFICIAL WARNS OF ENERGY CRISIS

(By Dustin Bleizeffer)

DEADWOOD, S.D.—Construction of new electrical generation in the West is projected to grow by 6 percent, while demand for electricity is projected to increase by 19 percent over the next 10 years, according to the Federal Energy Regulatory Commission.

FERC commissioner Suedeen Kelly, speaking on her own behalf, said the situation is nothing short of a crisis.

''There's not enough time to build our way out,'' Kelly told the Western Governors' Association here Monday.

Kelly said Western states must band together to aggressively seek energy efficiency, noting that even small load reductions during peak usage times have proven to save millions of dollars. In addition to efficiency, Kelly said, Western states must immediately launch a massive and coordinated construction effort to link rural renewable energy and clean coal resources to high-load centers.

She commended the Western Governors' Association for its efforts toward those goals, but cautioned that the process is going to be expensive—both financially and politically. The political cost is that some government entity—whether state or federal—is going to have to force power lines into someone's backyard.

States retain authority over siting power lines and related facilities—an endowment the federal government doesn't seem to envy, according to Kelly. Wyoming Gov. Dave Freudenthal suggested this is one area where the federal government could be useful. Freudenthal's idea: Perhaps FERC could play some sort of ''convenor'' role to ''legitimize'' siting authority.

''The governor feels really what the state can do is set the stage and make the case that transmission is important,'' Freudenthal spokeswoman Cara Eastwood said. ''It's a complex issue, and it's a challenging issue that has to be overcome in some way.''

Individual states can invite FERC to participate without relinquishing siting authority, Kelly said. She said open co-operation is key to dealing with the energy crisis, so Westerners are going to have to accept ''small environmental footprints'' to reduce the overall environmental footprint across the nation.

''We are no longer flying solo with our electricity supply and demand,'' Kelly said. ''We are dependent on each other—even more dependent on each other if we want to (develop) our renewable and clean coal'' resources.

Kelly said the energy shortfall will likely reveal itself this summer, noting that meteorologists project hot temperatures across the nation.

''We can correctly call this a crisis,'' Kelly said. ''We don't have enough time to build generation to meet increased demand this summer.''

Mr. ENZI. As prices continue to escalate, some would say we are in an energy crisis. We are at a point where we continue to see the global demand for energy increasing as countries such as China and India develop. At the same time, the demand increases, the Democratic Congress is not taking the steps to increase our domestic supply. Some of the policies we are seeing will have a detrimental effect on that supply.

The Energy Policy Act of 2005 included a number of important incentives for the domestic exploration of many new natural resource supplies. It aided in the production of affordable domestic energy. We are now seeing a number of proposals from the other side to repeal these important provisions.

In the 109th Congress, we attempted to pass important legislation to streamline the bureaucratic process that made it impossible to build an entirely new refinery, and that is what has been happening for the last 30 years. That legislation was repeatedly blocked at the expense of the American people, who continue to suffer as refiners struggle to keep pace through expansion. Supply and demand—you can buy the oil, but unless the oil becomes gasoline, you cannot use it, and unless it is in enough of a quantity of gasoline and enough of a supply, the price will go up. It will provide complications.

Since November, gasoline prices have increased almost 50 percent. The price of gas averaged $2.20 a gallon at the last election. Now the average is $3.15 a gallon. Part of that is the cost of a barrel of oil, but more of that is a reflection on the future and how unstable some of the world situations are. That is what fluctuates the price of a barrel of oil.

But the price at the pump is affected by the number of refineries we have and the number of regulations Congress puts on the gasoline we use. We saw a spike last month in the price of gasoline. That is the point at which the refineries had to shut down some of their production in order to change over to the requirements we put on for the summer fuel. When that happens, there is less supply, and prices go up. Since the changeover has been made, prices have come down slightly.

These are not positive trends and, unfortunately, there is nothing to indicate the Senate will be acting in a way to increase supply and improve the price of energy for the American people.

My State of Wyoming is an energy-producing State. We produce about a third of the Nation's coal. We produce a million tons of coal a day. We also have large natural gas fields. We are the only State in the Nation that is showing an increasing supply of natural gas. We also produce some oil. We have a significant amount of wind power. We have uranium. Because of a lot of Sun, I am seeing an increasing amount of solar power with each visit to Wyoming.

We have a diversified energy portfolio. We have an energy portfolio that recognizes that coal is the Nation's most abundant resource. In fact, my county has more Btu's in coal than Saudi Arabia has in oil. Our energy portfolio recognizes you can produce natural gas in an environmentally efficient manner. At the same time, our State's portfolio recognizes there is an increasingly important place for wind and other renewable resources. We are trying to do them all, but we cannot neglect the one we have the most of.

The policies on the other side of the aisle do not reflect this need for diversity. While they talk about the need to reduce our dependence on foreign energy sources, they repeatedly block efforts to produce our domestic resources. As they talk about the need to lower prices for consumers, they advocate policies that will make it more expensive to produce energy. As they talk about the need to increase our Nation's energy security, they vote against policies that will increase the use of our Nation's most abundant domestic energy source.

We are currently debating an energy bill. I want to commend Chairman BINGAMAN and Ranking Member DOMENICI for their work on this legislation. There is no question there are some positive provisions in the legislation. I do appreciate that it actually came through committee. I have not seen a bill that has just been brought to the floor, such as the immigration bill, that has ever made it through the process. So this one has a chance of making it through, and I am glad for that. The legislation will help develop biofuels technologies which will allow us to displace some of our Nation's traditional energy supply.

However, the legislation has many flaws, most clearly illustrated by the decision of Senate Democrats to block efforts by members of the Energy Committee who worked to incentivize a technology that can truly reduce our Nation's dependence on foreign sources. That technology is known as coal-to-liquids, and it is the process of turning our Nation's most abundant energy source—coal—into liquid fuels—incentives instead of stopping the process.

Coal-to-liquids technology is not new. The technology has been around since the 1940s, and there is no question it will be used today in a much better way than even in the 1940s. It would be used in the transportation markets, which is our biggest difficulty.

It can be transported in pipelines that currently exist. And, because it comes from coal—our Nation's most abundant energy source—it can be produced at home by American workers.

Coal-to-liquids plants are being developed in China. They are being developed in other major industrialized nations, but they are not being developed in the United States. I am concerned that, as we sit on the sidelines, other nations will take advantage of our inaction and our economy will suffer.

The amendment offered by Senators THOMAS and BUNNING that was blocked in the Energy Committee offered a tremendous opportunity to move coal-to-liquids forward. It was a tremendous opportunity to place more of our energy security in the hands of Americans and to take it out of the hands of Hugo Chavez of Venezuela and other oil barons who seek to do economic harm to the United States. Unfortunately, on a party-line vote, that effort was blocked and instead of debating a more comprehensive energy bill, we are debating one with a glaring weakness.

In addition to the decision to keep coal-to-liquids language out of the legislation, I am concerned that a number of other sections included in the bill make for good talking points, but not for good solutions. Although I understand and sympathize with the problems that high energy prices create for

families, creating a federal price gouging law is not the answer. The authority already exists for investigations into price gouging, and I am concerned that price gouging is simply a code word for ''price controls.'' Such a policy failed in the past and will fail in the future.

I also have concerns about the sections of the legislation that increase corporate average fuel economy standards, and I have concerns that this bill does nothing to address our lack of domestic energy production in areas where production is possible and environmentally responsible.

We are in a situation where our Nation's energy supply does not meet our Nation's energy demand, and, while we must work to reduce our consumption, we should also work to produce as much energy domestically as is possible.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, I rise today in support of America's energy security, and I wish to speak a moment about the bill that is before us and talk about some of the pluses it brings into our debate and also talk about some additions I think are very necessary.

I am very excited that the Energy Committee, which I am on, has passed out to this body a bill that talks about increasing the ability of our country to rely upon alternative fuels. I think we have set some very good goals in that area. I believe that is an excellent start to cause us to be less dependent on petroleum, to be far more dependent on biofuels in our country.

I know the State of Tennessee, which I proudly represent, will be a big part of making sure that happens. As a matter of fact, our State is working to make sure we are a substantial part of our country's goal in meeting these objectives.

I know cellulosic research is taking place in Tennessee and throughout the country, which will benefit all Americans in the process, as we take the pressure off corn-based ethanol, which is a big part of what we are doing in our country. I am so thrilled for the corn farmers and others across America who are playing a part in our energy future, but I know that cellulosic is going to be a big part of what we need to do to even increase our country's ability to produce alternative fuels.

I also know this bill we are contemplating does a great deal to focus on carbon capture and storage. It also allows our country to actually assess the various caverns throughout our country to really look at how much storage capacity our country has as it relates to storing $CO_2$ emissions in order to make sure we do no further damage to our environment.

I know this bill also really focuses on energy efficiency standards—something all Americans need to embrace. Certainly, the Federal Government needs to be a leader in that area, and this bill certainly contemplates that.

But let me say this: In a rush to do this—and I am, again, thrilled we have a bipartisan effort underway—I think we need not lose sight of the fact that overall our goal should be to certainly make sure whatever we do with energy policy raises the gross domestic product of our country over time, so these young people who are here as pages today have a future that is even brighter than it is today, that what we do certainly causes our country to have energy security so we are not dependent on regimes around the world that are not friendly to our country, and that whatever we do causes us to be environmental stewards, that we do not damage our country.

I want to tell you that I had the great privilege of spending time in Europe 2 weeks ago, looking at some of the energy policies some of our friends and allies have put in place. While on one hand I admire greatly their effort to do less damage to the environment, sometimes there are adverse consequences to what occurs. I think what we have seen over the short term is a greater dependence on fuel sources that will cause them to be in some ways more dependent on regimes that could not in some ways be friendly to their future.

I think we need to keep these things in balance. So while we look at alternative fuels that are going to be friendly to our environment and cause us to be less dependent on those that are not, I think we ought to also focus heavily, in this bill, on increased production. Here in America, we need to do our best to boost fuel supply by increased production. We need to increase our refining capacity. We really have not had major increases in refining capacity in this country since the 1970s. There are additions that are taking place.

I know many people are talking about the high price of gasoline. Certainly, one of the reasons for that is our country has a limited ability to actually refine petroleum in a way we can use it in our vehicles. That is something we as a country need to aggressively pursue.

The other thing we need to do in this bill—and I plan to offer an amendment to deal with this issue. In some ways, in this bill, in focusing on alternative fuels, we are trying to pick winners and losers. We are saying certain types of ethanol are the types of alternative fuels we need to be pursuing and those only. What I would like to do is add—and what I will do through an amendment, and hopefully, it will pass this body—is to cause the Senate to actually set standards, standards that cause fuels to be environmentally friendly, to emit less carbon, to emit less other types of pollutants, and at the same time be fuel efficient, to provide the amount of energy, if you will, that really meets the standards these other fuels do. So we hope to broaden that definition so the Senate itself is not defining specific fuels.

We have tremendous capabilities in our country through entrepreneurship. We have tremendous capabilities through coal-to-liquid technology that we can do in an environmentally friendly way. We have other types of technologies that are being developed. I think we as a country should set goals and standards and let entrepreneurs and the business community help fill the void to cause our country to be energy secure, to cause our country to help grow the GDP, and to cause our country to make sure what we do causes us to be environmentally friendly.

So we will be putting forth that amendment. I hope my colleagues will join me in helping us broaden these definitions so we can harness the very best we have in our country.

I yield my time.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. MCCASKILL). Morning business is closed.

## CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

Pending:

Reid amendment No. 1502, in the nature of a substitute.

Inhofe amendment No. 1505 (to amendment No. 1502), to improve domestic fuels security.

AMENDMENT NO. 1505

The PRESIDING OFFICER. Under the previous order, the time until 11:45 a.m. shall be for debate on amendment No. 1505, offered by the Senator from Oklahoma, Mr. INHOFE, with the time equally divided and controlled between the Senator from Oklahoma, Mr. INHOFE, and the Senator from California, Mrs. BOXER, or their designees.

Who yields time?

Mr. ENZI. Madam President, on behalf of Senator INHOFE, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 10 minutes.

Mr. ENZI. Madam President, I rise to talk about the Inhofe amendment, which would increase the possibility that we could have increased refining in the United States. Refining of oil

produces more gasoline, and more gasoline will bring down the price of gasoline.

We can't have a serious discussion about energy without discussing the fact that it has been more than 30 years since the last oil refinery was built in the United States. There has to be a reason for that. Although a number of our Nation's refiners have worked on expansions, they simply can't keep up with the growing demand.

It is clear that something is wrong with a permitting process when it is so burdensome it prevents the construction of that which is so vital to our Nation. Because energy fuels our economy, we need to stop with the rhetoric and take some real action.

I have to tell my colleagues that I have faith in America. I have faith in the young people of America. I have faith in the inventors in America, who are of all ages. I am aware of a company in Sheridan, WY, named Big Horn Valve. They have been working on some refinery problems, including leaks in refineries, and they came up with a valve that doesn't have a knob that you turn on the outside of the pipe. Everything is internal in the pipe, and it has a special venturi nozzle in there that doesn't take up the entire inside of the pipe but can still flow as much oil as a flow pipe. The way it works is to turn it off magnetically; it twists and the two spots don't line up. Since it is completely internal to the pipe, there can be no leakage. It is just one small solution to some of the problems that can be solved.

I would mention that with the National Institutes of Health, we have faith in the inventiveness of people. We doubled the budget for research for the National Institutes of Health. I can tell my colleagues that today we have 654 cancer treatments in clinical trials. That is what happens when we incentivize people to come up with solutions.

We need to do that with energy. We are in the midst of a huge energy crisis. China recognizes it. China is buying every available fuel source they can get their hands on. My colleagues probably saw where they tried to buy a company in California. You have probably seen where they bought supplies in Canada. They know the future of the economy is requiring—requiring—energy, particularly fuel to transport things.

Senator INHOFE's amendment recognizes this fact, and it improves the permitting process for new refineries. It establishes an opt-in program for State Governors, requiring the Environmental Protection Agency to coordinate all necessary permits for construction or expansion of refineries. It provides participating States with technical and financial resources to assist in permitting, and it establishes deadlines for permit approval.

These vital changes will make it possible for new refineries to finally be built. They make those changes in a way that is environmentally sound. Opponents of this legislation suggest that is not the case and that environmental laws will be pushed aside. Those claims are false. The Environmental Council of States, which represents State departments of environmental quality, clearly stated in a letter that ''the Gas PRICE Act does not weaken environmental laws.'' That act is the one that is in Senator INHOFE's amendment.

In addition to this, the council, along with the National Association of Counties, acknowledged that the Gas PRICE Act streamlining provisions are in compliance with State and local governments.

If this were the only positive section of the Gas PRICE Act, it would be worthy of our support, but this legislation also addresses a second aspect that I believe is missing from the underlying bill. That aspect is the incentivizing of coal-to-liquids technologies.

As drafted, the legislation does nothing to advance the development of coal-to-liquids plants. That is the overall bill, not the amendment. As a member of the Senate Energy Committee, Senator Craig Thomas and JIM BUNNING worked hard to move this issue forward and offered an amendment during the committee's consideration of the biofuels legislation to set a blending requirement for coal-derived fuels at 21 billion gallons for the year 2022. Is it possible? Absolutely. Unfortunately, this amendment failed by one vote, and so it wasn't included in the bill.

The Gas PRICE Act addresses this vital issue by requiring the Environmental Protection Agency to establish a demonstration to assess the use of Fischer-Tropsch, diesel and jet fuel, as an emission control strategy. Furthermore, it provides incentives to the Economic Development Administration to build coal-to-liquid refineries and commercial scale cellulosic ethanol refineries at BRAC sites and on Indian land.

These important steps will help jump-start an industry that will help reduce our Nation's dependence on foreign energy barons. Coal is our Nation's most abundant source. As I mentioned earlier, we have more Btu's in my county in Wyoming alone than all of Saudi Arabia. Using coal to produce diesel and jet fuel will take our energy security out of the hands of Hugo Chavez in Venezuela and others who seek to harm our economic interests and put it back in the hands of American citizens.

I am pleased Senator INHOFE has offered this important amendment. It addresses two areas in which the legislation could be improved, and I urge my colleagues to support this approach.

The two areas are to make it possible to actually expand the number of refineries in the United States, and there are places in the United States where those can be built, and safely built. I also think there can be some inventions, such as I mentioned with Big Horn Valve, that will make the refining process much more capable and also environmentally better. But unless we can get rid of that single construction of refineries, we are going to have shortages of gas twice a year immediately, and more often in the future. I do have a lot of confidence that there can be not only coal to liquids, but coal to liquids with a little bit of invention can be done even better than other kinds.

We need to worry about the natural gas supply for this country. A lot of States are placing a huge emphasis on natural gas as the cleanest fuel, and it is. But there is only one State that is producing more natural gas than in previous years, and that is the State of Wyoming. That will not go on forever. If we use it to produce electricity, we are going to run out of natural gas. So those people across the country who are using natural gas to heat their homes should be particularly concerned.

I know one company was looking at having some peaking power for Rapid City, SD, and they were going to do it with natural gas. But the board of directors, as they looked at it, found out that the time they needed the peaking power was in the middle of winter when it was cold because people there use some electricity to heat with. But what they discovered was that the amount of natural gas to provide peaking power in winter in Rapid City would be an equivalent amount of gas to what the whole city of Rapid City uses to heat homes during that same cold spell.

A lot of natural gas has to be used if it is used to produce electricity. We can invent better ways to do that. We can come up with coal to liquids. We can increase our refineries. I hope we will find ways to encourage that rather than discourage that if we are going to truly have an energy policy.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI. Madam President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, could the Chair give us the parliamentary situation this morning.

The PRESIDING OFFICER. The Senate is currently in a quorum call being equally divided between the two sides.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, it is my understanding now there is how much time remaining until the vote on the Inhofe amendment?

The PRESIDING OFFICER. The vote is at 11:45. The Senator's side has approximately 30 minutes remaining. The Republican side has approximately 21 minutes remaining.

Mrs. BOXER. Madam President, I rise to debate this Inhofe amendment and, in the strongest possible terms, make a few points to my colleagues.

When you strip it all away, this amendment is a giveaway—a giveaway to energy companies at a time when they have never had it so good, at a time when they have never made so much money. The CEOs are making $37 million a year; $16 million a year; Exxon, a $39 billion profit—billion-dollar profit; Shell, a $25 billion profit; BP, a $22 billion profit; Conoco-Phillips, $15.6 billion; and Chevron, over $17 billion. The CEO, Lee Raymond, of ExxonMobile, received a $400 million severance gift. Let me repeat that. One man received a $400 million severance gift, and the Inhofe amendment wants to give these people more. The Inhofe amendment wants to give these people more, even after, in the 2005 Energy bill, they already got their streamlined provisions. They already got what they needed.

Let me tell my colleagues what the Inhofe amendment does. It gives to those who have, and it gives to energy companies free public land—public land that belongs to the taxpayers of America. It gives them preference to get free public lands. Not only do they get the land free, but in the case of Indian land, they get 110 percent of their costs reimbursed to them. This is what we are doing in an Energy bill that is supposed to be good to consumers.

The underlying bill has many provisions in it. All those provisions are good for the American people, including fuel economy for our cars, solar energy on the building of the Department of Energy. We hope we will have a modest model project at the Capitol powerplant showing that we can, in fact, reduce the carbon emissions of coal. These are all bipartisan amendments.

Senator INHOFE tried to get a similar amendment to the one he is now proposing through the committee. When he controlled the gavel, he couldn't even get it out of the committee then, let alone now. So it gives to the oil companies, when they were taken care of in the Energy bill of 2005.

I am going to tell my colleagues what we did for them in 2005. The 2005 Energy bill has a provision, which is section 392, that allows States to request EPA to work with them and enter into an agreement under which EPA and the State will identify steps, including timelines to streamline the consideration of Federal and State environmental permits for a new refinery. Interestingly, even though this legislation exists, EPA said before my committee in October—actually, it was before Senator INHOFE's committee because he was chair at that time—that no State had asked EPA to use that provision of the law. So they got a streamlined procedure in 2005. They never took advantage of it. Now, Senator INHOFE is giving them more streamlining procedures, and he is exempting these energy companies from every single environmental law that was signed into law by Republican Presidents and Democratic Presidents.

Let me tell my colleagues the laws that are waived in the Inhofe amendment. I say to the American people: Listen to this because if ever we have unanimity about what is important to do for the health of our people, it is when Republican and Democratic Members of the Congress and Presidents sign these laws and pass these laws: The Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, the National Environmental Policy Act, the Safe Drinking Water Act.

Those are a few examples of Federal laws which are cast asunder by this amendment. Who gets the benefit? Not the American Lung Association, which might, in fact, put in substantial precautions that the air is clean, but they give it to the most polluting industries in America: the refining and oil industries.

Senator INHOFE will say: Oh, we let the States pass these laws. We say they have to pass substantially equivalent laws. That is not defined. Why on Earth waive the laws that are the cornerstone of America's environmental protection under both Republican and Democratic Presidents? Why waive those laws? Do you think that little of America's families?

In my State, 9,900 people die every year from lung-related disease. And let's talk about some of the chemicals these refineries give off.

In 2005, refineries emitted over 68 million pounds of toxic chemicals, 3.8 million pounds of known cancer-causing substances, 2.5 million pounds of toxins that damage the reproductive system, and 6.8 million pounds of toxins that harm the development of children.

In California, communities that border refineries and chemical plants have high concentrations of childhood asthma. We should be working to make the air cleaner, not worse.

Let me review what I have said so far. This amendment has a name, and I am going to read you the name of this amendment. The title of this amendment is the Gas Petroleum Refinery Improvement and Community Empowerment Act. I ask, how is a community empowered by this amendment? The idea is to allow these new energy plants to go on Federal land that has been surplused. In California, we have had a lot of these lands, and, by the way, some of them have been redeveloped in the most wonderful way. Everybody is equal. There are no winners and losers. Here we are picking a winner, and the winner is one of the most polluting industries in America. They get the land free, and the community is left without anything. The Federal Government gets no money. That was the idea behind the Surplus Federal Lands Act. The Federal Government should get some money from the private sector. Oh, no, they get the land free, these energy companies. That is because they are hurting so much. They are hurting so much that we are going to give them the land free.

On Indian land, they get back 110 percent of their investment, so they actually make money without a penny of cost. Whoever votes for this amendment is voting for a giveaway of taxpayers' dollars. Whoever votes for this amendment is voting for an open-ended cost that isn't even stated in the bill.

Look at the last page of the bill, ''such funds as may be required.'' We know some of these energy plants will cost $4 billion for one plant. Let's say there are 100 pieces of Federal land that could be redeveloped. You do the math. We are busting the budget. You think the Iraq war costs a lot? Take a look at this. And who does the money go to? The same people who are charging us in California close to $4 a gallon for gas.

So you can stand up here and talk about it all you want, but the bottom line is, this is, in many ways, a socialistic bill, socialism: give away land to big business, give them the cost of the building, in some cases 110 percent reimbursement, waive all of the Clean Air Act, the Clean Water Act that protects the health and safety of our people, and who are the most vulnerable? Our moms and dads, our grandmas and grandpas, our children. Just ''Katy bar the door'' with the money. No problem. Oh, it is as if we are somehow in the black today when we have deep deficits today.

What an amendment to bring to the floor from my friend—my good friend—Senator INHOFE. A similar amendment went down in the committee when he had the gavel.

I say it is economic blackmail for communities that are losing a military base. It chooses an energy project over any other project they might want. I say to my colleagues, if they look at what these refiners are making, how well they are doing, we don't need to give them any more incentives.

I want to tell my colleagues a story about my State. Shell Oil owned a refinery in Bakersfield, CA. We all supported that refinery. It made 2 percent of the gasoline for the cars in California. Shell Oil announced they were shutting down the refinery. We begged them not to shut it down. Here is what they said to us in writing: We are losing money, and we are shutting it down because we can't find a buyer.

Lies, those were lies. How do I know that? Because we were fortunate enough to have an attorney general of California, at that time it was Bill Lokyer, who saw the books. The refinery was making a lot of money. We believe Shell Oil wanted to shut it down because they wanted to squeeze the supply—squeeze the supply. Guess what

else. When we caught them on that, they said: Oh, we are sorry, we made a mistake; we still can't sell the refinery.

We found buyers for the refinery. The attorney general made sure they advertised. They sold that refinery, and that refinery is up and running.

So we are going to give away to refineries, to energy companies in this bill—this amendment is all they could ever dream for. They don't have to pay attention to the Clean Air Act, the Clean Water Act, or the Safe Drinking Water Act. If my colleagues vote for this amendment, they are voting to open the checkbook to hundreds and hundreds of billions of dollars. It could be as high as a trillion dollars. Who knows how many of these people will take advantage of this opportunity.

What do we get? We get sick kids because this will waive all these environmental protections. And they are giving away to those who have.

I want to read again the amount of money some of these executives have made. Valero Energy, the top executive in 2005, William Greehey, took home $95.2 million. This is one person, folks—$95.2 million. Occidental Petroleum chief Irani took home $81 million in 2006. Oh, these poor people. Their businesses aren't doing good enough. We have to give them more. We have to make life easier for them.

What about the people who pay at the pump? That is why the underlying bill is so good because it has MARIA CANTWELL's antigouging law. By the way, the President has said he doesn't like the antigouging law. He might have to veto this entire bill. That shows you where people stand around here. Republicans want to give away to the oil companies, to the refiners, to the energy companies, and take away clean air protections from the people, take away land from the taxpayers, taxpayers' money to fund these projects. Count me out, and I hope count out the vast majority of the people here.

You can put any face on it. One thing that gets me is how the Republican side is supposed to be so fiscally responsible. Let's look at the last page of this amendment. They will tell you now how much they are going to pay for this bill. It is on the last page of this amendment. Here it is: ''Subtitle E—Authorization of Appropriations. There are authorized to be appropriated such sums as are necessary to carry out this'' amendment.

What does that mean? I already told my colleagues it costs $4 billion to build one of these energy plants—just one. It is 100 percent Federal pay on Indian land plus 10 percent on top of it, and 88 percent is the minimum number on Federal land that is not Indian land. You get the land, you get the cost back to build the plant, you get to waive all the environmental laws, and you get a streamlined process, which they already have the ability to get under the 2005 Energy bill.

This is a big kiss to the oil companies and the energy companies. This is a major hug. It would be better if we took this up on Valentine's Day. Well, count me out. I hope there is a resounding ''no.'' We don't know the cost. It is not told in this amendment. We don't know the impact on the people. It certainly is not told in this amendment. It picks winners and losers on Federal land. It doesn't protect our people.

Madam President, I yield the floor and reserve the remainder of my time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I ask that the time be equally divided on that quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota.

Mr. THUNE. We are not in a quorum call?

The PRESIDING OFFICER. We are not in a quorum call.

Mr. THUNE. Madam President, I wish to speak, if I may, to the amendment offered by my colleague from Oklahoma, Senator INHOFE. It is important that in this whole debate on the bill that we talk about the solutions that are important to this country's independence today on foreign energy and the need to get away from that and become energy independent and lessen our dependence on foreign energy and that we also talk about actions we can take that will lower energy costs for people in this country.

I appreciate the fact that the underlying bill has a number of provisions in it that are good. There are provisions in the bill I will be supporting. I have a series of amendments I will be offering that will improve the availability of renewable energy in this country.

I also wish to speak in support of amendment No. 1505 because I believe fundamentally it would greatly improve our Nation's stagnant oil refining industry, boost the development of coal-to-liquid technology, and accelerate the development of the next generation of biofuels.

As to the underlying amendment talked about by my colleague from California, first, there are no mandates in this bill. These are things the State can do. They can opt into this. Obviously, the incentives in this amendment do not go to oil companies, they go to State and local governments.

Frankly, this is an important point, that this is directed to areas that have been affected by base closures and also Indian reservations, which in my State are desperately in need of economic development. This is the type of economic development that will fit very well in a lot of places in South Dakota that qualify.

It is important this amendment be adopted. It does address a critical need in this country, and that is for more refinery capacity and the need in a lot of places, areas affected by base closure and Indian reservations, for economic development.

There are a lot of items this amendment would accomplish. It is important to point out that over the past 30 years, the petroleum industry has not added a single new oil refinery in the United States. The American public, I think, would find it startling that the largest petroleum consumer in the world hasn't seen one new refinery in the past three decades, which has created a devastating bottleneck in the delivery of transportation fuels to American consumers.

Fortunately, the Senate has an opportunity through this amendment to address that issue which is squeezing very hard the wallets of hard-working Americans across the country.

Amendment No. 1505, which is pending before the Senate, would enact important measures to boost domestic refining capacity and provide certainty for the industry and the public.

First, the amendment would set deadlines for refinery permit approval. For too long, proposed refinery projects have met slow deaths due to endless delays in the bureaucratic permit process.

Second, this amendment would provide States with much needed technical and financial resources to assist in refinery permitting. The process of refinery siting is time-consuming, complicated, and financially straining on State budgets that are already stretched thin.

This amendment also protects States rights by giving individual States the opportunity, as I said earlier, to opt in to a refinery permitting program. Contrary to what the opponents are saying, there are no mandates in this legislation. Participating States can voluntarily request the Environmental Protection Agency to coordinate all permits for construction or expansion of a refinery.

The importance of expanding refinery capacity to provide affordable and reliable supplies of transportation fuel cannot be overstated. I want to show a chart of something that was printed in BusinessWeek on May 3, 2007. This is what they said:

> Because of high costs and a lack of public support, refiners haven't built an entirely new plant since 1976. While they have been expanding existing plants, the industry isn't keeping pace with growing demand.

I would also like to show another chart of something that was printed recently in the Wall Street Journal, and it said this:

> The causes of higher gas prices include $65 per barrel oil caused by rising global demand and geopolitical tensions; a record high U.S. gasoline consumption of 380 million gallons a day; and refined gasoline shortages caused by Congressional rules and mandates.

Now, my constituents know this problem firsthand. Inadequate refining

capacity has a real impact at the local level, and I will give just a little anecdotal evidence here from South Dakota.

For the past month and a half, several key gasoline terminals in my home State of South Dakota were literally out of gasoline for multiple days at a time. Widespread outages were reportedly caused by limited supplies due to refinery shutdowns and routine repairs in other parts of the country. The ripple effects of this gasoline supply disruption were felt throughout the entire eastern part of my State. As the pipes ran dry and terminals emptied, gasoline wholesalers were forced to travel great distances and manage logistical bottlenecks at the few pipeline terminals with available refined product. In the meantime, gasoline prices soared at the retail level across South Dakota, and consumers in my State were forced to pay more at the pump.

The recent events in South Dakota are a prime example of the need to increase refining capacity in the United States. These events also underscore the need to move beyond petroleum for our transportation fuel needs.

The amendment offered by Senator INHOFE moves our country toward greater energy independence by providing Economic Development Administration grants for infrastructure improvements to accommodate cellulosic ethanol refineries at Base Closure and Realignment Commission sites and Indian lands.

As my fellow Senators are all well aware, the underlying bill includes a renewable fuels standard of 36 billion gallons by the year 2022. In order to meet this goal, we need to enact policies that dramatically increase the development and production of cellulosic ethanol.

By providing EDA grants that support cellulosic ethanol production in communities in need of economic development, amendment 1505 provides targeted rural and economic development and places our biofuels industry on course to reach the strengthened renewable fuels standard.

In addition to the EDA grants for cellulosic ethanol refinery development, this amendment includes a first-of-its-kind provision that may greatly enhance private sector investment in renewable fuels. This amendment will begin to assess our Nation's renewable reserves of biomass cellulosic ethanol feedstocks so that the public and energy companies have a realistic understanding of total U.S. renewable reserves. Energy companies' stock prices rise and fall depending on their declared proven reserves. This process, which has been in place since 1978, provides tremendous incentives for exploration, investment, and development of new sources of traditional hydrocarbons.

This straightforward amendment builds upon these proven market incentives by directing the Securities and Exchange Commission to research and report to Congress on the establishment of a renewable reserves classification system for cellulosic biofuels feedstocks in the United States.

The idea of a renewable reserves classification system was first discussed during an Agriculture Energy Subcommittee hearing I held in Brookings, SD, earlier this year. An expert witness from Ceres, Inc., an industry leader in the development of transgenic switchgrass seed for cellulosic ethanol production, testified that a standard means for measuring renewable reserves on a per-barrel-of-oil basis would greatly incentivize private sector investment in the next generation of advanced biofuels.

The President of Ceres, Inc., Richard Hamilton, describes the renewable classification system as:

> An independent metric by which energy companies, and the market, may measure renewable reserves in barrel-of-oil equivalents just as they measure proved reserves today.

He continues by stating:

> A renewable reserves classification system could well be the catalyst America's traditional providers of liquid transportation fuels require to invest in cellulosic biofuels technology and may be the Federal Government's least expensive way to hurry the cellulosic biofuels industry to maturity.

Certainly a proposal that could result in such a dramatic advancement in our biofuels industry is worthy of consideration by the Securities and Exchange Commission and is certainly worthy for inclusion in a bill that calls for a historic increase in renewable fuels production. If we are serious about advanced biofuels production, we must consider effective approaches, such as the amendment offered today by my colleague from Oklahoma, that would boost the production of advanced biofuels.

This amendment is important because, as I said earlier, it addresses a critical problem and shortage that we have in America today; that is, a lack of refinery capacity. We need more capacity. Now, frankly, it would be great if the folks I represent in South Dakota could get to their destinations by walking or riding bikes. Unfortunately, we have long distances to cover in my State. We have to drive automobiles, and we have to use fuel to power our automobiles. When you have a refinery problem like we have in America today, that limits the amount of gasoline that can be shipped through the pipeline to destinations in my State, and that drives the cost of gasoline higher and higher. Because of that shortage and because the wholesalers have to go to distant places to get it, it adds to the cost of our economy, and that affects the day-in and day-out lives of the people in my State of South Dakota and across this country who have to get to their destinations, whether it is to work or whether it is travel for recreation. The reality is that we cannot continue to abide $3.50 or $4 a gallon for gasoline, and we need to address what is causing that problem.

As I said earlier, I will be offering a number of amendments that will increase and advance the production of biofuels energy in this country because I believe so profoundly in its importance as part of our energy supply. But this particular amendment is critical as well because it addresses a fundamental problem that exists in America today; that is, a lack of capacity, refinery capacity, to make sure enough gasoline is making it to its destination, to places even as remote as South Dakota, so that the people who drive across my State can have access to affordable fuel to make sure they can get to the places they need to get to, and that the lack of affordable fuel does not choke our economy by continuing to force us to pay these exorbitant prices for gasoline.

So I support the amendment of the Senator from Oklahoma, amendment No. 1505, and I urge my colleagues here in the Senate to do so as well. It is important for a lot of reasons—because it brings economic development to areas that really need economic development, those areas which have been affected by base closures and Indian reservations—and because my State desperately needs that form of economic development and job creation. So I urge my colleagues to support this amendment.

Madam President, I yield the floor.

Mr. INHOFE. Madam President, I would inquire as to the time remaining on both sides, please.

The PRESIDING OFFICER. The Senator has approximately 9 minutes remaining, and the Democratic side has approximately 13 minutes remaining.

Mr. INHOFE. Madam President, I would like to go ahead and be recognized for a few minutes, and I would ask that the Chair stop me when there is 5 minutes remaining. I would like to remind the other side that our protocol or system is that the author of the amendment should conclude debate, so I would like to have the last 5 minutes.

First of all, I look at this and I listen to the arguments from the junior Senator from California and I hear the same things over and over again. Last night, we debated this at some length. Every time, she would make a statement, and we would respond to the statement.

Let me just put a chart up here. I think it is important for people to realize there are some choices. We are not willing to add to refinery capacity here in the United States. We have here the refining capacity and the growth of that refining capacity from other countries. We have Iran, Iraq, Libya, Nigeria, Russia, Saudi Arabia, Sudan, and Venezuela. It is bad enough we are dependent upon foreign sources for our ability to run this machine we call America, but these are not the kinds of countries you want to depend on. I am sure Chavez is not real excited about

helping us refine our oil into something that can be used for transportation.

I would like to cover a couple of the things the junior Senator from California has said, and I know what is going to happen: As soon as I do this, she will come back and say the same things over again, because we have heard these same arguments.

First of all, she says it is a disastrous amendment because it is a taxpayer giveaway to the oil companies; we don't have to give away the store to the oil companies. Well, the fact is that no money goes to any oil companies or, in fact, to any corporations in any way whatsoever. The only funding of the bill is financial and technical resources to a State or tribal department of environmental quality or funds to an economically distressed community affected by BRAC.

Let us keep in mind, when we talk about BRAC and Indian tribes, we have a lot of BRAC sites, and I can remember Members standing on the floor saying, during the base realignment and closure process: They are going to be closing some of the military installations in my State. Well, what is a logical thing you can do to replace the economic loss of a closed facility? It is to put—if we can encourage the local community to do it—a refinery there. You don't have to clean it up to the same standards you would have to clean it up otherwise. It is a logical thing. So those people who want coal-to-liquids and commercial-scale cellulosic ethanol facilities can have them.

It does authorize the EPA to initiate a new emissions control demonstration project, but it doesn't offer the oil companies anything.

The lack of sufficient refinery capacity in the United States is why we are experiencing high prices today. I think it is inconceivable that any Member of this body would come in and deny us, the United States, the right to expand our refinery capacity to do something about the supply problem we have and then turn around and say: Well, we don't want to be dependent on foreign countries for our ability to run this machine called America.

In this bill, in the underlying Energy bill, without this amendment, we don't really address the problem today. We talk about the future, and we talk about conservation. This is good, and we want to do this. We talk about standards for automobiles and all that. But people in my State of Oklahoma want to do something about the $3 a gallon for gasoline right now that is there.

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. INHOFE. With that, I retain the remainder of my time, 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. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, it is my understanding there will be equal time taken from each side in this case, so I would invite the majority to come in and make their remarks and would appreciate it; otherwise, I would be denied my opportunity to close debate on my amendment.

In the meantime, I ask unanimous consent that during the quorum call, the time be taken from the other side.

The PRESIDING OFFICER. In my role as a Senator, I will object.

Mr. INHOFE. Madam President, I understand what is customary; I am just saying that we are entitled to close debate.

Apparently, the Senator from California is not going to allow me to close debate. So let me just say for a few minutes here that I was going to go through every argument the Senator from California has made.

For example, first of all, I already did the first one where she talks about subsidizing oil companies. No corporation in America is being subsidized by this. She said also, we don't want to become a China, where they do not care about the people and how they suffer. We don't want to go there. Politicians are prone to hyperbole, but the junior Senator from California has reached a new level. Nowhere in this bill or any other I would consider would I seek to make the United States similar to China.

By the way, talking about China, one of the problems we are having right now is that while we do not have the refining capacity, they do. While we are not building generating plants, they are. While we have gone 15 years without adding a new coal-fired generating plant in the United States, China is cranking out one every 3 days.

The argument that was made was American families who want their health protected do not want us to waive every single environmental law that protects the quality of the air they breathe inside their bodies. They also do not want to waive any single environmental law. We are not doing that. We are not waiving any environmental laws with this bill.

Let me tell you something that is serious. I warn people right now, this is going to be considered to be maybe the most significant vote in the 2008 elections. For people to say we do not want America to have refining capacity when we have a bill that will allow them to have the refining capacity and increase the supply—the old theory of supply and demand still works—those people who will vote against this will forfeit your right to complain about the dependency on foreign oil. This is going to be a major, maybe the major campaign issue of the 2008 cycle.

I suggest we spent a lot of time on this bill. We do not have any money going to oil companies. We do allow the EDA to help communities that want to set up refineries in their communities.

Let's keep in mind, this is not just oil refineries. We are talking about oil refineries but also cellulosic biomass refineries, we are talking about coal-to-liquid refineries—all refineries to give us the availability of fuels for the transportation this country needs.

If we do not have that, the price of gas at the pump is going to continue to go up. I suggest this is going to be the critical vote, in terms of energy, for this entire legislative session. It is going to come back to haunt a lot of people in 2008. I know the Democrats are generally much more disciplined than the Republicans are. They will say you have to vote against this amendment, make up things such as you are helping oil companies, which you are not. Whatever the case is, the bottom line is they are going to be taking away our ability to increase the supply of gasoline to run our cars within America. This will be a major issue in the 2008 campaigns. I encourage people to do something about this problem and to vote for the Inhofe amendment expanding our refining capacity.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask that I be allowed to use 3 minutes from the time of the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I would like to speak briefly against the Inhofe amendment. I do believe there are several substantial problems with it. First of all, the underlying assumption is that the reason we do not have enough refining capacity in this country is we cannot find places to put refineries. That is not the reality. We have had various hearings in the Energy Committee. The companies that are engaged in refining oil into gasoline and other products are not short of places to put those refineries. They look at a whole variety of issues—the economics in particular—to determine whether to build new refineries or expand refining capacity. It is not a failure to have a BRAC military base or a failure to have an Indian reservation they can put these on.

The other thing is location. They need to locate refineries where the pipelines are. They need to locate refineries where the demand is. Clearly, that is not contemplated as part of this as well.

Another part that concerns me greatly is the notion that we would be making grants to support these projects which exceed the cost of the projects. That strikes me as very unusual. In the underlying bill, we do have some lien programs, where the Government will step in and guarantee 80 percent of the loan that is required to build a project, for example. We do not have anything similar to the provisions that are in this bill, which say the Federal share

for an EDA grant, under this program, shall be 80 percent of the project cost, assuming that the project is not on Indian land, and it will be 100 percent of the project cost if it is on Indian land, and, by the way, there can be an additional award in connection with the grant to the recipient of an additional 10 percent on top of that.

How it benefits the American taxpayer to pay 110 percent of the cost of one of these refineries I cannot see. So I think the amendment is flawed in several respects.

Obviously, we all want to see additional refining capacity built. I think what we need to be sure of is that the regulatory regime in place is such that it encourages and provides an incentive for the companies that are in the refining business to build that additional refining capacity. It is not efficient to say we, the Federal Government, are going to finance 100 percent of a project to an Indian tribe and they are going to go into the refining business; or we, the Federal Government, are going to provide 80 percent plus 10 percent, or 88 percent of the cost to some kind of local municipality and they are going to go into the refining business. That is not going to happen.

I urge my colleagues to oppose the amendment.

I yield the floor and reserve the remainder of Senator BOXER's time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I rise to speak against this amendment. I have been listening to the debate. While I think it is very important we move forward in our country on a new energy policy and new direction, I think we must do so in a safe, responsible way. That is, whatever we are doing, we need to keep our environmental laws and processes in place: the Clean Water Act, the Clean Air Act, the Safe Water Act, the Conservation Resource and Recovery Act—all the things that are very important to our country and to our environment.

I think we are hearing a lot about refinery and refinery capacity. It reminds me of the electricity crisis we had in the West, starting in 2000–2001, when everybody blamed it on the fact the environmental laws stopped the ability to produce supply. When all was said and done, we found out it wasn't that; in fact, it was actually the manipulation of supply. So I think it is very important we move forward on new refinery capacity. In fact, in the last several years, there have been almost 140, either built or in the process of being built, new ethanol refineries. So they have had no trouble moving ahead, planning new economic development, job creation, and alternative fuel that is going to help deliver competition at the pump for fossil fuel.

In my State, a new biodiesel facility was undertaken and has been in the development stages. I think they will actually be producing and exporting that product sometime this year. They are going to produce 100 million gallons of biodiesel in this next year—20 years, 12 months. That is more capacity of biodiesel than was produced in the whole United States from a variety of sources.

This is a very aggressive effort of building alternative fuel refineries. Let's be honest, God only gave the United States 3 percent of the world's oil reserves, so the notion that somehow we are going to drill our way with fossil fuel to get off this foreign oil addiction is not going to happen. But we do not have to throw out our environmental laws to produce alternative fuel. We are in the process of doing alternative fuel.

If someone wants to meet all the environmental standards and build a new fossil fuel refinery, I am not opposed to that, but I want people to be aware that this is what is at the heart of this amendment, to throw out these environmental values that everybody else in America wants to live by if they want to have economic development. Why should the oil industry receive this particular privilege of waiving environmental statutes, just to have that benefit?

Let's keep in mind that alternative fuels are making those commitments, meeting those environmental standards, and have produced 140—either underway today or in the process, through the permit process—to develop 140 new alternative fuel refineries. That is progress in America and we should keep going. But we do not need this amendment to do that.

I ask unanimous consent that there be 6 minutes equally divided for debate, with Senator INHOFE controlling the final 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I was confused about the time. If I may make a parliamentary inquiry before my time proceeds: I thought I had 9 minutes left on my side; is that not the case?

The PRESIDING OFFICER. The Senator now has 6 minutes.

Mrs. BOXER. I have 6 minutes. OK. I hear you.

Mr. INHOFE. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. It is my understanding there was a unanimous consent agreement giving us 6 minutes equally divided, myself having the last 3; is that correct?

The PRESIDING OFFICER. There is an additional 3 minutes for each side.

Mrs. BOXER. An additional 3, so I would have 6, you would have 3.

Mr. President, yesterday Senator INHOFE repeatedly quoted Senator FEINSTEIN in a way that suggested she supports his amendment. He kept reiterating a statement she made about streamlining which had nothing to do with this amendment.

Senator FEINSTEIN has told me she opposes the Inhofe amendment. I think it is important that I make that point.

All you have to do is look at the title of this amendment: The Gas Petroleum Refiner Improvement and Community Empowerment Act. You ask yourself: OK. What are we giving the gas petroleum refiners that they do not have right now, that they did not get in the 2005 Energy bill, when they got all kinds of streamlining and everything they wanted and all kinds of money and all kinds of grants and the rest?

This is a giveaway to the people who are gouging us at the pump. That is the first point. Yes, life will improve for gas petroleum refiners, who have it very good.

Now, let's take the second part, the Community Empowerment Act. Your communities and mine and the communities in Washington State and, frankly, in Oklahoma and all over this country, I believe those communities will be hurt by this bill because it says there will be a giveaway to energy companies, a giveaway of taxpayer-owned land, former BRAC land, former federally owned lands that are now in the BRAC procedure.

A lot of communities want to sell these lands. They want to use these lands for economic development. They have plans for these lands, and yet this particular project of building an energy plant would take precedence over local control. It is Federal control from Washington.

I call this a socialistic amendment. Why do I say it is a socialistic amendment? It gives these big companies free land, and then it pays for the building of their energy plants. Can you imagine this? I see the chairman of the Budget Committee coming on the floor. I want to tell him one thing about this amendment because yesterday he talked to us Democrats in the Democratic caucus. I hope he doesn't mind if I say he really told us to use caution on these amendments.

What are they going to cost? Let me read to my friends the last line of this amendment: There are authorized to be appropriated such sums as are necessary to carry out this title and the amendments made. Now, we found out today, by asking the industry, how much one of those plants will cost.

The plant on Indian land—I know my friend is interested in that—would be reimbursed or given or paid for 110 percent of the cost of the plant in Federal tax dollars, $4 billion; the cheapest, $3 billion. That is one plant, not paid for here.

So I call it a socialistic amendment. You get the Federal taxpayer land, and then you get Federal taxpayer money to build your plant. And, by the way, all big environmental laws are waived. How does that help a community, Mr.

President? Picking a winner, telling them that priority has to be given to these sorts of plants, and, by the way, in case communities were concerned that the quality of the air might go down because they are near a refinery, this bill conveniently takes care of that problem by waiving the Clean Air Act, the Safe Drinking Water Act.

They say States can pass equivalent laws. But there is no reason that we should do that in America today. We have one Clean Air Act, we have one Safe Drinking Water Act, we have one Clean Water Act, and there is a reason: Water travels, air travels.

Republican Presidents and Democratic Presidents alike decided—and it really started under Richard Nixon—that we must protect the air and the water. This act gives everything away that taxpayers have, including the protection of clean air, including their funding.

Now, this particular vote is very important for people who care about clean air and clean water. I assume we all do. We all talk about it. We all say it is important. In my home State I lose in excess of 9,000 people every year because of particulate matter. I will not allow—I say this with all humility; it is not a show of power—something to get through this Senate that would, in essence, make the air worse, the drinking water worse. I cannot let this go while taking dollars out of the pockets of hard-working Americans, to give to whom? The biggest energy companies in the country.

Let me read to you what some of these companies made in the last couple of years: Exxon, $39 billion; Shell, $25 billion; BP, $22 billion; Chevron, $17 billion; ConocoPhillips, $15.6 billion.

Some of these companies earned 21 percent more than the year before, and, by the way, the year before that they earned 40 percent more.

Let's take a look at what some of the executives have earned. I would ask how much time remains?

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Let's not give more to these people who are gouging us at the pump. Vote no on this amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I understand that we have 3 minutes remaining to close debate on my amendment.

I have a hard time keeping a straight face when the Senator from California suggests I have a socialistic amendment. I would invite anyone who is entertaining any kind of joy in that statement to look at our record over the past many years. It is just humorous.

We have gone through listening to the same thing over and over and over again. We went through this yesterday for hours at a time. The Senator from California talks about subsidizing oil companies. Again, not one cent goes to any oil company. If we want to empower cities and communities to be able to take care of problems, maybe an economic problem that is due to the fact that they had to close a military base during the base realignment and closing process, we should be in a position to help.

I never stated that Senator FEINSTEIN—with endorsing this bill, she will be a good Democrat and oppose it with her junior Senator. I will say this. She said she recognizes we have a serious problem about having a refining capacity in this country, and about—I will just read it to you from her own press release: Today I urged Governor Schwarzenegger to help streamline the refining permit process in an effort to relieve gas prices in the State.

All right. She says we have to relieve gas prices by streamlining the process. That is exactly what happens in this amendment. We want that to happen. For anyone to suggest that there is anything in here that would hurt the environment, here we have the Environmental Council of States—that is all States—saying there is nothing in here that will hurt the environment. It will actually help the environment.

The Senator also said the Clean Air Act is going to be damaged, when, in fact, the underlying bill has language that would take the fuels system out from under the EPA and the Clean Air Act and put it in the President's power.

So we have all of these letters. Here is another one from Ceres, a big company in California that is a company that needs to have refining capacity. They do not touch oil. It is all cellulosic bioethanol. They want to have this capacity.

So the environmentalists, many of them are very much for this. It is a very strong bill. It goes right back to the initial argument of supply and demand. We have got some good things in this bill that are coming up. It is not affecting today's supply. All of the production in the world is fine, but we are not going to be able to do anything with that production unless we are able to refine it. That is exactly what we are talking about now.

I honestly believe every argument the Senator from California has put up we have responded to over and over and over again. She keeps coming back with the same argument.

I believe anyone who votes against the Inhofe amendment to the Energy bill should forfeit their right to complain about the dependency on foreign oil between now and the next election. I will say this also. I am glad to say this on the Senate floor because this way you cannot say we did not tell you. This is going to be one of the major issues in the upcoming 2008 election as to whether you want to increase our refining capacity to lower the price of gas in the United States of America. This is a chance to do it. I urge you to support the Inhofe amendment to the Energy bill.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment.

Mr. INHOFE. Mr. President, I ask unanimous consent that Senator CORNYN and Senator HUTCHINSON be added as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent,

Mr. LOTT. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Nebraska (Mr. HAGEL), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 52, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—43

| | | |
|---|---|---|
| Alexander | Dole | McConnell |
| Allard | Domenici | Murkowski |
| Bennett | Ensign | Roberts |
| Bond | Enzi | Sessions |
| Brownback | Graham | Shelby |
| Bunning | Grassley | Smith |
| Burr | Gregg | Specter |
| Chambliss | Hatch | Stevens |
| Cochran | Hutchison | Sununu |
| Coleman | Inhofe | Thune |
| Corker | Isakson | Vitter |
| Cornyn | Kyl | Voinovich |
| Craig | Lott | Warner |
| Crapo | Lugar | |
| DeMint | Martinez | |

NAYS—52

| | | |
|---|---|---|
| Akaka | Feingold | Nelson (FL) |
| Baucus | Feinstein | Nelson (NE) |
| Bayh | Harkin | Obama |
| Biden | Inouye | Pryor |
| Bingaman | Kennedy | Reed |
| Boxer | Kerry | Reid |
| Brown | Klobuchar | Rockefeller |
| Byrd | Kohl | Salazar |
| Cantwell | Landrieu | Sanders |
| Cardin | Lautenberg | Schumer |
| Carper | Leahy | Snowe |
| Casey | Levin | Stabenow |
| Clinton | Lieberman | Tester |
| Collins | Lincoln | Webb |
| Conrad | McCaskill | Whitehouse |
| Dodd | Menendez | Wyden |
| Dorgan | Mikulski | |
| Durbin | Murray | |

NOT VOTING—4

| | |
|---|---|
| Coburn | Johnson |
| Hagel | McCain |

The amendment (No. 1505) was rejected.

Mrs. BOXER. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 1537 TO AMENDMENT NO. 1502

(Purpose: To provide for a renewable portfolio standard)

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senator BINGAMAN.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BINGAMAN, proposes an amendment numbered 1537 to amendment No. 1502.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Republican leader.

AMENDMENT NO. 1538 TO AMENDMENT NO. 1537

(Purpose: To provide for the establishment of a Federal clean portfolio standard)

Mr. MCCONNELL. Mr. President, on behalf of Senator DOMENICI, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. DOMENICI, for himself, Mr. CRAIG, Mr. BENNETT, Mr. CRAPO, Mr. GRAHAM, and Ms. MURKOWSKI, proposes an amendment numbered 1538 to amendment No. 1537.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senator REID of Nevada, Senator SALAZAR, and Senator CARDIN be added as cosponsors to my amendment that was recently sent to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I see the Senator from Pennsylvania is in the Chamber. I know he wishes to speak on another matter. I ask him how long he will need to speak, and maybe we could defer to him to make whatever statement he wanted.

The PRESIDING OFFICER. The senior Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I intend to speak on an amendment which has been filed and I thought would be offered at the present time, but Senator KOHL, the principal sponsor, wishes to offer it tomorrow. But I intend to speak on my amendment, and I would like 15 minutes.

Mr. BINGAMAN. Mr. President, I know Senator REED from Rhode Island also would like to speak for 15 minutes on the bill.

Mr. REED. Yes.

Mr. BINGAMAN. Mr. President, why don't we have that be the order then: the Senator from Pennsylvania have 15 minutes on his amendment, which is not pending but which he intends to offer later, and then Senator REED on the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the Senator from New Mexico.

AMENDMENT NO. 1519

Mr. President, I have sought recognition to speak on an amendment which has been filed, amendment No. 1519, which has an impressive list of sponsors: Senator KOHL, Senator LEAHY, Senator GRASSLEY, Senator BIDEN, Senator COBURN, Senator FEINGOLD, Senator SNOWE, Senator DURBIN, Senator BOXER, Senator LIEBERMAN, Senator SCHUMER, Senator SANDERS, and myself.

The thrust of this amendment is to make the OPEC nations—which have conspired to limit production—subject to our antitrust laws. What we have, simply stated, are a group of oil-producing nations, that get together that make agreements to limit production. Inevitably, by limiting the production of oil, and thereby limiting supply, the price goes up. The limited supply of oil is the major contributing factor to high gasoline prices. It is high time we acted on this matter.

The Judiciary Committee has approved this legislation on four occasions, most recently on May 22 of this year. In the 109th Congress, the legislation was passed out of the Judiciary Committee in which I was the chair, and it was included in the Energy Policy Act of 2005, but it did not survive conference.

Senator KOHL and I and the other sponsors intend to ask for a rollcall vote, which I think a substantial number of Senators will vote for the amendment. I hate to predict things in this body, but I think the vote will be substantial, and I think that ought to carry very substantial weight in conference.

The facts on the current price of gasoline are very troublesome. The high price of oil drives up other prices. The statistics are worth noting with particularity. The price of crude oil reached $65 a barrel yesterday. Americans are paying an average of $3.06 for a gallon of gasoline. Consumers are paying more for products because American companies are paying more to run their factories, which require the consumption of energy. Consumers are also paying more for products they buy that have been shipped by train or truck from somewhere else. Plane fares, bus tickets, cab fares often include significant fuel surcharges.

Economists have estimates that for every $10 increase in the price of oil, our economic growth falls by a half a percent. Our economy grew only by 0.6 percent in the first quarter of this year—the slowest growth rate since 2002. I believe a fair amount of that lag in economic growth can be attributed to the high price of oil.

For decades, the OPEC members have conspired to manipulate oil prices through production quotas that limit the number of barrels sold. OPEC again appears to be poised to manipulate oil prices by limiting supply.

The Secretary General of OPEC, Abdullah al-Badri, recently threatened to cut investment in new oil production in response to plans announced by the United States and other Western countries to use more biofuels. He warned that cutting investment in new production would cause oil prices to ''go through the roof.''

Well, we do not have to tolerate threats of that sort. We have the wherewithal to deal with this issue in a constructive way through the antitrust laws.

Regrettably, the history of litigation in this field has allowed OPEC nations to avoid antitrust liability by asserting the doctrine of sovereign immunity. In the decision of International Association of Machinists v. OPEC, the U.S. District Court for the Central District of California held that OPEC activity was ''governmental activity'' rather than ''commercial activity'' and therefore was not subject to the U.S. antitrust laws.

On appeal, the Ninth Circuit affirmed the district court's dismissal, holding that the ''act of state'' doctrine precluded the court from exercising jurisdiction in the case. The ''act of state'' doctrine precludes a federal court from hearing a case that requires it to rule on the legality of the sovereign acts of a foreign nation.

Well, those rulings are matters which can be changed by legislation. The legislation to make this change, I submit, is fundamental and very much in our national interest and ought to be undertaken.

The lawsuits would have to be initiated, under our proposed legislation, by the Department of Justice. As a result, the Administration would provide a check on when to initiate a suit, avoiding diplomatic disputes. But it is a fact we have deferred too long to the practices of Saudi Arabia and practices of the OPEC oil nations out of fear of retribution, and we ought not to kowtow to them anymore.

The possibility of subjecting the OPEC nations to antitrust liability has long been an interest of mine. I wrote to President Clinton on April 11, 2000, urging the administration to file suit in the Federal court under the antitrust laws in an effort to overturn the previous decisions, which I think were wrongly decided.

I ask unanimous consent that the text of this letter be printed in the RECORD at the conclusion of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. Mr. President, then I wrote to President Bush on April 25, 2001, with a similar request, that litigation be initiated by the administration to hold OPEC nations liable under the antitrust laws.

Again, I ask unanimous consent that the text of that letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. SPECTER. We have the authority to change the laws. We have a responsibility to protect American consumers from these predatory practices, from these conspiracies in restraint of trade, these cartels. I urge my colleagues to take a close look at the legislation.

As I noted earlier, the amendment will be formally offered tomorrow.

I thank the Chair, yield back the remainder of my time, and yield the floor.

EXHIBIT 1

U.S. SENATE,
*Washington, DC, April 11, 2000.*

President WILLIAM JEFFERSON CLINTON,
*The White House*
*Washington, DC.*

DEAR MR. PRESIDENT: In light of the very serious problems caused by the recent increase in oil prices, we know you will share our view that we should explore every possible alternative to stop OPEC and other oil-producing states from entering into agreements to restrict oil production in order to drive up the price of oil.

This conduct is nothing more than an old-fashioned conspiracy in restraint of trade which has long been condemned under U.S. law, and which should be condemned under international law.

After some considerable research, we suggest that serious consideration be given to two potential lawsuits against OPEC and the nations conspiring with it:

(1) A suit in Federal district court under U.S. antitrust law.

(2) A suit in the International Court of Justice at the Hague based, perhaps, upon an advisory opinion under ''the general principles of law recognized by civilized nations,'' which includes prohibiting oil cartels from conspiring to limit production and raise prices.

(1) A suit in Federal district court under U.S. antitrust law.

A case can be made that your Administration can sue OPEC in Federal district court under U.S. antitrust law. OPEC is clearly engaging in a ''conspiracy in restraint of trade'' in violation of the Sherman Act (15 U.S.C. Sec. 1). The Administration has the power to sue under 15 U.S.C. Sec. 4 for injunctive relief to prevent such collusion.

In addition, the Administration should consider suing OPEC for treble damages under the Clayton Act (15 U.S.C. Sec. 15a), since OPEC's behavior has caused an ''injury'' to U.S. ''property.'' After all, the U.S. government is a major consumer of petroleum products and must now pay higher prices for these products. In *Reiter* v. *Sonotone Corp*, 442 U.S. 330 (1979), the Supreme Court held that the consumers who were direct purchasers of certain hearing aides who alleged that collusion among manufacturers had led to an increase in prices had standing to sue those manufacturers under the Clayton Act since ''a consumer deprived of money by reason of allegedly anti-competitive conduct is injured in 'property' within the meaning of [the Clayton Act].'' Indirect purchasers would appear to be precluded from suit, even in a class action, under *Illinois Brick* v. *Illinois* 431 U.S. 720 (1977), but this would not bar the United States Government, as a direct purchaser, from having the requisite standing.

One potential obstacle to such a suit is whether the Foreign Sovereign Immunities Act (''FSIA'') provides OPEC, a group of sovereign foreign nations, with immunity from suit in U.S. courts. To date, there has been a ruling on this issue in only one case. In *International Association of Machinists* v. *OPEC*, 477 F. Supp. 553 (1979), the District Court for the Central District of California held that the nations which comprise OPEC were immune from suit in the United States under the FSIA. We believe that this opinion was wrongly decided and that other district courts, including the D.C. District, can and should revisit the issue.

This decision in Int. Assoc. of Machinists turned on the technical issue of whether or not the nations which comprise OPEC are engaging in ''commercial activity'' or ''governmental activity'' when they cooperate to sell their oil. If they are engaging in ''governmental activity,'' then the FSIA shields them from suit in U.S. courts. If, however, these nations are engaging in ''commercial activity,'' then they are subject to suit in the U.S. The California District Court held that OPEC activity is ''governmental activity.'' We disagree. It is certainly a governmental activity for a nation to regulate the extraction of petroleum from its territory by ensuring compliance with zoning, environmental and other regulatory regimes. It is clearly a commercial activity, however, for these nations to sit together and collude to limit their oil production for the sole purpose of increasing prices.

The 9th Circuit affirmed the District Court's ruling in Int. Assoc. of Machinists in 1981 (649 F.2d 1354), but on the basis of an entirely different legal principle. The 9th Circuit held that the Court could not hear this case because of the ''act of state'' doctrine, which holds that a U.S. court will not adjudicate a politically sensitive dispute which would require the court to judge the legality of the sovereign act of a foreign state.

The 9th Circuit itself acknowledged in its Int. Assoc. of Machinists opinion that ''The [act of state] doctrine does not suggest a rigid rule of application,'' but rather application of the rule will depend on the circumstances of each case. The Court also noted that, ''A further consideration is the availability of internationally-accepted legal principles which would render the issues appropriate for judicial disposition.'' The Court then quotes from the Supreme Court's opinion in *Banco Nacional de Cuba* v. *Sabbatino*, 376 U.S. 398 (1964):

It should be apparent that the greater the degree of codification or consensus concerning a particular area of international law, the more appropriate it is for the judiciary to render decisions regarding it, since the courts can then focus on the application of an agreed principle to circumstances of fact rather than on the sensitive task of establishing a principle not inconsistent with the national interest or with international justice.

Since the 9th Circuit issued its opinion in 1981, there have been major developments in international law that impact directly on the subject matter at issue. As we discuss in greater detail below, the 1990's have witnessed a significant increase in efforts to seek compliance with basic international norms of behavior through international courts and tribunals. In addition, there is strong evidence of an emerging consensus in international law that price fixing by cartels violates such international norms. Accordingly, a court choosing to apply the act of state doctrine to a dispute with OPEC today may very well reach a different conclusion than the 9th Circuit reached almost twenty years ago.

You should also examine whether the anti-competitive conduct of the international oil cartel is being effectuated by private companies who are subject to the enforcement of U.S. antitrust laws (for example, former state oil companies that have now been privatized) rather than sovereign foreign states. If such private oil companies are determined to in fact be participating in the anticompetitive conduct of the oil cartel, then we would urge that these companies be named as defendants in an antitrust lawsuit in addition to the OPEC members.

*(2)* A suit in the International Court of Justice at the Hague based upon ''the general principles of law recognized by civilized nations,'' which includes prohibiting oil cartels from conspiring to limit production and raise prices.

In addition to such domestic antitrust actions, we believe you should give serious consideration to bringing a case against OPEC before the International Court of Justice (the ''ICJ'') at the Hague. You should consider both a direct suit against the conspiring nations as well as a request for an advisory opinion from the Court through the auspices of the U.N. Security Council. The actions of OPEC in restraint of trade violate ''the general principles of law recognized by civilized nations.'' Under Article 38 of the Statute of the ICJ, the Court is required to apply these ''general principles'' when deciding cases before it.

This would clearly be a cutting-edge lawsuit, making new law at the international level. But there have been exciting developments in recent years which suggest that the ICJ would be willing to move in this direction. In a number of contexts, we have seen a greater respect for and adherence to fundamental international principles and norms by the world community. For example, we have seen the establishment of the International Criminal Court in 1998, the International Criminal Tribunal for Rwanda in 1994, and the International Criminal Tribunal for the former Yugoslavia in 1993. Each of these bodies has been active, handing down numerous indictments and convictions against individuals who have violated fundamental principles of human rights. For example, as of December 1, 1999 the Yugoslavia tribunal alone had handed down 91 public indictments.

Today, adherence to international principles has spread from the tribunals in the Hague to individual nations around the world. Recently, the exiled former dictator of Chad, Hissene Habre, was indicted in Senegal on charges of torture and barbarity stemming from his reign, where he allegedly killed and tortured thousands. This case is similar to the case brought against former Chilean dictator Augusto Pinochet by Spain on the basis of his alleged atrocities in Chile. At the request of the Spanish government, Pinochet was detained in London for months until an English court determined that he was too ill to stand trial.

The emerging scope of international law was demonstrated in an advisory opinion sought by the U.N. General Assembly in 1996 to declare illegal the use or threat to use nuclear weapons. Such an issue would ordinarily be thought beyond the scope of a judicial determination given the doctrines of national sovereignty and the importance of nuclear weapons to the defense of many nations. The ICJ ultimately ruled eight to seven, however, that the use or threat to use nuclear weapons ''would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law.'' The fact that this issue was subject to a decision by the ICJ, shows the rapidly expanding horizons of international law.

While these emerging norms of international behavior have tended to focus more on human rights than on economic principles, there is one economic issue on which an international consensus has emerged in recent years—the illegitimacy of price fixing by cartels. For example, on April 27, 1998, the Organization for Economic Cooperation and Development issued an official ''Recommendation'' that all twenty-nine member nations ''ensure that their competition laws effectively halt and deter hard core cartels.'' The recommendation defines ''hard core cartels'' as those which, among other things, fix prices or establish output restriction quotas. The Recommendation further instructs member countries ''to cooperate with each other in enforcing their laws against such cartels.''

On October 9, 1998, eleven Western Hemisphere countries held the first ''Antitrust Summit of the Americas'' in Panama City, Panama. At the close of the summit, all eleven participants issued a joint communique in which they express their intention ''to affirm their commitment to effective enforcement of sound competition laws, particularly in combating illegal price-fixing, bid-rigging, and market allocation.'' The communique further expresses the intention of these countries to ''cooperate with one another . . . to maximize the efficacy and efficiency of the enforcement of each country's competition laws.'' One of the countries participating in this communique, Venezuela, is a member of OPEC.

The behavior of OPEC and other oil-producing nations in restraint of trade violates U.S. antitrust law and basic international norms, and it is injuring the United States and its citizens in a very real way. Consideration of such legal action could provide an inducement to OPEC and other oil-producing countries to raise production to head off such litigation.

We hope that you will seriously consider judicial action to put an end to such behavior.

ARLEN SPECTER.
HERB KOHL.
CHARLES SCHUMER.
MIKE DEWINE.
STROM THURMOND.
JOE BIDEN.

EXHIBIT 2

U.S. SENATE,
*Washington, DC, April 25, 2001.*

President GEORGE WALKER BUSH,
*The White House,*
*Washington, DC.*

DEAR MR. PRESIDENT: In light of the energy crisis and the high prices of OPEC oil, we know you will share our view that we must explore every possible alternative to stop OPEC and other oil-producing states from entering into agreements to restrict oil production in order to drive up the price of oil.

This conduct is nothing more than an old-fashioned conspiracy in restraint of trade which has long been condemned under U.S. law, and which should be condemned under international law.

After some research, we suggest that serious consideration be given to two potential lawsuits against OPEC and the nations conspiring with it:

(1) A suit in Federal district court under U.S. antitrust law.

(2) A suit in the International Court of Justice at the Hague based upon ''the general principles of law recognized by civilized nations.''

(1) A suit in Federal district court under U.S. antitrust law.

A strong case can be made that your Administration can sue OPEC in Federal district court under U.S. antitrust law. OPEC is clearly engaging in a ''conspiracy in restraint of trade'' in violation of the Sherman Act (15 U.S.C. Sec. 1). The Administration has the power to sue under 15 U.S.C. Sec. 4 for injunctive relief to prevent such collusion.

In addition, the Administration has the power to sue OPEC for treble damages under the Clayton Act (15 U.S.C. Sec. 15a), since OPEC's behavior has caused an ''injury'' to U.S. ''property.'' After all, the U.S. government is a consumer of petroleum products and must now pay higher prices for these products. In *Reiter* v. *Sonotone Corp*, 442 U.S. 330 (1979), the Supreme Court held that the consumers of certain hearing aides who alleged that collusion among manufacturers had led to an increase in prices had standing to sue those manufacturers under the Clayton Act since ''a consumer deprived of money by reason of allegedly anticompetitive conduct is injured in 'property' within the meaning of [the Clayton Act].''

One issue that would be raised by such a suit is whether the Foreign Sovereign Immunities Act (''FSIA'') provides OPEC, a group of sovereign foreign nations, with immunity from suit in U.S. courts. To date, only one Federal court, the District Court for the Central District of California, has reviewed this issue. In *International Association of Machinists* v. *OPEC*, 477 F. Supp 553 (1979), the Court held that the nations which comprise OPEC were immune from suit in the United States under the FSIA. We believe that this opinion was wrongly decided and that other district courts, including the D.C. District, can and should revisit the issue.

This decision in *Int. Assoc. of Machinists* turned on the technical issue of whether or not the nations which comprise OPEC are engaging in ''commercial activity'' or ''governmental activity'' when they cooperate to sell their oil. If they are engaging in ''governmental activity,'' then the FSIA shields them from suit in U.S. courts. If, however, these nations are engaging in ''commercial activity,'' then they are subject to suit in the U.S. The California District Court held that OPEC activity is ''governmental activity.'' We disagree. It is certainly a governmental activity for a nation to regulate the extraction of petroleum from its territory by ensuring compliance with zoning, environmental and other regulatory regimes. It is clearly a commercial activity, however, for these nations to sit together and collude to limit their oil production for the sole purpose of increasing prices.

The 9th Circuit affirmed the District Court's ruling in *Int. Assoc. of Machinists* in 1981 (649 F.2d 1354), but on the basis of an entirely different legal principle. The 9th Circuit held that the Court could not hear this case because of the ''act of state'' doctrine, which holds that a U.S. court will not adjudicate a politically sensitive dispute which would require the court to judge the legality of the sovereign act of a foreign state.

The 9th Circuit itself acknowledged in its *Int. Assoc. of Machinists* opinion that ''The [act of state] doctrine does not suggest a rigid rule of application,'' but rather application of the rule will depend on the circumstances of each case. The Court also noted that, ''A further consideration is the availability of internationally-accepted legal principles which would render the issues appropriate for judicial disposition.'' The Court then quotes from the Supreme Court's opinion in *Banco National de Cuba* v. *Sabbatino*, 376 U.S. 398 (1964):

It should be apparent that the greater the degree of codification or consensus concerning a particular area of international law, the more appropriate it is for the judiciary to render decisions regarding it, since the courts can then focus on the application of an agreed principle to circumstances of fact rather than on the sensitive task of establishing a principle not inconsistent with the national interest or with international justice.

Since the 9th Circuit issued its opinion in 1981, there have been major developments in international law that impact directly on the subject matter at issue. As we discuss in greater detail below, the 1990's have witnessed a significant increase in efforts to seek compliance with basic international norms of behavior through international courts and tribunals. In addition, there is strong evidence of an emerging consensus in international law that price fixing by cartels violates such international norms. Accordingly, a court choosing to apply the act of state doctrine to a dispute with OPEC today may very well reach a different conclusion than the 9th Circuit reached almost twenty years ago.

(2) A suit in the International Court of Justice at the Hague based upon ''the general principles of law recognized by civilized nations.''

In addition to such domestic antitrust actions, we believe you should give serious consideration to bringing case against OPEC before the International Court of Justice (the ''ICJ'') at the Hague. You should consider both a direct suit against the conspiring nations as well as a request for an advisory opinion from the Court through the auspices of the U.N. Security Council. The actions of OPEC in restraint of trade violate ''the general principles of law recognized by civilized nations.'' Under Article 38 of the Statute of the ICJ, the Court is required to apply these ''general principles'' when deciding cases before it.

This would clearly be a cutting-edge lawsuit, making new law at the international level. But there have been exciting developments in recent years which suggest that the ICJ would be willing to move in this direction. In a number of contexts, we have seen a greater respect for and adherence to fundamental international principles and norms by the world community. For example, we have seen the establishment of the International Criminal Court in 1998, the International Criminal Tribunal for Rwanda in 1994, and the International Criminal Tribunal for the former Yugoslavia in 1993. Each of these bodies has been active, handing down numerous indictments and convictions against individuals who have violated fundamental principles of human rights.

Today, adherence to international principles has spread from the tribunals in the Hague to individual nations around the world. The exiled former dictator of Chad, Hissene Habre, was indicted in Senegal on charges of torture and barbarity stemming from his reign, where he allegedly killed and tortured thousands. This case is similar to the case brought against former Chilean dictator Augusto Pinochet by Spain on the basis of his alleged atrocities in Chile. At the request of the Spanish government, Pinochet was detained in London for months until an English court determined that he was too ill to stand trial.

While these emerging norms of international behavior have tended to focus more on human rights than on economic principles, there is one economic issue on which an international consensus has emerged in recent years—the illegitimacy of price fixing by cartels. For example, on April 27, 1998, the Organization for Economic Cooperation and Development issued an official ''Recommendation'' that all twenty-nine member nations ''ensure that their competition laws effectively halt and deter hard core cartels.'' The recommendation defines ''hard core cartels'' as those which, among other things, fix prices or establish output restriction quotas. The Recommendation further instructs member countries ''to cooperate with each other in enforcing their laws against such cartels.''

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of these countries to ''cooperate with one another . . . to maximize the efficacy and efficiency of the enforcement of each country's competition laws.''

The behavior of OPEC and other oil-producing nations in restraint of trade violates U.S. antitrust law and basic international norms, and it is injuring the United States and its citizens in a very real way.

We hope that you will seriously consider judicial action to put an end to such behavior.

ARLEN SPECTER.
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HERB KOHL.
STROM THURMOND.
MIKE DEWINE.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Rhode Island.

Mr. REED. Mr. President, energy is the lifeblood of our economy. It is fundamental to powering our homes, businesses, manufacturing, and the transportation of goods and services that are vital to America and the world economy. But the fossil fuels our country currently relies on are unsustainable. Our Nation's addiction to oil is threatening our national security and dramatically changing the climate in which we live.

Setting America on a course of greater energy self-reliance is one of the most significant foreign policy, economic, and environmental challenges we face as a Nation.

Senators BINGAMAN, DOMENICI, INOUYE, and STEVENS have put a great deal of effort in developing this Energy bill, and it is an excellent first step. The bill will improve our Nation's energy efficiency, protect consumers from price gouging, increase vehicle economy standards, and decrease our reliance on oil, especially from unstable regions of the world.

President Bush admitted we are addicted to oil. But for the last 6 years, neither he nor the Congress was willing to take real action to change that fact. I commend Senator HARRY REID for bringing this legislation to the floor.

For the first time in 30 years, the Senate is now poised to pass legislation to increase vehicle fuel standards. I commend particularly Senators FEINSTEIN and DURBIN and SNOWE for their work on this issue. I was glad to be an original cosponsor of the ten-in-ten bill, which is the basis of the bipartisan compromise in the legislation we are considering today.

The debate about fuel economy standards should be over. We have the technology to get well beyond 35 miles per gallon, and the American public supports an increase in fuel efficiency standards. The time for action is long overdue, and I hope my colleagues will resist efforts to weaken these standards.

We have an opportunity to create a new energy future for the country. That future would strengthen our national security by making us more self-reliant and slow the impacts of global warming on our climate by investing in energy efficiency, renewable energy, and biofuels. I do not believe we can drill or mine our way to energy independence. Increasing the importation of foreign oil and natural gas is not the answer. Developing more nuclear power, given its price, legacy, cost, and safety threats, remains very problematic. Investing in energy efficiency and renewable energy is a win-win situation. These investments offer short-term and long-term solutions to strengthen our national security by reducing our energy consumption and making us less reliant on oil from unstable regions of the world. It enhances our economic competitiveness by creating American jobs in this new green economy, and it will protect our environment by reducing our carbon footprint.

Sixty percent of the oil consumed by Americans comes from abroad. While Canada and Mexico are our top suppliers, OPEC nations hold the cards in a global oil market, and a portion of the money we spend on oil undoubtedly finds its way into the hands of unstable and unfriendly regimes. Two-thirds of the global oil reserves are in the Middle East, and more than 75 percent of global oil production is already in the hands of state-controlled oil companies. With growing global demand and limited remaining oil supply, many countries, including our allies and trading partners, will compete with us for finite oil supplies as their and our own economy rely more heavily on imports. This will inevitably stress the delicate balance that exists among national interests in the world, and it gives oil-rich nations disproportionate leverage in the international arena. Al-Qaida and other terrorist networks have openly called for and carried out attacks on oil infrastructure because they know oil is the economic lifeline of industrial economies, especially the United States.

Today, we have an opportunity to shift the balance of power around the globe that is dictated by oil. Our first step is to strengthen our national security by increasing CAFE standards.

Raising fuel economy standards is an essential insurance policy against the risk of oil dependence and global warming, which pose vital threats to our national security. Fuel economy standards have proven effective at reducing our demand for oil, but they have been stagnant for more than a decade, despite advances in vehicle technology. The fact that our industrial competitors are increasing mileage standards underscores how we have been lagging behind the world economy in terms of technology, in terms of applying that technology through increasing the standards for automobiles in our country. Achieving a 35-mile-per-gallon fuel economy over the next decade, the equivalent of the 4-percent-a-year improvement called for by President Bush, is achievable. Beginning in 2011, this bill requires the National Highway Traffic Safety Administration to annually increase the nationwide average fleet fuel economy standards for cars and light trucks to achieve a standard of 35 miles per gallon by the year 2020. By 2020, the bill would reduce our Nation's oil dependence by approximately 1.3 million barrels per day, and in that year alone will save consumers $26 billion, and global warming emissions will be reduced by over 200 million metric tons. These savings will continue to increase each year, year after year.

This is the best investment we can have, I believe, in both national security and improved environmental quality, not just for us but for the world.

Strong mileage standards will also make us more competitive. According to the University of Michigan Transportation Research Institute, U.S. automakers could increase revenues by $2 billion and save between 15,000 and 35,000 jobs for autoworkers if we improve gas mileage. Higher fuel efficiency standards will help U.S. automobile manufacturers to better compete in the global marketplaces. The pricetag of our oil dependence is also not sustainable. According to a Department of Defense report:

> The United States bears many costs associated with the stability of the global oil market and infrastructure. The cost—

According to this report—

> of securing Persian Gulf sources alone comes to $44.4 billion annually for the United States.

We are literally policing the world oil market for the benefit of the world economy, with great cost in terms of dollars but also in terms of the huge pressure on our military forces and their families.

We lose $25 billion from our economy every month, and oil imports now account for nearly a third of the national trade deficit because of our dependence on oil. The economy is exposed to oil price shocks and supply disruptions, and families are feeling the pinch of oil prices. High energy prices reduce consumer spending power and affect businesses' bottom lines.

Millions of petrodollars are being exported out of U.S. cities and counties to pay for energy with a real effect on local economic vitality. In Rhode Island, my home State, gas prices have increased by $1.50 per gallon, an increase of 99 percent, since 2001. Households in Rhode Island are paying $1,430 more per year for gasoline than in 2001. So for the State economy, this means that families, businesses, and farmers in Rhode Island will spend $52.4 million more on gasoline in June 2007 than they spent in January 2001, and $600 million more will be spent on gasoline this year than was spent in 2001, if prices remain at current levels. Rhode Island residents, farmers, and businesses are on track to pay $1.2 billion for gasoline this year. That is an extraordinary drain on the economy of my State and on States throughout this great Nation.

If we have a policy that increases CAFE standards and energy efficiency and makes sensible investments in renewable fuels, we will have more funds

to invest in education, health care, public works, and business development. My State, like so many States, is struggling with a budget problem, a huge State budget problem. Some of that can be attributed directly to the higher cost of fuels to run schools, to run buses, to run the infrastructure of our State. We could take that money, save it, and invest it in education, in schools, and not simply ship it overseas through major international oil companies.

Energy efficiency and renewable energy programs that improve technologies for our homes, our businesses, and our vehicles must be the ''first fuel'' in the race for secure, affordable, and clean energy. Energy efficiency is the Nation's greatest energy resource. We now save more energy each year from energy efficiency than we get from any single energy source, including oil, natural gas, coal, and nuclear power. We need to use energy in a way that saves money. It is much cheaper to conserve energy and increase efficiency than to build further energy infrastructure in the country.

The Senate bill contains important provisions to support energy efficiency. First, it sets new energy benchmarks for appliances, including residential boilers, dishwashers, clothes washers, refrigerators, dehumidifiers, and electric motors. These seem like very mundane, trivial items, but if we can make even small increases in their efficiency, it has a huge macroeconomic effect on our society in terms of demand for energy, and this legislation will help us do that and point us in that direction. According to the American Council for an Energy Efficient Economy, increasing these standards will give consumers more than $12 billion in benefits, save more than 50 billion kilowatt-hours per year in electricity, or enough to power 4.8 million typical American households. The bill also strengthens energy requirements for the Federal Government. Today, the Federal Government spends more than $14 billion a year on energy. Increasing efficiency will save energy and taxpayer dollars. That is something we have to begin ourselves, leading by example at the Federal level.

The bill also increases the authorization level for the Weatherization Assistance Program and the State Energy Program. The State Energy Program improves the energy efficiency of schools, hospitals, small businesses, farms, and industries to make our economy more efficient.

The Weatherization Assistance Program helps low-income families, the elderly, and the disabled by improving energy efficiency of low-income housing. Weatherization can cut energy bills by 20 to 40 percent in each assisted home. This represents savings that families can use to pay for other necessities, while reducing the Nation's energy demand by the equivalent of 15 million barrels of oil each year. It lowers our national demand for energy, helps individual families, which is another win-win program we must support more vigorously.

The program weatherizes approximately 100,000 homes each year. Since its inception, the program has weatherized over 5.6 million homes. Weatherization has also grown an energy efficiency industry for residential housing that, according to the Department of Energy, employs 8,000 people who work in low-income weatherization alone. This has been a great success. Again, lowering the cost to families, lowering the national demand, and putting people to work is a good formula for our economy today.

Unfortunately, the Department of Energy's fiscal year 2007 spending plan cut funding to the weatherization program, and the administration, unfortunately, has a situation in which efficiency funding has fallen alarmingly since 2002. Adjusting for inflation, funding for energy efficiency has been cut by one-third. We have to do better. In the face of soaring prices, in the face of international threats posed by oil powers, we are cutting programs that are efficient, effective, and help families, and that is not only wrong, but it is terribly wrongheaded.

A strong renewable electricity standard is also needed to diversify our fuel supply, clean our air, and better protect our consumers from electricity price shocks. I am glad to join Senator BINGAMAN in supporting an amendment to the bill to require a 15-percent renewable electricity standard by 2020. This amendment will promote domestically produced clean energy, reduce U.S. greenhouse gas emissions, reduce energy costs for American consumers and businesses, and create American jobs.

According to the Union of Concerned Scientists, a 15-percent RES would save the residential, commercial, and industrial sectors $16.3 billion in electricity and natural gas costs. These savings are particularly critical for energy-intensive industries such as manufacturing. The RES will also create jobs in manufacturing. A recent study by the Apollo Alliance and the Urban Habitat found that renewable electricity creates American manufacturing, construction, and maintenance jobs. For every megawatt of solar photovoltaic electricity generated, about 22 jobs are created, which is their projection. Geothermal energy creates 10.5 jobs per megawatt, and wind energy creates 6.4 jobs per megawatt. American energy-intensive industries that are saving $5 billion through 2023 will be more competitive in the global market. Using clean, domestically produced power will also help stabilize prices, allowing businesses to more accurately budget for energy costs. This RES, the proposal of Senator BINGAMAN, will also lower U.S. carbon dioxide emissions by nearly 2 million tons per year by 2020.

Finally, the RES is important to our national security. In July 2006, the National Security Task Force on Energy published a report recommending several measures to improve energy security in the 21st century, including a national RES of 10 to 25 percent. Consumption of natural gas is growing at a faster rate than for any other primary energy source, and it is growing in all sectors of the economy. Families heat their homes with natural gas, businesses use natural gas to produce products, natural gas vehicles are becoming more common, and power producers generate cleaner energy with natural gas. Similar to oil, demand is growing faster than available supplies can be delivered, and the tightening in supply and demand is resulting in dramatic price volatility. One way to increase the natural gas supply in the United States is through liquefied natural gas, known as LNG. Again, however, we would do well to learn from our lessons with oil. One-third of the world's proven reserves of natural gas are in the Middle East, nearly two-fifths are in Russia and its former satellites, and Nigeria and Algeria also have significant reserves.

Political stability and terrorism are very real threats to these countries being a reliable source for natural gas. Russia is trying to create an OPEC-style cartel for natural gas, which could manipulate natural gas prices and supply, and that would be a very unfortunate development.

For over 30 years, through four different administrations, Americans have been promised that our Government would end the national security threat created by our dependence on foreign oil. As a country, we need to move in a new direction toward a clean and secure energy future. This effort must include greater investment in energy efficiency, a strong renewable electricity standard, and increased vehicle fuel economy standards. Also, as we dramatically increase biofuel production, we must ensure that it does not cause harm to the environment and public health.

Energy security starts with using the fuels we have more efficiently. Smart energy use is a resource not vulnerable to terrorism or world politics, and I think this legislation is a step forward for smart energy use. I commend Chairman BINGAMAN for his leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

IMMIGRATION

Mr. DORGAN. Mr. President, I wish to say a word this morning about a column that was printed in the Washington Post this morning on the op-ed page that was taking the majority leader of the Senate to task, and doing so, I think, unfairly and certainly inaccurately.

The column criticizes the majority leader for saying the Senate's time was ''too precious'' to expend on what would have been unlimited debate on an unlimited number of Republican amendments to the immigration bill.

The intent of this column in the newspaper is to say that the majority leader was responsible for failing to allow consideration of the immigration bill.

I don't know what Mr. Will, who wrote this column, was watching last week. I know Paris Hilton was being taken back and forth between her house and the sheriff's office and court and jail, apparently, and the country must have been riveted on that story. But C–SPAN would have availed a columnist of a pretty good look at what the Senate was doing, and not just for last week but for 2 weeks the Senate dealt with the subject of immigration.

I happen to come to a different conclusion on that subject than the majority leader. I know who supports that legislation, and he has supported that legislation. I watched the last day of consideration when the majority leader came to the floor and offered a proposal where each side would get four amendments. That was objected to. He then proposed that each side would get three amendments. That was objected to. Each side would get two amendments. That was objected to.

I don't have the foggiest idea why Mr. Will would write a column suggesting somehow the majority leader was responsible for that not going forward after 2 full weeks of debate and being blocked in every circumstance of having additional amendments considered.

But what brought me to the Senate floor is not my support of consideration or further consideration of the immigration bill, but the charge that the majority leader was somehow responsible for scuttling it. That is not the case, No. 1. And, No. 2, Mr. Will says in his column that, in fact, it was taken off the floor in order to bring up legislation that would quintuple the mandated use of corn-based ethanol, apparently upset about the fact that we have an energy bill on the floor at this point that would dramatically increase the use of biofuels, corn-based ethanol and also cellulosic and other approaches because we believe we need to find somehow, some way, some point, someday to become less dependent on foreign sources of oil.

Over 60 percent of the oil we use in this country we obtain from troubled parts of the world overseas—60 percent of it and it is growing: the Saudis, the Kuwaitis, Venezuela, Iraq, and the list goes on. If tomorrow, God forbid, somehow that source of oil would be shut off to our economy, this economy, this American economy would be flat on its back. We need to become less dependent on foreign sources of oil. We use 70 percent of the oil we bring into this country in our vehicles. We run them through the carburetors and fuel injectors of our vehicles.

We are doing a lot with this legislation. We haven't had an increase in the efficiency standards for vehicles for 25 years, and the auto companies, I know, object to that. They objected to seatbelts. They objected to airbags. They have given us better cupholders. They have given us better music systems. They have given us keyless entry. But they haven't in 25 years given us greater efficiency, and they should. That is in the bill.

We also increase the supply of alternative energy with renewable fuels called the biofuels, ethanol, corn-based ethanol; yes, cellulosic ethanol, yes. If Mr. Will and others think that is irrelevant, they miss the point. This country doesn't have a choice. We must find a route to be less dependent on foreign sources of oil.

One approach, in my judgment, is to make the vehicles more efficient. Another approach is to produce renewable fuels. I was the author of the only standard that exists for renewable fuels, a 7.5-billion-gallon-a-year standard. We did that 2 years ago. I think we are at 7.5 billion gallons already. We were hoping to get there by 2012. Now we have a bill that will take us to 36 billion gallons of renewable fuels. As a measurement, we use 145 billion gallons of fuel a year. We want to go to 36 billion gallons of renewable fuels that we can grow in our farm fields, among other things.

It is easy to write a column, I guess. If the ink is inexpensive, you can say anything you want. This is not an accurate reflection of two things. No. 1, it is not an accurate reflection of the immigration bill, and it is not an accurate reflection, in my judgment, of the merits of biofuels to extend America's energy supply.

While I am up, I want to make one more point. There are others who talked about the amendment I offered to the immigration bill suggesting that somehow it would have been responsible for killing the bill. I want to describe it very briefly.

The immigration bill was put together in a room by a group of people who said: Here is what we think we should do to deal with immigration. The proposal was put together in a room by some 14 Senators, which meant that 86 others were not involved. So the product was brought to the floor of the Senate, and we were told: If you have a different idea, the group of 14 are going to oppose it. That group of 14, or whatever it was, creating a grand compromise, they had a responsibility to oppose anything that the rest of the 86 Members of the Senate believed could add to or improve the bill.

Among other things, the bill provided a temporary worker provision which said there are millions of people outside this country—400,000 a year originally, 2 years on, 1 year back to their home country, 2 years back, 1 year back to their home country, 2 years back a third time. My colleague from New Mexico reduced that to 200,000 a year. But it was ultimately the same circumstance. It would have been a massive number of new people who don't now live here who would have come in and taken jobs in this country. I did not support that guest worker program. I believe at least we should sunset it after 5 years to evaluate the consequences, what impact it has had on our country. Has it had an impact of downward pressure on wages, which I think it will have, which I don't support? Has it had an impact of bringing in a lot of immigrants who will not leave afterward and, therefore, be here without legal authorization? If so, should we consider that issue and how to deal with it?

I think these are very complicated issues, and the guest worker program should be sunsetted after 5 years. My amendment won by one vote, and then it was as if the sky was falling. This is going to kill the bill, they say. I don't agree with that at all. I just don't agree.

As I have indicated many times, they brought that out here suggesting that anything that was done that would change it would kill the bill. Again, it is the argument we hear all the time: the lose thread on the cheap sweater; pull the thread, the arms fall off.

I come back to this point that I think the column today is unfair to the majority leader. It unfairly suggests that he is the responsible party for not moving forward on immigration. We spent 2 full weeks on immigration. It wasn't incomplete because of anything the majority leader did. He is the one who brought it to the floor in the first place.

Second, it is unfortunate—certainly well within the columnist's right, but unfortunate—to suggest that somehow renewable fuels cannot play a significant part in this country's energy future. That is a significant part of this bill. Senator BINGAMAN, Senator DOMENICI, myself, and many others have worked on renewable fuels for a long while. We set a standard that I think is going to be very exciting for this country to meet, and I think it will reduce our dependence on foreign sources of oil, will make us much less dependent than we are now, and I think it will advance this country's security and energy interests.

I am pleased to be a part of that effort and support it and felt especially that I ought to say a word in response to this column that I think unfairly treats the issue of biofuels.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I thank the Chair.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 1605 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. CONRAD. Mr. President, I rise today in support of bold action on energy policy for this country. I am pleased and indebted to the chairman of the Energy Committee for his leadership. I think all of us know our country faces serious energy challenges. The most pressing is the fact that our Nation is far too dependent on foreign oil.

For example, we currently import roughly 60 percent of the oil we consume. You can see that in 2006, 60 percent of our oil came from imports; only 40 percent was domestic. Not only does this make us increasingly dependent on the most unstable parts of the world, but it is also leading to a financial hemorrhage. It is leading us to spend hundreds of billions of dollars abroad that could otherwise be deployed here at home.

Imported petroleum accounted for $272 billion of the U.S. trade deficit over the last year, equal to 32 percent of our total trade deficit—$272 billion that we spend in other countries that could have been spent here at home. Imagine the difference in this country's economy if we were spending $270 billion in America securing energy here instead of shipping it to Saudi Arabia, Kuwait, Venezuela, Nigeria, and all of the other countries from whom we buy foreign oil.

We know much of this oil is coming from the most unstable parts of the world. That puts us at risk, not only at economic risk but at national security risk. We must also recognize that other countries, especially in the developing world, are going to consume growing amounts of energy as well. In fact, the Energy Information Administration projects world consumption of energy will increase 57 percent from 2004 to 2030.

This chart shows it well. This is the current consumption level. This is what they project by 2030—a 57-percent increase. This growth in demand for energy will mean higher prices for energy, increased price volatility in the markets for oil, natural gas, uranium, and coal as transportation and refining networks are pushed to capacity. Unless we change course, we will become even more dependent on foreign energy sources. In fact, we are told now that while we are 60 percent dependent, we are headed for 75 percent dependence if we fail to act. In short, our addiction to foreign oil threatens our economic future and our national security. We need to take significant strides now to develop other sources of energy, ones we can rely on to be there in the future.

I have said many times to my colleagues, instead of continuing our dependence on the Middle East, we need to look to the Midwest for increased energy supplies, because it is in the Midwest where we grow the feedstocks for ethanol and biodiesel, things that reduce our dependence on foreign oil.

Fortunately, the United States has the domestic resources and the ingenuity to reduce our dependence on foreign oil and meet our energy challenges. That is why I introduced the BOLD Act last year, Breaking Our Long-term Dependence. The BOLD Act would increase production of renewable energy and alternatives fuels, offer incentives to reward fuel savings and energy efficiency, increase research and development funding for new technologies, promote responsible development of domestic fossil fuel resources, and facilitate expansion and upgrades to our Nation's electricity grid.

That is also one of the challenges facing us; we have gridlock on the energy grid. When we produce additional energy in North Dakota, we can't move it to the Chicago market because the capacity of the grid is full—in Minnesota, in Wisconsin. So when we put on new capacity in North Dakota through wind power, for example, where we have extraordinary potential, we can't move it to the Chicago market where it is needed because the grid itself is gridlocked.

I am pleased the bill before us contains many of the provisions or similar provisions to what was in the BOLD Act I introduced last year. The renewable fuels standard is an important step. My BOLD Act required 30 billion gallons of renewable fuel use by 2025. This bill requires 36 billion gallons by 2022. Renewable fuels have tremendous potential to reduce our imports. By relying more on domestic crops to produce ethanol and biodiesel, we can reduce fuel prices, support economic development in rural areas, and improve our energy security.

This energy bill also takes steps to develop an infrastructure of pipelines, rail lines, and trucks able to deliver increasing amounts of renewable fuels to market. These steps will allow us to substitute homegrown fuels for foreign oil, dramatically reducing our dependence on imported oil.

Let me say that other countries have done this. Brazil is a perfect example. You can see, in the green bars, that in 1973 we were 35 percent dependent on foreign oil. Today, we are 60 percent. Look at Brazil. Brazil, in 1973, was 80 percent dependent on foreign oil. They have reduced that last year to 5 percent—a dramatic change. How have they done it? They have done it by promoting ethanol and biodiesel and by promoting flexible fuel vehicles. That is a program for success.

Experts tell us the single most important thing we can do to reduce our reliance on foreign oil is to improve the efficiency of our cars and trucks. If our cars averaged 40 miles a gallon, we could save 2 to 3 million barrels of oil a day. In the short term, we clearly need to increase fuel efficiency. In the longer term, we need to develop alternative fuel technologies, such as plug-in hybrid and electric drive vehicles. This bill helps advance a long-term solution to the problem with research and development and demonstration programs for electric drive transportation technology. The bill also includes loan guarantees for facilities for the manufacture of parts for fuel-efficient vehicles, including hybrid and advanced diesel vehicles.

We have abundant domestic sources of electricity, from a 250-year supply of coal to rapidly developing renewable sources such as wind energy. Let me say that my State is a leader in both. We have the greatest wind energy potential in North Dakota of any State in the Nation. I might add it is not because of our congressional delegation. No, this is wind generated by a higher power.

I am glad I have been able to amuse the Chair.

North Dakota has those constant prevailing winds. Already, we have seen hundreds of millions of dollars invested in wind energy, but much more could be done. And, of course, we have extraordinary deposits of coal as well. By plugging into these sources of energy to fuel our transportation sector, we can dramatically reduce our dependence on foreign oil.

This bill also establishes long overdue efficiency standards for consumer appliances and industrial products, and promotes advanced lighting technologies that will cut down on a major source of our electricity load.

Lastly, I am encouraged by the strong provisions in this bill to research, develop, and demonstrate our capacity to capture and store carbon dioxide. The largest carbon sequestration project in the world is going on in North Dakota, where the coal gasification plant that is run by Basin Electric—we call it the Dakota gasification plant—is shipping about half of the carbon dioxide it produces to Canada to repressure the oil fields there. This is the largest carbon sequestration project in the world. We are proud of it. We are demonstrating that this can be done, and that is a winner on every count. It reduces carbon dioxide in the atmosphere and it repressures oil fields in Canada to get more production so we are less reliant on more unstable sources. This is crucial work if we are to find the best response to global climate change.

I look forward to taking up work in the Finance Committee next week to craft bold and thoughtful tax provisions to complement and expand upon the worthy objectives that are already in this bill. This bill takes important steps to set us on a path toward energy independence. Let me say it will be many years before we reach that objective, but we must act boldly now to take these initial steps.

I wish to especially commend and thank the chairman of the Energy Committee, Senator BINGAMAN, who has labored so hard and so long to produce this legislation. Senator BINGAMAN has taken on some of the toughest areas of energy policy. These are areas of real controversy, and he has taken them on with real leadership. We are proud of him.

Senator BINGAMAN, I thank you for the legislation you have brought to the floor and for the effort you and your staff have put into this endeavor. It is important for our country. I believe, more broadly, it is important for the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, first, let me thank my friend and colleague from North Dakota for his kind words and for his strong support for this legislation. He has been a leader on this whole set of energy issues and proposed very strong legislation in the last Congress on this very set of issues. We are hopefully moving ahead on some of the policy recommendations and proposals he has made here in the Senate in the last year or two. I congratulate him on that and look forward to continuing to work with him.

We are now on what is called the renewable portfolio standard and the renewable electricity standard amendment. This is an amendment I offered. Senator DOMENICI has now offered a second-degree amendment to it, which is really a substitute, which is really a very different piece of legislation than the amendment I offered.

I thought I would take a few minutes. I know Senator DOMENICI will be returning to the floor here in a few minutes, and he will want to speak on his proposed substitute amendment. I thought I would take a few minutes right now to describe the amendment I have offered on the renewable portfolio standard.

In each of the last three Congresses, we passed a major energy bill in the Senate. In each of those energy bills, we have included a provision to require that a certain percentage of the electricity sold by electric utilities throughout the Nation come from renewable energy sources. That is the nature of the amendment I am offering again today. The Senate has approved this proposition again and again.

In the 107th Congress, we included such a portfolio standard. That is the phrase which has been used historically to describe this amendment, a portfolio standard. It is really an electricity standard or electricity requirement on utilities. But in the 107th Congress, we included such a portfolio standard as part of the Energy bill, and strong votes on the floor affirmed the Senate's determination that the standard we proposed there should not be weakened.

In the 108th Congress, there was a letter signed by 53 Senators that went to the chairs of the conference on the Energy bill. The Senate conferees went on to approve the portfolio standard and sent it on to the House as part of our bill.

In the 109th Congress, the same thing happened.

In all three cases, the House conferees rejected the proposal that had been passed by the Senate. Now we have an opportunity to renew our support for this proposal and to place it in a bill that hopefully can garner strong bipartisan support and finally reach the President's desk.

There are good reasons for the Senate to support this proposal. A strong renewable portfolio standard is an essential component of any comprehensive national energy policy. It is not just an important part of such a strategy but an essential component of such a strategy.

The benefits are clear. This portfolio standard would reduce our dependence on traditional polluting sources of electricity. It would reduce our dependence on foreign energy sources. It would reduce the growing pressure on natural gas as a fuel for the generation of electricity. It would reduce the price of natural gas. It would create new jobs. It would make a start on reducing our greenhouse gas emissions, and it would increase our energy security and enhance the reliability of the electricity grid. Those are some of the benefits.

Mr. President, I failed at the beginning of my comments to ask unanimous consent that Senator DURBIN be added as an original cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. This portfolio standard we have offered is a flexible, market-driven approach to achieving all of the goals I have enunciated here and to do so at a negligible cost to consumers. The proposal would require retail sellers of electricity who sell more than 4 million megawatt hours per year to provide 15 percent of that electricity from renewable sources by the year 2020. The requirement would be ramped up. There would be an increase in the requirement each year, in 3-year increments to allow planning flexibility for those utilities.

The Secretary of Energy would be required to develop a system of credit for renewable generation that could be traded or sold, again making the program easier to comply with. Utilities could use new or existing generation to comply with the program or they could comply with the program by buying credits from someone who has produced more renewable energy than they were required to produce. New renewable producers could receive the credits to trade or to sell.

Let me just summarize at this point and interject. The way we have drafted this, the flexibility is that an electric utility can comply with the requirement—the requirement being to ensure that 15 percent of the electricity they sell comes from renewable sources—in any of four ways:

First, they can produce the electricity themselves. They could put in a wind farm or a biomass facility or whatever and produce that energy from renewable sources themselves.

Second, they could buy that energy from someone else who is producing that renewable energy.

Third, they could buy credits from someone who has produced more renewable energy than they themselves are required to have in order to meet their requirements under the law.

Fourth, there is a compliance fee that they could pay the Secretary of Energy if they are not able to do any of the previous three. That would be at a rate of 2 cents per kilowatt-hour. So the cost of the program to utilities would be capped by allowing utilities to make this alternative compliance payment of 2 cents per kilowatt-hour, which is adjusted for inflation. As long as the difference between the cost of renewable generation and the cost of other generation resources is less than 2 cents per kilowatt-hour, the utility could buy or generate renewables or buy credits in the open market. When it reaches or exceeds that 2-cent price, the cap would kick in.

We also would create a program from the alternative compliance payments so that, to the extent a utility chose to go ahead and just pay the 2 cents per kilowatt-hour, those funds would go into a State program for development of renewable energy in that State.

Congress has tried before to spur the development of renewables. In 1978, we passed the Public Utility Regulatory Policies Act. That bill required utilities to buy renewables if the generators could meet the avoided cost of the utilities. Cogeneration—the combined use of heat and industrial processes for generation of electricity—was also eligible. That program resulted in a huge growth in cogeneration. Over half of the new generation that came on line in this country during the 1980s and the 1990s was from that resource. It did not, however, do much for renewable generation. These technologies have remained at about 2 percent of total electricity supply for several decades now.

We have a chart here which makes that point. This chart depicts electricity generation by fuel during the period 1970 projected through 2025 in billions of kilowatt-hours.

You can see, from 1970 up to the current time, renewables is way down toward the bottom. It is the second to the bottom line on that chart. Then it stays flat going forward, unless we pass this legislation. This legislation is intended to change these lines on this chart. That is the entire purpose of the legislation.

Critics of the program claim that the cost of this would be too much, that States are already requiring development of renewables, and that some areas do not have readily available renewable resources. My response is, I would point to a number of studies of this proposal that have been done over the years.

In 2003, I asked the Energy Information Administration at the Department of Energy to look at the effect the proposed renewable standard at that time would have had. They found that the standard would result in 350 billion kilowatt-hours of renewable generation being constructed between 2008 and 2025; that is generation that would not be constructed absent the passage of that provision. They found that the cost would be minimal. The report indicated there would be an increase in the cost of electricity by about one-tenth of a cent in 2025 over projected costs. When combined with the reduction in natural gas prices which would

be caused by the renewable portfolio standard, the total aggregate cost to consumers on their energy bills was projected to be less than one-twentieth of 1 percent.

In 2005, again I asked the Energy Information Administration to update the analysis, taking contemporary conditions into account. That update found that the portfolio standard we were proposing then would cause the prices of both electricity and natural gas to actually go down, and the letter that outlines those results stated:

Cumulative residential expenses on electricity from 2005 to 2025 are $2.7 billion, that is 2/10th of a percent lower, while cumulative residential expenditures on natural gas are reduced by $2.9 billion, or one half of 1 percent. Cumulative expenditures for natural gas and electricity by all end use sectors taken together will decrease by $22.6, again, one-half of 1 percent.

That report also indicates that generation of electricity from natural gas would be 5 percent lower with the RPS than it would be without the RPS. It also projected that total electricity-sector carbon-dioxide emissions would be reduced by 249 million metric tons relative to the reference case.

This year, once again, I asked the Energy Information Administration to analyze the proposal we now have before the Senate. This analysis indicates that the renewable electricity standard or renewable portfolio standard would result in a tripling of generation from biomass, a 50-percent increase in wind generation, and a 500-percent increase in solar generation. The net expenditures for energy by consumers are projected to increase by three-tenths of 1 percent, electricity prices are projected to increase by nine-tenths of 1 percent, while natural gas prices are slated to fall.

The renewable electricity standard would also be expected to reduce carbon dioxide emissions by 6.7 percent, or 222 million metric tons in 2030.

These projections are not as optimistic as those we got 2 years ago in the 2005 analysis. There are some different assumptions which they used which explain the different conclusions. The first assumption was that the reference case projects a much greater expansion of coal generation than earlier projections. That was partly a result of the higher natural gas price projected. Second, the study assumes tax credits for renewables will, in fact, end next year, in 2008.

They are scheduled to expire next year. I think all or at least most Members of the Senate believe we ought to extend those tax credits. I hope we do so as part of our amending of this bill on the Senate floor this week and next week. I know the Finance Committee, Senator BAUCUS and Senator GRASSLEY on the Finance Committee are working to develop a package of tax extenders and provisions to expand the tax provisions that are related to renewables.

Third, and perhaps most importantly, the study—this is the study the Energy Information Administration did for us this year. The study does not assume any controls on carbon emissions anytime in the next 13 years. Frankly, I don't think that is a likely occurrence. I think this Congress and this Government is going to come to a responsible position with regard to greenhouse gas emissions and there are going to be limits on carbon emissions imposed in this country, as they have been imposed in many industrial countries around the world—the sooner the better, from my perspective. But certainly that is going to happen long before the end of the next 13 years.

The report acknowledges these assumptions but states that different assumptions would result in lower costs for the renewable electricity standard. There is, of course, considerable uncertainty regarding the projected baseline electricity mix. Actual implementation of future policies to limit greenhouse gas emissions could lead to a larger role for natural gas in the generation mix.

This is a quote from the report we received this year. It says:

In such a scenario——

That is where natural gas has a larger role in the generation mix——

the projected impact of the 15 percent renewable portfolio standard proposal would move toward those identified in the 2005 analysis.

In the tax title that is being developed by the Finance Committee to accompany the bill, we are working to extend the production tax credit, to extend the investment tax credits that are available for renewables. We are also going to do something, I believe, to try to encourage sequestering of carbon emissions.

I don't think anyone in this body believes Congress will fail to act on this issue for the period of time that is built in for these assumptions. If we assume what we believe is going to happen, we are back with a projection of considerable consumer savings from the renewable electricity standard, as we found in the 2005 report that they did.

A recent report from Wood Mackenzie, which is a noted natural gas industry analytic consulting firm, concluded that a 15-percent renewable portfolio standard would result in a savings in variable costs for electricity of $240 billion by 2026.

That is far more than offsetting the $134 billion increase in capital expenditures. The study indicates that natural gas prices would be from 16 to 23 percent lower in their projection by 2026 as a result of enactment of this provision. The study also projects that carbon emissions from the power sector would be 10 percent lower in 2026 as a result of this.

A recent study by the Union of Concerned Scientists found that this proposal would result in $16.4 billion in savings to consumers on electricity and natural gas bills. It also reported a 7-percent reduction in carbon emissions.

A number of other studies found positive results, even to the point of reducing overall energy costs. In 2005, we had a hearing in the energy committee. Senator DOMENICI was chairing the committee at the time. It was on the issue of generation portfolios. Dr. Ryan Weiser, of Lawrence Berkeley National Laboratory, presented a report that summarized the results of 15 studies of renewable portfolio standards, much like the one I am offering.

All these studies found that a portfolio standard would reduce natural gas prices; 12 of the 15 studies projected a net reduction in overall energy bills for consumers as a result of the renewable portfolio standard. In other words, we can save natural gas, we can reduce carbon dioxide emissions significantly, and we can save money both on electricity bills and on natural gas bills from making this move that this proposal contemplates.

Many have argued that States are already implementing renewable portfolio standards so there is no need for a Federal program. It is true States have taken the lead in pushing for more renewable generation.

Twenty-three States currently have in development renewable requirements. Almost all these standards are more aggressive than the Federal standard I am proposing in the amendment I have sent to the desk. New Mexico requires 16.2 percent by 2020. California requires 20 percent by 2017. Maine requires 30 percent by 2000. Minnesota requires 27.4 percent by 2025.

This will spur the growth of renewables in these regions. There is one thing, however, that a State standard cannot do—it cannot drive a national market for the technologies involved here. If some States have renewable standards and others do not, it is impossible for a national market to develop for renewable credits.

This credit trading system is the piece of our proposal that gives the greatest flexibility for compliance. The credit trading system also helps to reduce the cost of compliance by allowing credits for lower cost renewables from one region to be bought by utilities in another region.

Some argue this is a cost shift from the regions without renewable resources to those that have renewable resources. I would argue it is a way to spread the cost to all who are, in fact, benefitting. If States do not have or choose not to develop renewable resources, they still realize very real benefits in lower natural gas prices, lower $SO_2$ allowance costs, and low-cost carbon reductions. It is only fair they share the slight increase in costs for generation of electricity that, in fact, created the savings. The argument that many States do not have, or many regions do not have renewable generation resources has been made. It is true the best wind, geothermal, and solar resources are concentrated in the West.

The entire country has extensive biomass potential. As Maine and other Eastern States have shown, paper production and agricultural processes are

available everywhere. We have a chart that makes that point. It shows, up in the left-hand corner, biomass and biofuel resources; on the right side, solar insolation resources; geothermal resources on the left-hand side; and wind resources on the bottom right.

If Rhode Island and Pennsylvania and New Jersey and Maryland can implement aggressive standards, then the standard we are calling for can be implemented in all States. The chart from the Department of Energy's National Renewable Energy Lab shows that virtually every State has the biomass production potential to meet this target. Environmental benefits are clear.

RPS would result, according to the Energy Information Administration, in a 6.7-percent reduction in carbon emissions in the year 2030. That is a reduction of 222 million tons in that area alone. RPS standards also benefit the economy. It drives job growth. The Union of Concerned Scientists says that wind turbine construction alone would result in 43,000 new jobs per year, on average.

An additional 11,200 cumulative long-term jobs will result from subsequent operations and maintenance. There is another study by the Regional Economics Application Laboratory for the Environment, Environmental Law and Policy Center, that found that over 68,000 jobs at 6.7 billion in economic output would result from the development of the renewable energy capacity contemplated in this amendment.

According to the AFL–CIO, an estimated 8,092 jobs would be created over a 10-year period for installation and O&M on wind power in Nevada alone, and another 19,137 manufacturing jobs would be created. Agricultural interests have begun to be aware of the potential and have indicated their support.

Last month, the 21st Century Agricultural Policy Project, under the guidance of former Senators Bob Dole and Tom Daschle, issued a report. That report made recommendations to sustain the Nation's farm sector. One of the key recommendations was that Congress pass a Federal renewable portfolio standard. I do have executive summaries of those reports. I ask unanimous consent that they be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. So support for RPS is strong throughout the Nation. A poll recently by Melvin & Associates found that 70 percent of those surveyed nationwide supported a 20-percent portfolio standard. That is not what I am recommending. I am recommending 15 percent.

But these results were about the same in States as diverse as North Dakota and Georgia and Missouri and Arizona. Environmental groups, from the Sierra Club to the Natural Resources Defense Council, to the industrial associations, to the renewable trade groups, to utilities have all supported RPS. We recently received letters from a great many organizations.

Let me indicate what these letters are. First, we have a letter to Senators REID, MCCONNELL, BINGAMAN, and DOMENICI, signed by several hundred organizations indicating their strong support for this proposal that I have put before the Senate today.

I ask unanimous consent that letter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BINGAMAN. Next I have a letter from Michael Wilson of FPL Group—he is vice president for government affairs with FPL—saying: Please consider this letter an endorsement in the renewable portfolio standard amendment that you intend to offer.

I ask unanimous consent that be included in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. BINGAMAN. Next, a letter from the National Farmers Union directed to Senators Reid, McConnell, Domenici, and myself, saying: On behalf of the farm, ranch and rural members of National Farmers Union, we are writing to urge you to support inclusion of a strong national renewable portfolio standard in energy security legislation and oppose attempts to weaken that when the Senate considers this issue in the coming days.

I ask unanimous consent to have that letter printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. BINGAMAN. Finally, I have a letter from the American Wind Energy Association indicating strong support for my amendment and concern and opposition to the proposed substitute amendment that Senator DOMENICI has offered under the title: Clean Portfolio Standard.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

Mr. BINGAMAN. Mr. President, we are moving ahead on this bill. This is an important part of the legislation. I think all Senators have known this was intended to be offered as an amendment on the floor. I have certainly indicated that repeatedly over recent weeks and even months. So as I say, it has been offered and passed in a somewhat different forum, three previous Congresses in the Senate. I hope very much that we can proceed to a good debate on this proposal and on the proposal by my colleague from New Mexico, Senator DOMENICI, and then have votes on those two proposals.

I know Senator KERRY also has a proposed second-degree amendment to raise the percentage requirement from 15 percent to 20 percent. He would like to have a chance to have the Senate consider that proposal as well.

At this point, I think that gives a general overview of the amendment and the reasons why I think the Senate should support it. I urge all my colleagues to vote for the amendment. I will also want to address Senator DOMENICI's amendment once he has had a chance to explain that.

I yield the floor.

EXHIBIT 1

21ST CENTURY AGRICULTURE POLICY PROJECT

EXECUTIVE SUMMARY

America's farmers and ranchers face unprecedented challenges and opportunities in the decades ahead. Globalization, technological change, trade issues, federal budget constraints, global warming, high energy costs, land-development pressures, and increasing environmental and food safety concerns are all likely to have a profound impact on rural communities and on future prospects for sustaining a prosperous and vibrant farm economy. At the same time, new markets are opening to farmers that already are paying enormous dividends. Investments in biofuels projects and wind farms, as well as the generation of carbon credits, are providing farmers and ranchers with new sources of income that are transforming the rural American economy.

The 21st Century Agriculture Policy Project was motivated by a recognition that rapidly changing landscape calls for a more expansive and creative approach to national farm policy. Sponsored by the Bipartisan Policy Center and chaired by the two of us, who together have eight decades of experience at the forefront of federal engagement with agriculture issues, the Project was launched in March 2006. Its aim has been to work directly with farmers, ranchers, and other stakeholders to forge bipartisan consensus around a new agenda for U.S. farm policy in the 21st century. It is our intent to put forward a series of recommendations that, taken together, can be implemented at a net savings to the federal government compared with the current Farm Bill. Specifically, our recommendations assume that increased demand for biofuels under an expanded renewable fuel standard will produce substantial savings in existing agriculture support programs, including elimination of the direct payment program, less reliance on countercyclical and loan deficiency payments, and more reliance on the marketplace.

Programs to sustain the nation's agricultural sector must necessarily evolve to reflect emerging budget pressures and new economic realities, while also being responsive to the larger concerns and interests of American taxpayers, consumers, and utility ratepayers. Indeed, as taxpayers, consumers, and ratepayers themselves, farmers and ranchers are best served by well-designed policies that achieve equitable outcomes, do so in a fiscally responsible manner, and are carefully targeted to achieve maximum societal benefits at the lowest possible cost. Fortunately, the input gathered through this project from farmers and researchers points to promising opportunities for reforming current policies in ways that are responsive to broader public-interest objectives without in any sense diminishing the federal government's long-standing commitment to an economically secure agricultural base. The recommendations advanced here reflect the view that strategic investments in developing new

market opportunities and in helping agricultural producers gain a larger stake in high-value-added enterprises can reduce farmers' need for current safety net programs in ways that are less susceptible to political uncertainty and international trade rules and that are revenue-neutral, in terms of overall federal spending. Four overarching themes connect these recommendations:

Securing a robust, economically vibrant future for American agriculture in the 21st century requires a more expansive and creative approach to farm policy. A continued federal commitment to the financial security and stability of the nation's farm community is essential at a time when globalization, technological change, environmental concerns, high energy costs, international pressure to cut traditional subsidies, and continued urbanization all pose new challenges for agriculture. To help farmers respond effectively while continuing to undergird U.S. competitiveness, federal policy must evolve to encompass a broader set of issues and successfully leverage multiple synergies.

An emphasis on new markets and on increasing farmers' equity share in value-added enterprises provides the best foundation for expanding opportunity in rural communities. Biofuels, renewable energy like wind power, carbon sequestration, and habitat preservation for recreation and hunting are just some examples of agriculture-related activities that can significantly augment and diversify future sources of income for America's farm families. Targeted policies are needed to increase farmers' stakes in the new wealth generated by these emerging markets.

Increasing the role of America's farms in energy production can be achieved at a net savings to the federal budget because increased demand for corn and other crops to serve the rapidly growing alternative-fuels market will naturally reduce outlays for traditional ''safety net'' programs. New economic research suggests that explosive growth in ethanol production will lead to higher prices not only for corn, but also for soybeans and wheat, as acreage now in these crops is shifted to corn. These market shifts are expected to dramatically reduce countercyclical and loan deficiency payments for certain crops, potentially freeing billions of dollars each year for farm programs that have broad political support and that generate promising, and ultimately more self-sustaining, economic opportunities in the long run.

Federal action to establish a mandatory program to limit greenhouse gas emissions is sensible and will provide agricultural producers with significant new market opportunities. The agriculture sector is in a unique position to lead in—and benefit from—efforts to address climate change. Expanded demand for biofuels is an obvious example, but ranch and farm lands are also well-suited for future development of renewable electricity sources (e.g., wind and solar power) and carbon sequestration.

SUMMARY OF RECOMMENDATIONS

Continue to provide economic stability through existing countercyclical programs, while investing in market-based opportunities for agriculture and addressing new sources of financial insecurity through a permanent disaster program:

First, the core of the federal farm program must be a strong countercyclical program based on the two countercyclical elements of the current farm bill: (1) a robust marketing loan program that treats all producers equally and (2) a partially decoupled countercyclical program. Individual farm benefits should be capped at $250,000 per year and eligibility to obtain benefits through more than one entity should be eliminated.

Second, Congress should eliminate the direct payment program and redirect funds for this program—along with savings generated by reduced countercyclical and LDP payments for corn, wheat, and soybeans—to permanent disaster assistance and promoting new income-generating opportunities for farmers in markets such as biofuels, renewable electricity, carbon sequestration, and conservation.

Third, Congress should establish a Value-Added Equity Creation Program to provide farmers and ranchers with no-interest revolving loans so that they can participate in high-value agriculture-related business opportunities, such as biofuels plants and wind projects. Producers should be eligible to participate if their primary occupation is farming and should be able to receive up to $100,000 in interest-free loans for equity investments in qualifying value-added enterprises (as certified by the U.S. Department of Agriculture (USDA)).

Finally, in recent years, Congress has frequently passed annual emergency spending bills to provide agricultural producers with disaster assistance. While these measures have provided important relief to farmers and ranchers, they have been ad hoc in nature and off budget. As a result, Congress may decide to establish a permanent disaster assistance program, administered by USDA, to provide ranchers and farmers with assistance for clearly defined disaster conditions. If so, we recommend that Congress replace the current system of ad hoc off-budget emergency supplemental spending bills, make the permanent disaster assistance program on-budget as part of the Farm Bill, and include a reasonable benefit cap of $250,000 per farm or ranch in any single year. If a reasonable benefits cap is imposed, net federal outlays for disaster assistance should be reduced compared with the current off-budget approach.

To promote biomass-based alternative liquid fuels, Congress should:

Expand and extend the recently-adopted renewable fuels standard (RFS) to reach at least 10 billion gallons per year by 2010, 30 billion gallons per year by 2020, and 60 billion gallons per year by 2030, as proposed in bipartisan legislation introduced in the U.S. Senate. This step would lead to expansion of biofuels markets beyond the E–10 market and spur new investment in the next generation of advanced biofuels technologies, such as cellulosic ethanol.

Promote the use of higher blends of ethanol in the existing fleet of automobiles by instructing the Environmental Protection Agency to conduct analysis of the viability of using higher blends of ethanol (including E–15, E–20, E–30, and E–40) in the existing fleet of automobiles by January 1, 2009.

Extend the existing volumetric ethanol excise tax credit (VEETC) to 2020 while simultaneously restructuring this program in ways that account for expected growth in corn ethanol production under an expanded national RFS. After the current tax incentive authorization expires in 2010, Congress should look for ways to ensure that the cost of the tax credit—in the context of other policies and expected ethanol production volumes—remains acceptable, while ensuring that new and innovative biofuels project are provided the support they need to be successful. Among the criteria that Congress should use to design the post–2010 biofuels tax credits are:

1. Limiting the overall cost of the tax incentives to the government;

2. Encouraging expansion of the industry by ensuring that investments in new plants and recently-built plants can be fully amortized;

3. Rewarding energy-efficient and low-carbon emitting technologies;

4. Ensuring that pioneering processes, such as those that convert cellulosic feedstocks like corn stover and switchgrass to ethanol, are economically competitive with fossil fuels;

5. Encouraging farmer ownership of ethanol plants;

6. Balancing domestic tax credits with an import duty of similar size, so that U.S. taxpayers do not subsidize ethanol imports to the detriment of American producers.

Extend the small producer renewable fuels tax credit beyond 2008 for plants that are at least 40 percent locally-owned and for cellulosic ethanol plants. Consolidate all cellulosic biofuels loan guarantee programs into a single program at USDA and establish an energy security trust fund to provide consistent funding for that program. Successfully commercializing the production of ethanol and other fuels from cellulosic (i.e., woody or fibrous) plant materials would dramatically expand the potential contribution of biofuels in terms of displacing current petroleum use and associated carbon emissions. Implementing many existing loan guarantee programs through three separate federal agencies makes little sense. USDA has considerable experience in implementing loan guarantee programs and expertise in evaluating biofuels projects through its Office of Energy. Therefore, Congress should consolidate all federal biofuels grant and loan guarantee programs at USDA and establish a national energy security trust fund to provide at least $1 billion per year in loan guarantees and grants to promote necessary advances in production technology and bioscience.

Establish a demonstration cellulosic biofuels feedstock program. Congress should establish a new set-aside program to demonstrate how the cultivation and harvesting of cellulosic feedstocks could be accomplished in an economically attractive manner. Following the model of several existing programs, the 2007 Farm Bill should provide a modest payment to landowners who convert existing cropland to grow cellulosic biofuel feedstocks for nearby cellulosic biofuels plants in ways that improve wildlife habitat, reduce soil erosion, and protect water quality. New lands to be set aside under such a program should be capped at 500,000 acres for the duration of the 2007 Farm Bill.

Establish policies to encourage a rapid increase in the number of flexible fuel vehicles sold in the United States and the installation of E–85 pumps and blender pumps at gasoline stations. For example, we recommend extending the existing tax credit for installing E–85 refueling stations and redesigning it to provide relatively greater benefits in the near-term to encourage more rapid deployment of E–85 infrastructure. We also recommend clarifying that blender pumps be eligible for the tax credit, since in the long run it will make more sense to install blender pumps that are capable of dispensing a range of ethanol blended fuels. Congress also should consider more attractive expensing and accelerated depreciation options to encourage installation of E–85 and blender pumps in lieu of tax credits.

To promote renewable electricity production and other renewable energy projects on farms and ranches, Congress should:

Establish a national renewable portfolio standard (RPS) along with complementary policies to promote maximum development of cost-effective renewable energy potential on agricultural lands. Such policies to promote renewable energy have been adopted by 21 states and the District of Columbia and Congress should now take action to adopt a

portfolio requirement at the federal level. Moreover, federal policies to promote renewable energy should encourage the siting of new projects on farm or ranch lands wherever possible. Given that the use of these lands would be far preferable to new development in wilderness areas and would simultaneously provide important economic benefits for rural communities, an appropriate policy goal would be to satisfy at least two-thirds of a national RPS with renewable energy production on agricultural lands. In addition, a federal RPS should be designated to complement and not pre-empt any state requirements (which may be more ambitious) and should apply equally to all large retail electricity providers. (To simplify implementation requirements and to address supply and price concerns, it may be appropriate to exclude rural electric coops and small municipal utilities.)

Expand and strengthen existing programs outside the Farm Bill that promote renewable energy development and related technology advances. To provide investment certainty, existing renewable-energy production tax credits (PTCs) should be extended for ten years and funding for related research, development, demonstration, and early deployment efforts should be increased. In addition, such programs should be modified so that incentives can be taken against non-passive income. The Community Renewable Energy Bonds (CREBs) program should be extended and expanded, with a substantial sum set aside for rural electric cooperatives and municipal utilities.

Establish a Rural Community Renewable Energy Bonds program to provide a federal incentive for local private investment in renewable energy to complement the PTC and CREBs programs. This new initiative would be limited to projects of not more than 40 MW; where at least 49 percent of the project is owned by entities resident within 200 miles of the project site.

Expand the capacity of the existing federal power administration transmission system. The federal power marketing administrations (PMAs) own and manage a vast network of existing power lines, which should be substantially expanded to provide the additional capacity needed to tap cost-effective renewable energy resources. Congress should direct the federal power administrations to pursue this objective under a structure in which non-benefiting PMA customers do not shoulder the cost and preference is given for system investments that maximize promising opportunities for renewable energy development on agricultural lands. Priority should be placed on the expansion of the Western Area Power Administration (WAPA) and Bonneville Power Administration (BPA) transmission systems. The PMAs also should be authorized and encouraged to enter into partnerships with non-federal parties for the siting, planning, and construction of transmission lines; the participation of PMAs can streamline siting by avoiding multiple state siting authorities.

The Department of Energy (DOE) should designate the Heartland Transmission Corridors ''National Interest Electric Transmission Corridors'' pursuant to the Energy Policy Act of 2005. Federal assistance in the form of an expanded role for WAPA as a facilitator for planning and investment, and a 20 percent matching investment from the federal government would go a long way toward addressing cost and siting hurdles, encouraging state cooperation, and ensuring that needed transmission system enhancements are implemented.

Congress should authorize $1 billion per year for five years to provide tax-exempt bonds for the construction of transmission facilities (or the expansion of existing facilities) where such construction or expansion is cost-effective and offers substantial public policy benefits in terms of facilitating the development of clean, domestic renewable resources. Under such a program, loans would be provided by eligible government entities to qualified private entities seeking to finance eligible transmission infrastructure. Such bonds would assure the availability of financing for transmission at significantly lower cost than presently available in the market. They could be used both for new transmission and for upgrades to existing facilities (for example, to address transmission constraints in west Texas and Minnesota, where substantial wind development opportunities exist, or to access renewable energy projects anticipated as a result of the Rocky Mountain Area Transmission Study (RMATS) in the Western Interconnect. In addition, current private use restrictions applicable to projects that receive tax-exempt bonds should be reviewed to assess whether they create unnecessary additional hurdles to investment.

Explore further opportunities for an expanded federal role in directly facilitating the implementation of, and providing resources for, investments to enhance grid capacity and to promote a more efficient, seamless, and reliable transmission system nationwide.

Reauthorize and expand USDA's Energy Audit and Renewable Energy Development Program under Section 9005 of the 2002 Farm Bill. This program to assist farmers, ranchers, and rural small businesses in becoming more energy efficient and in using renewable energy technology and resources has never been funded. It should be reauthorized with a goal of performing audits of 25 percent of all farms and ranches over the time horizon covered by the next Farm Bill and funds sufficient to achieve that goal should be appropriated in the future.

Reauthorize and expand USDA's Rural Development Business Renewable Energy and Energy Efficiency Program (Section 9006 of the 2002 Farm Bill). This program currently provides a modest number of grants—$23 million per year—to support renewable energy and energy-efficiency projects. Future funding should be scaled up over the next 5 years to at least $500 million per year and the program should be expanded to enable participating agencies to provide grants for feasibility studies and loan guarantees for project development. As long as feasibility studies are accurately performed, the cost to the federal government of providing loan guarantees for up to 75 percent of project costs should be fairly small. In addition, Congress should consider modifying the program to (1) increase loan guarantees for cellulosic ethanol facilities to at least $100 million per project, and $25 million for other projects, (2) create a rebate program to streamline the application process for smaller, standardized projects by reducing the paperwork burden, and (3) expand eligible applicants to include agricultural operations in non-rural areas (such as greenhouses) and schools.

To promote markets for carbon sequestration and other cost-effective greenhouse-gas mitigation measures on farm and ranch lands, Congress should:

Establish a national, mandatory, market-based program to reduce economy-wide greenhouse gas emissions that provides substantial market opportunities for cost-effective carbon sequestration on farm and ranch lands. Specifically, agricultural producers should have the opportunity to participate fully in the carbon markets that will be created under a greenhouse gas trading program. To facilitate this participation, priority must be given to establishing robust, well-defined protocols for measuring and verifying carbon reductions achieved through terrestrial sequestration.

Establish tax incentives, such as federal tax refunds for local and state property taxes, for farmers and ranchers who enroll land in a carbon trading program that works in tandem with entities that buy, sell and trade carbon credits.

Direct USDA to work with other state and federal agencies on continued economic and technical research on different options for sequestering carbon and on better methods of documenting sequestration for market participation.

To advance widely supported environmental habitat-preservation, and open-space objectives while creating additional income-generating opportunities for farmers and maximizing potential business opportunities related to hunting, fishing, and other forms of outdoor recreation, Congress should:

Expand existing conservation programs:

1. Expand the Conservation Reserve Program at 40 million acres;

2. Expand the Wetlands Reserve Program at 5 million acres, with annual enrollment capped at 250,000 acres per year;

3. Expand the Grasslands Reserve Program at 5 million acres, with annual enrollment capped at 500,000 acres per year;

4. Increase funding for the Farm and Ranch Lands Protection Program to at least $300 million per year.

5. Implement the Conservation Security Program on a nationwide basis on all working lands.

Enact ''Open Fields Bill'' to provide $20 million per year in federal funds to supplement state ''walk in'' programs that give farmers and ranchers financial incentives to expand public access to their lands.

EXHIBIT 2

Hon. HARRY REID,
*Majority Leader,*
*U.S. Senate.*
Hon. JEFF BINGAMAN,
*Chairman, Energy & Natural Resources Committee, U.S. Senate.*
Hon. MITCH MCCONNELL,
*Minority Leader, U.S. Senate.*
Hon. PETE V. DOMENICI,
*Ranking Member, Energy & Natural Resources Committee.*

Dear Senators REID, MCCONNELL, BINGAMAN and DOMENICI: As a diverse group of corporations, manufacturers, electric utilities, renewable energy developers, labor organizations, farm groups, faith-based organizations and environmental advocates, we are writing to urge the Senate to include a national renewable portfolio standard (RPS) in energy security legislation that may soon be considered by Congress. An RPS is an essential component of a broader national energy strategy, because it will held the nation to take full advantage of the abundant domestic renewable resources available for the generation of electricity.

An RPS is a market-based mechanism that requires electric utilities to include a specific percentage of clean, renewable energy in their generation portfolios, or to purchase renewable energy credits from others. By substantially increasing renewable electricity generation, the RPS would enhance national energy security by diversifying our sources of electric generation. At a time when the United States is increasing energy imports, an RPS would make America more energy self-reliant. The reduction in the use of fossil fuels to generate electricity would also limit fuel price volatility, which is important to both industry and consumers. In fact, the U.S. Department of Energy's own Energy Information Administration has found in several studies that an RPS would actually cause natural gas prices to decline.

Increasing the market share for renewable energy resources would also have substantial environmental benefits. An RPS is one of the most important and readily available approaches to reducing greenhouse gases from the electricity generation sector. In addition, an RPS also would help reduce conventional pollutants including nitrogen oxide, sulfur dioxide and mercury emissions.

Moreover, a national RPS will produce substantial economic benefits. The additional investment in renewable electric generation would create hundreds of thousands of well-paying jobs. In addition, because many renewable resources are located in remote areas, rural America will experience a substantial economic boost.

We believe the time has come for Congress to move quickly to enact national RPS legislation. The costs of inaction for our environment, national security and economy are too high. Although more than 20 states have adopted individual RPS programs, the country will not realize the full potential for renewable electricity without the adoption of a Federal program to enhance the states' efforts.

Thank you for your consideration of this important matter.

Sincerely,

GE, BP America, Inc., National Venture Capital Association, Miasole, Wisconsin Power and Light, National Council of Churches of Christ in the USA, Technet, APX, Inc., Alliant Energy, Sempra Energy, Shell Wind Energy, Inc., Solar Turbines, Inc., Business Council for Sustainable Energy, Alliant Energy, Invenergy LLC, Owens Corning Composites System Business, Leeco Steel, Clipper Wind Power, Inc., Google, United Steelworkers, Edison International, Pacific Gas & Electric, Union for Reform Judaism, GT Solar, PPM Energy, Inc., Avista Utilities, Horizon Wind Energy, Enel NA, D.H. Blattner and Sons, Applied Materials, Inc., Greene Engineers, Oregon Steel Mills, LM Glasfiber ND, Inc., Noble Environmental Power, enXco, Interstate Power and Light, National Audobon Society, American Wind Energy Association, Blue Green Alliance, Big Crane & Rigging Company, Iberdrola U.S.A., Natural Resources Defense Council.

DMI Industries, Union of Concerned Scientists, Lake Superior Warehousing, Rocky Mountain Farmers Union, Pennsylvania Interfaith Climate Campaign, Interfaith Power & Light, Environmental Law and Policy Center, Western Organization of Resource Council, ATS Wind Energy Services, BioResource Consultants, Bosch Rexroth Corporation, Castle & Cooke Resorts, Chermac Energy Corporation, Dominion Energy, EFormative Options, Energy Unlimited, Enertech, Environmental Stewardship & Planning, Eurus Energy America, FPC Services, Generation Energy, Green Energy Technologies, Gro Wind I, Highland New Wind Development, Knight & Carver, LAPP Resources, Louis J. Manfredi Consulting, Mackinaw Power, Mizuho Corporate Bank, Nordex USA, Old Mill Power Company, Otech Engineering, Phoenix Contact, Renewable Energy Consulting Services, San Gorgonio Farms, SIPCO (MLS Electrosystem), TCI Renewables Limited, Tideland Signal, Trinity Structural Towers, Varelube Systems, Wind Capital Group, Wind Utility Consulting, WindLogics, Windsmith.

PowerWorks, Physicians for Social Responsibility, McNiff Light Industry, Citizen's Utility Board, Great Southwestern Construction, RES America, JPW Riggers, AES Wind Generation, Suzlon Wind Energy, U.S. PIRG, University of Alaska, Fairbanks, Atlantic Testing Laboratories, National Environmental Trust, AWS Truewind, Big Stone Wind, CAB, Inc., Bluewater Wind, BQ Energy, Competitive Power Ventures, Chinook Wind, EcoEnergy LLC, Electric Power Engineers, Enerpro, FAW Foundry, Foresight Wind Energy, Excellent Energy Solutions, General Compression, Hopwood, Greenwing Energy, Hailo, HMH Energy Resources, Pandion Systems, ReEnergy, Tamarack Energy, Mariah Power, Molded Fiber Glass Companies, Oak Creek Energy Systems, Sierra Club, Padoma Wind Power, Project Resources, RSMR Global Resources, Signal Wind Energy, Sustainable Energy Strategies, The Conti Group, TMA, Inc., Oregon Rural Action, Venti Energy, Wind Turbine Tools, Windland.

WindRose Power, Winergy Drive Systems, Winergy Power, Appropriate Energy, Castaic Clay Products, Cannon Power, TOWER Logistics, Energy Development and Construction Corp., Institute for Environmental Research and Education, RENEW Wisconsin, Fallon County Disaster & Emergency Services, Stevens County (KS) Economic Development, Dakota Resource Council, Montana Department of Environmental Quality, West Wind Wires, Interwest Energy Alliance, Concord Energy Policy Group, Renewable Northwest Project, Friends Committee on National Legislation, American Lung Association of the Central States, Tompkins Renewable Energy Education Alliance, Alaska Wilderness League, 1000 Friends of Wisconsin, Citizens Campaign for the Environment, Grassroots Citizens of Wisconsin, NH Sustainable Energy Association, Southwest Wisconsin Progressives.

Cabazon Wind Energy, Zephyr Lake Energies, Hodge Foundry, Commonwealth Capital Group, Mankato Area Environmentalists, Clean Wisconsin, Missourians for Safe Energy, Oklahoma Wind Power Initiative, OverSight Resources, Kansas Rural Center, Chesapeake Climate Action Network, Greenpeace, Southern Alliance for Clean Energy, Clean Power Now, RMT/WindConnect, The Land Institute, Western Colorado Congress, Idaho Rural Council, Clean Water Action, Coulee Progressives, League of Conservation Voters, Penn Future, REACH for Tomorrow, The Minster Machine Company.

EXHIBIT 3

FPL GROUP, INC.,
*Washington, DC, June 11, 2007.*

Hon. JEFF BINGAMAN,
*Chairman, Committee on Energy and Natural Resources, Washington, DC.*

DEAR CHAIRMAN BINGAMAN: Please consider this letter an endorsement of the Renewable Portfolio Standard (RPS) amendment you intend to offer during upcoming Senate consideration of energy legislation.

As you may know, FPL Group, comprised of two major subsidiaries, Florida Power & Light (FPL) and FPL Energy (FPLE), is one of America's cleanest, most progressive energy companies. Our commitment to the environment is manifested by FPL's diverse generation mix and by FPLE's largely renewable energy portfolio. FPLE operates two of the largest solar projects in the world, over 1,000 megawatts of hydroelectric power, a number of geothermal projects and several biomass plants. Additionally, FPLE is the world's largest generator of wind power.

We appreciate your leadership on this important issue and support your efforts to enact a fair and balanced RPS in order to increase the amount of non-emitting electricity generation in the United States.

Sincerely,

MICHAEL M. WILSON,
*Vice President, Governmental Affairs.*

EXHIBIT 4

NATIONAL FARMERS UNION,
*June 11, 2007.*

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. JEFF BINGAMAN,
*Chairman, Energy & Natural Resources Committee, Washington, DC.*
Hon. MITCH MCCONNELL,
*Minority Leader, U.S. Senate, Washington, DC.*
Hon. PETE V. DOMENICI,
*Ranking Member, Energy & Natural Resources Committee, Washington, DC.*

DEAR SENATORS REID, MCCONNELL, BINGAMAN, and DOMENICI: On behalf of the farm, ranch and rural members of National Farmers Union (NFU), I am writing to urge you to support inclusion of a strong national renewable portfolio standard (RPS) in energy security legislation and oppose attempts to weaken it when the Senate considers this issue in the coming days.

Rural America has the greatest potential for generating significant amounts of clean, renewable energy. A RPS that ensures a growing percentage of electricity is produced from renewable sources, like wind power, will provide long-term, predictable demand that will allow the industry to attract investment capital and rural America to harness wind energy potential.

Passage of a robust RPS will significantly accelerate efforts to enhance our energy security by diversifying our sources of electricity and limiting our dependence on foreign sources of energy. Additionally, a RPS would create new economic opportunities in rural America. Local, community and farmer-owned renewable energy development projects are key to providing economic and social benefits, while providing an economic base for further rural economic development. A robust RPS would create hundreds of thousands of good paying jobs, provide billions of dollars in new income to farmers and ranchers and generate significant local tax revenues that can be used to fund other important priorities.

NFU believes Congress should move quickly to enact national RPS legislation and we urge you to support efforts to do so during floor consideration of the Renewable Fuels, Consumer Protection and Energy Efficiency Act of 2007.

Sincerely,

TOM BUIS,
*President.*

EXHIBIT 5

AMERICAN WIND ENERGY ASSOCIATION,
*June 11, 2007.*

Re Please Support Bingaman RPS Amendment, Oppose Domenici CPS Amendment

Hon. HARRY REID,
*Senate Majority Leader, Washington, DC.*
Hon. JEFF BINGAMAN,
*Chairman, Committee on Energy & Natural Resources, Washington, DC.*
Hon. MITCH MCCONNELL,
*Senate Minority Leader, Washington, DC.*
Hon. PETE V. DOMENICI,
*Ranking Member, Committee on Energy & Natural Resources, Washington, DC.*

DEAR SENATORS: As the full Senate begins consideration of comprehensive energy legislation this week, the American Wind Energy Association (AWEA) respectfully urges Senators to vote in favor of the Bingaman renewable portfolio standard (RPS) amendment and against the Domenici clean portfolio standard (CPS) amendment.

In order for our nation to seriously address the challenges of energy security and global climate change we need an effective renewable electricity standard that will drive new investment and job growth in the renewable energy sector. The Bingaman RPS proposal

would assure crucial progress toward this vitally important objective. Unfortunately, however, the Domenici CPS amendment includes numerous exemptions and loopholes that would undermine the effectiveness of the effort to promote renewable energy.

A core weakness of the CPS proposal is its inclusion of language that could allow virtually any form of electricity generation to qualify as ''clean.'' The CPS amendment would allow the Secretary of Energy to designate ''other clean energy sources'' that could qualify for clean energy credits without placing any parameters on such designations. In addition, it is noteworthy that utilities would receive credit for electricity generated from technology that captures and stores carbon, but the amendment does not specify that a utility must actually employ carbon capture and storage to receive credits.

Also of concern is an important loophole in the CPS amendment that would allow states to waive program requirements. The CPS amendment would allow states with existing requirements to opt out of the Federal requirements based solely on the state's own determination that it has a measure in place that is ''comparable to the overall goal'' of the Federal program. This vague standard is not further defined. In contrast, the Bingaman RPS proposal would not interfere with the ability of utilities to comply with state RPS programs. The state opt-out provision in the CPS proposal would lead to substantially reduced renewable energy investment and employment.

Our nation's citizens overwhelmingly support increasing the generation of electricity from renewable sources like wind, biomass and solar power. The Bingaman RPS amendment would meet this demand and put our nation on a path that increases the role of clean domestic energy in meeting our electricity needs. We urge its enactment without the addition of weakening changes such as those included in the Domenici CPS amendment.

Thank you for your time and attention to this vitally important matter.

Sincerely,

RANDY SWISHER,
*Executive Director*.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, Senator DOMENICI will be to the Chamber in a few moments and is preparing to speak to the second degree to the Bingaman amendment the chairman has outlined. In doing so, I will touch for a few moments on some of the differences between an RPS and a CPS and some of the value of broadening the portfolio Senator BINGAMAN is talking about to create greater advantages nationwide for a larger amount of clean energy.

There is no question that RPS, as we know it, invented in the mid-1990s as a concept, evolving now to 23 States having accepted some form of an RPS standard, has a very strong bias for wind and biomass. It is there. We subsidize wind today. The letter the Senator introduced from the wind industry is reflective of the phenomenal subsidy they get and the advantage they get.

We create a market niche for them with an RPS, and then we subsidize them. Frankly, I am for that. Wind energy and the more of it we can have is the right energy, along with all other forms.

What the Senator did not say was the Southeast is dramatically disadvantaged because they don't have wind. As a result, they have to go buy or be taxed to offset the differences. That is unfair. Many of us believe it is unfair. We also believe RPS is not an obsolete standard but an old one.

About 3 years ago, people looking at a broader portofolio of energy said: We ought to expand the standard. Today's mantra in energy, whether it is the Senators from New Mexico or this Senator, who is one of the senior members of the Energy Committee, is: Clean. America will not build new energy production unless it is clean. That is what RPS was originally heading us toward—cleaner renewable energies. So why shouldn't we expand that portfolio from wind and bio to some additional new forms—new nuclear, very clean; new hydro, yes, but limited; coal sequestration or carbon sequestration, clean; efficiencies, less use, less demand. Shouldn't they also be in this new portfolio? I say yes. America, when they understand it, would say yes.

Right now there is a niche market, a very narrow one, for limited use in certain capacities and greater use in others. I see windmills coming up across my State today. Why? Because we have wind, and they are subsidized. There is an advantage to do so. But you don't see windmills coming up in Florida and other places in the South because there is not the kind of prevailing winds that sustain a 25- to 30-percent production efficiency of these particular kinds of units.

Senator DOMENICI has just arrived. I will let him pick up the debate because he has led with this issue. I have been a supporter of it and have helped develop this issue. I believe it is time we modernize, move to clean energy, and reward the utilities that produce clean energy. It does not disadvantage an RPS. It simply expands and modernizes it into the concept of energy we are looking for today in the American energy portfolio.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I apologize to Senator BINGAMAN for not hearing all of his speech. I was detained. They told me he had started. I thought they would tell me a few minutes before. I had to drive from downtown. I apologize for that.

Senator BINGAMAN and I have been doing our best to remain bipartisan. But on this issue, I can't do that. He will go his way and I will go mine. His amendment is on the bottom and my amendment is on top. I have offered mine as a second-degree amendment to his. My recollection of how we do this, when time has run out, unless other arrangements are made—and they could be—mine would go first.

I thank the cosponsors. Senator CRAIG has just told us that he is a cosponsor. He worked very hard. Clearly, you can see from the morning's work that Senator PETE DOMENICI, ranking member of the committee, is pretty lucky. He can step down and go out and leave things vacant for a little while, and the man behind me, LARRY CRAIG, will soon take over. No one will know anything was missed. If anything, they will figure things got better. He is very good at it, and I thank him for all the help he has given me. Other cosponsors are Senators BENNETT, CRAPO, GRAHAM, and MURKOWSKI.

I am saying there is a far better way to reach the goals Senator BINGAMAN wants, and we don't have to harm so many States in doing it. What we ought to know right up front is that you have to go ahead and choose something. Senator BINGAMAN chose to put two or three things in his. Before I am finished, I think I can convince you that everybody who has looked at it says that in its application, it is predominantly a wind amendment. It says a couple other things, but when you look at it as to what is done, I am safe in calling our battle a battle between wind in every State, forced upon them at the level of 15 percent of what their utilities use in energy. Every single State will have to have that by a time certain, whether they can do it or not. If they can't do it, they will be penalized.

I want to take a quick look at this map. Here is a map that shows what we are talking about. If you look at it, you see the United States. You see the eastern seaboard is white. Then you see some inlets of water. Then you see it is white again. That means there is not enough wind in those areas to move the wind turbines enough for them to be used to accomplish the goals of this bill. Then if you look out in the western part, you see very big pieces of the West that are white, all the way through this white versus blue and dark blue. The white is what Senator BINGAMAN calls wind energy. It is clean, but it is wind. I don't believe we should do it that way.

I have said, since you all want something, I am going to suggest that you want clean—not his words, my words—a clean energy portfolio. If it is clean and available, you ought to put it in so they can use it. So you will find that is what I have done. The clean energy portfolio standard provides a comprehensive, technology-neutral program to ensure that clean energy will make up for an ever-increasing portion of our Nation's electricity operation. The clean portfolio standard requires electric utilities to produce a set percentage of electricity from clean energy sources, ramping up to an enforceable goal of 20 percent by 2020. So it is 20 by 20, and it is a clean portfolio. Rather than pick winners and losers—and I stress this—rather than pick winners and losers between various clean technologies that are or will be available in the future, the clean portfolio standard provides for all sources of clean energy—including solar, wind, geothermal, biomass, landfill gas, hydropower, new nuclear power, and fuel

cell quality—under the program. The clean portfolio also provides credit for innovative technologies that will allow future traditional fuels to be burned in a way that captures and sequesters carbon emissions. We are going to do that. Somebody is going to make that breakthrough.

Our bill provides that they can come in. Credit is further provided for reductions in electricity usage from programs that provide efficiency and lower the amount of power that needs to be generated in the first place.

Energy efficiency efforts such as demand response should be part of the solution. Everybody tells us that demand response is a way that, by managing it properly, you can get a very significant savings.

Finally, since we have faith in American engineers, the clean portfolio standard encourages innovation by giving the Secretary of Energy authority to provide credit for new clean technologies that may just be a twinkle in the inventor's eye but which may revolutionize the way we produce and use electricity. If that occurs during the time, clearly it should be permitted to come in. It doesn't have to be here yet. If it is invented in 5 years, we thank the Lord and put it in and use it. We don't operate in stagnation and say: You are outside of our window. You are clean, but you don't come in. We don't give you credit. You go on with that same old wind technology.

I am going to invite my friend from Tennessee, LAMAR ALEXANDER, to come down and share again with us what he thinks about what he calls a wind economy. I can't give that speech. I am not that good. But I sure listen to him because I think he is right. I don't believe we want wind as the test of providing an alternate renewable in every State in the Union, even if there is insufficient wind. And we don't want those States paying fines because they can't come in. I don't think Senator BINGAMAN wants to pull out the States—I don't know how many it would be, 10, 12, 13—and say: We aren't going to do anything there. I think if he did, he couldn't call it national. But he certainly would gain a lot of support if it was fair. To make it fair, you cannot impose the same regulated wind requirement on States that have no wind and then say: Let's vote on this bill. The bill should not be voted on in that way. In fact, those States that have it that way ought to come down here and say: We can't vote on this bill. It is so obviously wrong that we should not do it.

Finally, since we have faith, we are going to expect innovation to be offered to the Secretary of Energy while the years run. That innovation, if it produces something, will come to us and be put into the package we are talking about that will start taking away white and turning it into blue because we put new technology into the area.

Unlike the RPS, the clean portfolio, the CPS, doesn't pick winners or losers. Unlike the RPS, the clean portfolio standard recognizes that regional differences in resources and geography mean that we can't create a one-size-fits-all. That is what I believe. That is what I believe the Senate is going to say. Why pick a one-shoe-fits-all, when you can't get it in. You can't get any foot in on the white up here in the north because you can't get that much in the foot. You can't create one that will put it in and still have essentially what is in the Bingaman amendment.

Take a look at the chart from the National Renewable Lab. It shows where our Nation's wind resources are located. Wind has no application in the Southeast. The resources simply are not available in an entire region of the country.

We cannot ignore the reality that utilities in some regions cannot meet the RPS mandate with the limited resources permitted because they are located in regions that are not blessed with ample renewable resources.

Wind power is the clear winner under an RPS. Advocates of the Federal RPS call it the ''wind power legislation.'' They are right—the only way to reach a 15-percent requirement from the limited number of renewable resources permitted under the Bingaman amendment is from wind power.

Wind is the clear winner in the RPS. This chart I have in the Chamber is based on an estimate prepared by Global Energy Decisions. As you can see, wind will be used overwhelmingly to attempt to meet the RPS requirement. The Union of Concerned Scientists concurs, estimating that two-thirds of the RPS requirements would likely be met by new wind generation. I have told you that already, that it would be almost all wind. Now I am telling you that scientific groups that analyzed it agree with what I said.

The Federal Government has supported wind power development since 1992. I am not saying that is wrong. In fact, there will be much wind produced under the Domenici amendment because much of the renewables will be wind. It is that every State will not be required, and some will not have any because they cannot produce any.

The Federal Government has been allowing a production tax credit since we first adopted it in 1992. Since then, we have spent in excess of $2 billion on wind power development—from R&D, to the tax credit, to clean renewable energy bonds.

We have made a lot of progress in the past 15 years. In 2006, installed wind power capacity was 11,600 megawatts—enough to power 3 million homes. The wind industry continues to grow. With a good subsidy, we continue to give it to them. An additional 3,000 megawatts is going to come on line by the end of 2007.

So we support wind power. Wind power is included in the clean portfolio standard I offer today.

What is interesting is—you have to think ahead with me—the Bingaman portfolio is almost all wind. How many years do we intend to support wind with a subsidy so that this system will work? Without wind, it will not work. It seems like right now, without a subsidy, it will not work. I do not know what the scientists working on it say. Will it soon not need any subsidy? They may say the subsidy can start going away. Or how many years will it be they will have to have it? That puts me to thinking whether you should have it at all.

Today, we have only Senator BINGAMAN's amendment and mine—both of them. His has all wind, and we have some wind, so we are kind of admitting we are going to keep it as long as we can and pay for it as long as we can so we can have that kind of nationwide—or partially nationwide—program.

For the one I suggest, the clean one, obviously, we use less wind and will still be clean, and no States will pay any fines, no States will be given any slips that they are entitled to money in the future.

The clean portfolio standard results in more clean energy actually produced. It is not watered down. The clean portfolio standard would impose a 20-percent standard—a full one-third higher—yet the proponents of the RPS claimed this is a ''watered down'' program. What is their complaint? That we allow a greater number of resources to qualify for credits under this program?

It is true the clean portfolio standard allows the use of any nonemitting source of power: including expanded hydropower, new nuclear powerplants, fuel cells, clean coal technologies that capture and sequester carbon, and energy efficiency to meet the 20-percent standard.

Thus, the clean portfolio standard allows the use of a greater variety of technologies to meet a higher standard. The goal of this amendment is to provide a greater amount of clean energy from a greater diversity of energy sources. Obviously, the clean portfolio standard does this much better than the RPS proposal.

Mr. President and fellow Senators, the clean portfolio standard allows States that develop their own portfolio standards to opt out of the Federal program. Some are trying to label this provision as a loophole. It is not. Instead, it is a recognition that States should be afforded the right to develop their own clean portfolio approaches without Federal interference. We should not penalize those States that already have forged ahead by imposing an inconsistent Federal mandate.

The Federal RPS could cost billions. Here is an estimate prepared by Global Energy Decisions. GED estimates which States can and cannot comply with a Federal RPS. As shown on the chart, the orange States do not have the necessary renewable resources to comply with an RPS. The majority of the States—27—will not be able to meet the mandate.

Let's look at this another way—by population. This pie chart I have in the Chamber represents those that will not be in compliance with a 15-percent renewable portfolio standard. About two-thirds of the U.S. population—66 percent—will not be able to meet the new standard.

How will the States' inability to meet this new electricity mandate impact consumers? It is going to cost billions.

I have another chart. According to the study prepared by Global Energy Decisions, the cumulative costs to consumers to comply with the RPS is $175 billion. The States hit the hardest are those in the Southeast without access to wind power; Florida, Georgia, North Carolina, Alabama, Kentucky, Tennessee, Arkansas, Louisiana, and South Carolina.

The EIA recently concluded a study on the 15-percent RPS mandate and found it would cost consumers $21 billion. Obviously, that is still a tremendous cost to pass on to the consumer. However, the EIA has used some questionable assumptions in its analysis that have been rejected not only by the utility industry but by all 10 Southeastern public utility commissions—bipartisan watchdogs for the ratepayers.

With this amendment, we keep our eye on the ball. The true goal of this legislation is an increase in the amount of electricity generated by clean technologies, reducing the emissions in our environment.

Our goal is not to promote one or two or three specific technologies over another. In fact, the only way to ensure that the cost to the consumer is mitigated to the maximum extent is to avoid the temptation to pick winners and losers between technologies that all move us toward one goal.

To limit the number of qualifying resources to a handful of existing technologies is to ignore the history of rapid acceleration of scientific and technological development in this country.

Do the sponsors of the RPS truly believe that innovation is dead? Only a handful of existing technologies qualify under the RPS. This assumes there will be no breakthroughs in the way we produce electricity for the next 23 years.

I believe the incentive of a clean portfolio standard, combined with environmental concerns and rising prices for traditional fuels, will produce an ideal climate for technological innovation.

I ask my colleagues to support this amendment. I think it is the best way to do it. We will have more to say during the afternoon.

With that, I yield the floor and thank the Senate for the time I was given and for listening.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I shall not take a great deal of time. I simply rise to express my support for the amendment offered by the senior Senator from New Mexico. He has thought the matter through very carefully and described, I think, a hopeful approach, one that recognizes technology in the energy business is constantly changing, that opportunities are arising that we may not even think of now.

One area where I have shown an interest is tidal energy, and we are in the infancy of finding out about that. We need to have an open-ended opportunity to find alternative energy sources.

So with that, I thank the Senator from New Mexico for his leadership on this issue and am happy to be a cosponsor of his amendment.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me make a few comments in response to my colleague's statement and in opposition to his amendment, which he has designated the clean energy portfolio standard. I think people need to understand what his amendment provides, and let me try to explain that.

This amendment purports to be significantly stronger than the 15-percent requirement I have proposed as part of the renewable portfolio standard I have sent to the desk. It actually, though, accomplishes very little in driving the development of new technologies for electricity supply.

The amendment talks about a target of 20 percent clean energy resources by 2020, but when you look at it carefully, it is a recipe for business as usual, given all the other things that are going on and in the planning stages.

There are various reasons why I say that. First of all, it is very clear from his amendment that existing nuclear power is subtracted from the base against which the requirement is measured. Now, what does that mean? What that means is that instead of taking 100 percent, you say: OK. How much of our current electricity supply comes from nuclear power? About 20 percent. You subtract that, and you are then left with the remaining 80 percent; and that remaining 80 percent is what he calculates his 20 percent against. So, in fact, 20 percent of 80 percent gets you down to 16 percent—rather than a 20-percent requirement.

He also has a provision in here that says incremental nuclear power is counted for full credit. Now, that means any new powerplant that is built is new energy and helps to meet the requirement that would be imposed by his amendment. Let me say, first of all, I worked very closely with Senator DOMENICI in supporting additional incentives and additional supports—subsidies, in fact—for the nuclear energy industry in the 2005 Energy bill we passed. We put a variety of things into law to encourage the construction of new nuclear powerplants in this country. We put in regulatory risk insurance. We put in a production tax credit, which I think was 1.8 cents per kilowatt-hour for the first 10 years you had one of these new nuclear powerplants in production. We extended the Price Anderson Act. We had loan guarantees for the construction of new nuclear plants—the first six, I believe. We had a substantial increase in funding for nuclear research and development, and we had a transfer to the Federal taxpayer of much of the expenditure for safety and security that would otherwise have been borne by the industry.

So there are a lot of things in there to support the nuclear power industry. I still believe those are very good provisions, and I am in no way backing away from those. But now my colleague has come to the floor and said: OK, now let's give them another subsidy, another incentive to build nuclear power by including them as one of the ways you would meet the requirement of this clean energy portfolio standard.

As I am sure anybody who was paying attention to our discussion yesterday would know, I believe Senator DOMENICI made this point very strongly: Since we passed the 2005 bill, there has been a resurgence in interest on the part of various companies that want to build new nuclear powerplants. I think there are some 30 letters of intent currently pending at the Nuclear Regulatory Commission stating that companies are looking seriously at filing applications for the construction of new powerplants. So the expectation is that we are going to have a lot of new nuclear powerplants constructed in this country over the next decade, and I, frankly, hope we do because I think that is an essential part of meeting our energy needs. But we do not need to further incentivize that by including them as part of a renewable or a clean energy portfolio standard as the Domenici amendment would have us do.

He talks about how the amendment I have offered is strictly a wind type of incentive; it is a program to encourage construction of more wind energy.

That is directly contrary to what has been stated by the Energy Information Administration. In their analysis, they concluded very clearly that wind energy would be expected, under this amendment I have offered, to increase 50 percent; that biomass energy production, electricity production from biomass, which is already twice as large as energy production from wind, would be expected to increase 300 percent rather than 50 percent, as is the case with wind; and that energy production from solar would be expected to increase 500 percent. So it is clear to me that this is not just a wind energy amendment I have proposed. Our amendment talks about meeting the requirements from solar power, from wind power, from geothermal power, from biomass power, from ocean.

The Senator from Utah was just on the Senate floor talking about his support for the idea of energy from tidal waves. We have that included. That is one of the new renewable energy

sources which we contemplate. Incremental hydro—so that if we have a hydroelectric facility and one wants to increase the amount of power from that facility, we count that against the requirement; landfill gases as well. So I think all of that is included, and all of it would be increased significantly.

Let me also talk about the issue of subsidies. I went through a list of the various subsidies we provide in the 2005 bill for the nuclear power industry, and I support every one of those. I think that was the right thing to do. But let me just be clear that we have subsidies for a great many types of energy sources, including tax deductions, loan guarantees, liability insurance, and provisions for leasing of public lands at below-market prices. Some, like the depletion allowance for oil and gas, are permanent subsidies that are built into the Tax Code, and I am not suggesting they need to be repealed. I am just pointing out the largest subsidy—and I think any economist would make this point and would agree with this point—the largest subsidy is an invisible subsidy, the fact that the environmental impacts from use of fossil fuels are nowhere reflected in the cost of those energy sources. That is what has caused our problem with greenhouse gas emissions. That is why—it does not cost anything to pump 100 tons of $CO_2$ or other greenhouse gases into the atmosphere. There is no cost to the person who is producing their energy for those fossil fuels. There is a cost to society, and we are beginning to understand what that cost is. But the idea of a major impetus for the renewable portfolio standard I have offered is that we would reduce dramatically these greenhouse gas emissions and provide incentives for the development of these other technologies. There are already incentives for the improvement in the development or improved use of nuclear power for energy production, and, as I say, I support those.

Let me also talk a little about this proposal that States can opt out. First, let me mention that the Secretary can add others. I think that is a very major loophole, for us to essentially say to the Secretary of Energy: It is up to you; if you find something else that you believe ought to be included in the way we meet essentially this 16 percent requirement, then add that in. I think the idea that States can opt out is unfortunate, indeed. Obviously, many States have chosen to put in place their own renewable portfolio standards. Nothing in my amendment in any way overrides those States' proposals.

What we try to do with the proposal I put forward is to set a national minimum. We say you should at least do this 15 percent. If you want to do something else, have a go at it. If your laws provide for something else, then so much the better. But we do not say to States: You can opt out of any Federal requirement. I think to do so essentially eliminates any coherence we might have in the system.

Let me conclude my comments at this point by saying that my own reading of the proposal Senator DOMENICI has made here as a second-degree amendment to mine is that it really gets us to the worst of all locations in the debate or in our deliberations on this issue. It is a Federal program that does not result in the generation of electricity from clean energy sources beyond what otherwise would be expected to happen at any rate. But it does require utilities to go through very extensive efforts to track and buy and sell credits and comply with a regulatory regime. The Government would have to establish a credit-trading scheme, a tracking system, a monitoring system, regulations for implementation—a whole panoply of Government machinery—but they would do so in order to achieve a result that could have been achieved without the implementation of the proposed amendments.

So I think it would be an unfortunate provision for us to adopt. I hope my colleagues will agree with that and will vote against the Domenici proposal and, of course, as I said earlier in the debate, a vote in favor of the one I propose.

Let me conclude with that. I know my colleague may wish to speak some more, and I know there are others coming to the floor intending to speak as well, and there may be additional opportunities for me to add to these comments as the afternoon progresses.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I would say to Senator BINGAMAN that I have nothing to say now for myself, but I did want to tell him there are a couple of Senators coming shortly. I know about the time they are coming. I don't want to speak before they come, but if Senator BINGAMAN wants to proceed rapidly, we could do that. It will be 15 or 20 minutes before they arrive.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senator SNOWE from Maine be added as a cosponsor to the underlying amendment I have sent to the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. 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. CRAIG. 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.

The Senator is recognized.

Mr. CRAIG. Mr. President, I will speak for a few moments. The Senator from Tennessee is here and waiting for some charts to visit about the issue that is before us, RPS versus CPS standards, that drive the marketplace toward cleaner fuels, renewable fuels, and a variety of different packages.

A few moments ago, I mentioned, when the Senator from New Mexico, Mr. BINGAMAN, produced a letter from the American Wind Energy Association, that in part I believe CPS, based on their point of view, had been somewhat mischaracterized by that letter. Now, here is someone who supports wind. The Senator from Idaho strongly supports wind. We see windmills, large windmills, going up across Idaho. The Senator from Tennessee would come out there and say: Oops, there goes the landscape. There goes the vista. The Senator from Idaho is a little concerned about that, too, because some of those beautiful high plateaus of Idaho are now being dotted with windmills.

At the same time, there is no question that wind remains a valuable source, and we are subsidizing it and supporting it. But I don't think we ought to bias the marketplace toward it entirely, and that is why you now see a new standard offered as a second-degree amendment called CPS, clean portfolio standard.

When I say that, let me make the point that is important, that I think is critical. The American Wind Energy Association, when they mischaracterized clean portfolio standard, did so in the following ways: The proposed CPS clearly requires carbon capture and storage. They say it does not. The word ''sequestration'' means carbon capture and storage, and you don't get a credit for it until you do it. I think that is clear. I think that was a mischaracterization. CPS clearly states that any additional clean technologies beyond already highlighted would require the Secretary of Energy to determine, if they apply through a rulemaking process. In other words, no easy rides and no opt-out.

We have 23 States that have some form of RPS, renewable portfolio standard. They have done it on their own. The Senator from New Mexico makes that point very clearly. There is a desire in our country today to move us toward renewables and a cleaner portfolio standard, but there is no opt-out in CPS. They come to the Secretary, and the Secretary certifies that which they already have, if it fits within the portfolio that is being proposed as a CPS. There is no State opt-out in that provision. CPS allows the States with existing clean portfolio programs to certify.

I think that is a very important and necessary statement to make. I don't

see that as an opt-out, I see that as conforming, giving credits to, and causing those who have already taken the initiative not to be penalized. It is arguable that the RPS that is being proposed in the Bingaman amendment would cause them to have to reshape or conform because they are all a little different or they couldn't gain as much credit under an RPS as they could a CPS. But that we don't know. What we do know is, no State opts out.

We are now talking about a Federal standard against a myriad of State standards in which 23 States have already established some form of renewable portfolio. There is no uniformity in that 23–State standard, so, as I said, it is very difficult to comply with the standard. CPS is flexible enough, that it will not allow States to opt out.

Deduct nukes from the base. By adding nuclear—new nuclear—we will have a much broader portfolio than I think Senator BINGAMAN's RPS. Adding nuclear does not detract from the accomplishments of that bill. It modernizes the bill. It brings us to where America's thoughts are today, not where America's clean thoughts started in the mid-1990s. Let's get modern.

Yes, there are a lot of interest groups that have vested interests in the old standard. There are a lot of interest groups in this town and around the Nation that move very slowly. They move the body politics of their organizations slowly so they have to argue what was then instead of what is now. What is now in the minds of the average American who looks at new technology is: Is it clean? And if it is clean, it is acceptable. If it isn't clean, it isn't.

Idaho is privileged at being right at the top of the States of the Nation in nonemitting sources, clean air, and less carbon. We are very proud of that—Vermont and Idaho. Last year, Idaho, a State that has largely accepted production in all forms, said no to a coal-fired plant. They said no because it wasn't as clean as they wanted it to be. But if it were a plant that could sequester, if it were a plant that were clean, and it was coal, why shouldn't it count today in a new standard?

Why shouldn't the marketplace incentivize cleanliness—nonemitting sources—instead of the old nonemitting sources of the past—wind and biomass? But biomass, under current technologies, emits some $CO_2$. It is much cleaner than most, but depending on the technology involved, is not a perfect form, if you will, compared to wind. But it is renewable, so under that definition, while it is not as clean as we would like it to be, and it will be in the future because it is renewable, it fits into the old standard.

I think those are profound arguments that bring us to where we are today. And I would like to say to the American Wind Energy Association: You are not disadvantaged under CPS, but you are not exclusive to the market. You have to share the riches of growth in a clean technology with other forms as they come along. Yes, you will be subsidized, but you will not have exclusivity.

I think for the West and for the marvelous open spaces and the vistas of the West, that is not all a bad idea. While I promote wind, and wind is now coming to Idaho, I don't think it ought to be exclusive in the market. As I have said before, and the maps have been shown, why disadvantage the Southeast? Why say to the Southeast you have to go buy it because you can't produce it? Let's give them an opportunity to be as clean as everyone else wants to be by giving them the advantages of all that is necessary.

Mr. BINGAMAN. Mr. President, I appreciate the comments of my friend and colleague from Idaho. I would just direct a question to him and see if I am confused or he is confused, or just where the confusion lies. He says there is not authority in the Domenici proposal, the clean energy proposal; that there is not authority for a State to opt out. Here is the sentence on page 9 of that legislation. It says:

On submission by the Governor of a State to the Secretary—

That is the Secretary of Energy—

of a notification that the State has in effect, and is enforcing, a State portfolio standard that substantially contributes to the overall goals of the Federal clean portfolio standard under this section, the State may elect not to participate in the program under this section.

Now, that clearly states, as I understand it, that it is entirely up to the State whether it chooses to participate in the program or chooses not to participate in the program, and there is no discretion on the part of the Secretary of Energy about it at all. There is no certification required by the Secretary of Energy. There is no requirement that the State program meet any particular standard other than it contribute to the overall goals of the Federal standard.

To me, that means a State can opt out of the Federal program, unless I am misreading it.

Mr. CRAIG. Mr. President, I can't argue whether the Senator is or is not misreading. The intent is for the Secretary of DOE to certify that the State meets those standards, and if the State meets the standard that you and I would put forth, then why don't they have a chance to stand down for a time? It is a question of meeting the standard, not ignoring the standard.

Mr. BINGAMAN. Well, Mr. President, let me just reiterate that the clear language of the statute states if the State determines that it has a ''portfolio standard that substantially contributes to the overall goals of the Federal clean portfolio standard, then the State may elect not to participate in the program.''

To me, that is a clear opt-out for the State. There is no requirement that anybody certify or anything else. If I were Governor of New Mexico, I could type up a letter, send it off to the Secretary and say we are opting out—include us out—and that clearly would let me out of the program.

So I don't think the bill says what the Senator has indicated.

Mr. CRAIG. Well, if it doesn't, I am one who would change that. It is clearly not my intent, nor I believe the intent of CPS, to allow States to opt out. It is to broaden the portfolio standard, not to opt out because I think, with 23 States now moving in that direction, there is a recognition of the value of some of this. If there needs to be a correction for your satisfaction as the chairman of the committee, I am certainly one who is willing to make that. But it was my understanding and my reading of the language that the Secretary of DOE has the right to certify, and in certifying could allow based on the standard met an opt-out.

Mr. BINGAMAN. Mr. President, I appreciate the comments from my friend. I would just say he is describing a provision in an amendment that is not before us. I want to point that out to my colleagues.

Mr. CRAIG. Mr. President, we obviously have a disagreement as to what is or is not. But I think we both agree on a principle that we have just talked about.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I think now would be a good time for a former Governor to enter the discussion with my two distinguished colleagues. I think the biggest compliment I have been paid in the short time I have been a Senator was by some Washington insider who said, ''Well, the problem with LAMAR is he hasn't gotten over being Governor yet.''

I have said to my constituents in Tennessee, ''If I ever do, it is time to bring me home.''

As I listened to the discussion between the Senator from New Mexico and the Senator from Idaho, I was greatly encouraged by the discussion of the Senator from Idaho until the very last part. I think there should be an opt-out. Why should there not be? What wisdom is there here in Washington, DC that is not there in state and local government?

When I was in Tennessee, I thought I was at least as smart as the Congress of the United States. I woke up every day trying to do what was best for my State. I fought for better schools, clean water, clean air, raising family incomes, paying teachers more. If I had to wait on Washington to do it, we would never have done it. I knew of a lot of people who flew to Washington and suddenly got smart, but I didn't think they were smarter than we were.

On issues of clean air, we Tennesseans, for example, feel like we care about it a lot. I live right next to the Great Smoky Mountains National Park. I grew up there. Five generations of my family are buried there. We have a great big clean-air problem.

I might say, both Senators from New Mexico are two of the very finest in our body in terms of their ability, intelligence, dedication, and purposes. I happen to have a little disagreement on this issue with Senator BINGAMAN from New Mexico, but let me go back to my point.

Growing up and living at the edge of the Great Smoky Mountains National Park makes me very aware of clean air and the need for it, which is why, 2 or 3 years ago, with Senator CARPER, I began to work in the Congress for stronger standards so we could do more in Tennessee. That is why, as Governor of Tennessee, I pushed ahead for more and why, as a citizen of Tennessee, I went to the Tennessee Valley Authority and encouraged them to adopt standards that would get more of the sulfur out of the air and more of the nitrogen out of the air. That is why I have encouraged the Governor of Tennessee to go further than the Federal Government is in getting mercury out of power plant emissions into the air, 90 percent instead of 70 percent. That is why I have been meeting with mayors and local county officials in Tennessee to clean the air. We care about it in Tennessee.

It is not necessarily true that it takes wisdom from Washington to cause us to want to have clean air or carbon-free air. Witness the fact that we are already on the honor roll of states leading the way in emissions-free electricity generation.

I see the Senator from Vermont, right in front of me, presiding. He should be very proud of Vermont as his state is No. 1 in the country in terms of carbon-free emissions. Vermont generates its electricity from forms that are free of carbon emissions. I assume that among Senator BINGAMAN's goals in the energy legislation before us is to encourage carbon-free emissions so that we can deal with climate change. I happen to be one of those who believe climate change is a problem and that human beings are a big part of the problem. I am ready to help deal with the problem.

But I think that we already are helping in Tennessee—that is my point. In this case, we need Washington to recognize what States are doing to solve this problem and not assume that a one-size-fits-all idea which might be good for New Mexico, or which might be good for North Dakota, also is good for Tennessee.

Tennessee is 16th in terms of carbon-free emissions. In other words, we produce about 40 percent of our electricity today from nuclear power and from hydroelectric power. All forms of power have their issues. Hydroelectric power means you dam up rivers. Some people don't like that. I have some problems with that, too, sometimes. With nuclear power, we have to get rid of the waste, and we have not solved that problem yet. But the one problem we have solved with hydro and nuclear is that they are clean in terms of emission—no carbon, no mercury, no sulfur, no nitrogen. That is 40 percent of the power in the Tennessee Valley Authority region, and in the State of Tennessee.

I might say: I have a great idea. I am now in Washington. I am not Governor anymore. I want to require everybody in America to have a 40-percent emissions-free energy standard, and the way they should do it is to have 33 percent nuclear power and 7 percent hydropower because that is my idea. That is the way we do it. So, North Dakota, have at it, start building nuclear plants, start damming up whatever river you have left. I have an idea. That is the way you should it.

I wouldn't say that because I believe in federalism. I believe that a lot of the best ideas come up from States toward the Federal Government. I have noticed how, over time, California has led the country in terms of clean air and clean water. I know Senator BINGAMAN's bill would permit us to go further in some ways, but it does not in other ways. What happens with the amendment from the Senator from New Mexico is this: Even though we are on the honor roll in Tennessee, and getting better—I mean, not only did the TVA just reopen the Unit 1 reactor at the Brown's Ferry Nuclear Plant, it is operating today at 100 percent capacity.

I will say a little more in a minute, if my colleagues will tolerate it.

The one wind farm we have in the whole Southeastern United States, the Buffalo Mountain Project in Tennessee, operated 7 percent of the time in August when we are all sitting on our porches, sweating and fanning ourselves and wanting our air-conditioners on, so wind energy doesn't help us in our part of the country. So we are at 40 percent emissions-free electricity generation. So how about a 40-percent portfolio standard for the whole country, with 33 percent nuclear power and 7 percent hydropower?

That probably wouldn't be fair to North Dakota. It might not be fair to some other States that have, as the brown color indicates on this chart here, a good bit of wind. They can use wind. They like wind. They don't mind having great big 300-, 400-, 500-foot white towers with flashing red lights you can see for 20 miles. If they want to see them, I guess that is their business. If they want them and it makes sense out there, fine. That is their State. But no more would I impose our formula for being clean on them than should they impose their formula for being clean on us. That is the problem with the Bingaman amendment, I respectfully suggest.

Here we are on the honor roll for being clean. We are getting better. TVA is thinking we might open a second nuclear reactor, maybe a third nuclear reactor. Maybe within 10 years—which in energy-producing time is a short period of time—we would be up to 40 percent of nuclear power, 7 or 8 percent of hydropower, and we might be in favor of making everybody do a 47-percent renewable portfolio standard based on our formula. We hope by that time that biomass, which is permitted under the amendment from Senator BINGAMAN, as I understand it, will increase in Tennessee. We have a great capacity, we believe, for biomass, especially as fuel for cars.

The President of the University of Tennessee was here this morning—Dr. Peterson—talking with me about a demonstration project they have, about ethanol plants that are planned there. We are right in the center of the nation's population. We have a lot of land. We have a good agricultural base. Switchgrass could replace the tobacco income we used to have in Tennessee. We used to have 60,000 to 80,000 farms with a little independent income up in the mountains like you have in the great northern kingdom of Vermont. That would be great for us, so we hope biomass really works.

We like solar. I am the sponsor of the solar tax credit that passed Congress 2 years ago. It is not enough, but I sponsored it. I got an award from the solar industry for being for that renewable power. I also worked with the Farm Bureau on renewable power called biomass. We have the largest production plant for solar technology in America in Memphis in the Sharp plant, producing the solar panels you put on your roof. We hope all this works. We even hope there might be maybe a solar thermal steam plant someday. It is not there today.

TVA needs 31,000 or 32,000 megawatts of power every year to provide us with clean, reliable, inexpensive electricity, and the potential for solar with the present technology, the TVA says, is less than a Megawatt. The solar industry would say it is more. What if it is five times more? What if it is 10 megawatts, or 20 megawatts? There is not sufficient potential in the next 10 years for solar and wind in the southeast—which I will show in a moment we have virtually none of—to meet this idea.

So, what do we get to do? We get to pay a big tax, a great big tax. What good does the tax do us? It comes out of our pockets. We send it to Washington, and we never see it again. How much is it? It is $410 million a year, according to the Tennessee Valley Authority's scientists, to meet Senator BINGAMAN's 15 percent renewable portfolio standard. That is real money. By the end of the ramp-up time in the Bingaman amendment, which is the year 2020, it would cost, according to the Tennessee Valley Authority, which supplies Tennessee with electricity, it would cost the ratepayers $410 million to do what, to pay a tax to Washington, DC. It wouldn't clean our air. We are already on the honor roll for emission-free electricity production. It would just increase our cost. In fact, that money might come from money we might otherwise spend to clean our air.

But here is what we could do with $410 million. We could give away 205 million $2 light bulbs and have the energy savings equivalent to two nuclear power reactors, or it would be the equivalent of 3,700 great big wind turbines that would stretch along all the scenic ridge lines in east Tennessee, and nobody would come to east Tennessee to visit, to see our mountains. Most people who live there would go hide under a rug so we wouldn't have to see these white towers with flashing red lights that you can see from 10 or 12 miles away instead of the mountains. We could pay the electric bill for every Tennessean for a month and a half each year with $410 million or we could purchase a new scrubber. We have some coal-fired powerplants. About 60 percent of our electricity comes from coal. TVA has done a fairly good job of cleaning up the air with that, but they have a long way to go. Sulfur scrubbers are the main thing they need. They are very expensive, and we could put a new one on every 9 months with $410 million cost per year. That is what we could better do with $410 million rather than send it up here to Washington, DC.

Here is a letter I got today from the mayor of Chattanooga, TN, Harold DePriest—not the mayor, president and chief executive officer of the power company in Chattanooga. I probably should let Senator CORKER read this letter since he used to be the mayor in Chattanooga. But he says:

The Bingaman amendment, if enacted into law, would have an enormous adverse economic impact on our community. It would result in a two-cent per kilowatt-hour tax on all electric kilowatt hours that are used in the Chattanooga EPB service area. We have projected the cost burden that will be imposed upon those in our service area during the years 2010 through 2020. It appears the local government, local schools, the universities, businesses and all citizens (including those in fixed incomes and having a difficult financial time as it is) will have to pay the additional sum of more than $133,000,000 . . . over 10 years for their electrical service.

Those are the workers, and those are the businesses. When businesses come to Tennessee—when Nissan comes or Saturn comes, when Eastman thinks about staying—what is one of the things they want to know? Can we get reliable, low-cost electric power? Today, we can say yes.

Every time we add an unnecessary charge on that rate, we drive jobs out of Tennessee and we cause people who cannot afford their bills to pay them.

I believe Senator BINGAMAN would say, and I will let him say it on his own behalf, as we develop more renewable power or other forms of power—I am a big subscriber to this—we bring down the price of natural gas. I helped introduce a bill called the Natural Gas Price Reduction Act, and I worked with Senators BINGAMAN and DOMENICI to try to stimulate growth in other forms of power to bring down the price of natural gas. So he is absolutely right. If we create new forms of energy, we will have less reliance on natural gas, and we want less reliance on natural gas. We don't want to be using natural gas to make electricity.

As we say often: It is like burning the antiques to make a fire. So he is right about that. Why shouldn't we say but one other form is nuclear power. It is clean, it is reliable, and it is another form to consider. And the more we have it, the less natural gas we have to use.

I also have a letter from Huntsville. This is in Alabama. I would not want you to think I was only arguing on behalf of one State. Huntsville, Alabama. ''Dear Senator SHELBY,'' in this case. The letter goes on to talk about the severe penalties and the extra costs and the objection they have to this new tax.

I ask unanimous consent to have printed in the RECORD at this point the two letters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EPB,
*Chattanooga, TN, June 13, 2007.*

Re Energy Bill—S.B. 1419.

Hon. LAMAR ALEXANDER,
*U.S. Senator,*
*Washington, DC.*

DEAR SENATOR ALEXANDER: I am writing out of concern for the citizens of the greater Chattanooga area who receive their electrical service from the Chattanooga Electric Power Board (''Chattanooga EPB''). We understand that debate is presently taking place on Energy Bill, S.B. 1419. We also understand that Senator Bingaman will propose an amendment to the Energy Bill that will, in our opinion, have severe financial consequences upon the citizens of the greater Chattanooga area, who are served by Chattanooga EPB in Hamilton County, and parts of Bradley, Marion, Sequatchie, and Bledsoe Counties.

We at Chattanooga EPB are asking that you do everything in your power to oppose the Bingaman Amendment, and to encourage your fellow Senators to also vote ''no'' with you to defeat it. We do not oppose energy conservation or the use of renewable resources. But the Bingaman Amendment is not the right way to get it done.

The Bingaman Amendment, if enacted into law, would have an enormous adverse financial impact upon our community. It would result in a two-cent per kilowatt-hour tax on all electric kilowatt hours that are used in the Chattanooga EPB service area. We have projected the cost burden that will be imposed upon those in our service area during the years 2010 through 2020. It appears that local government, local schools, the universities, businesses, and all citizens (including those in fixed incomes and have a difficult financial time as it is) will have to pay the additional sum of more than $133,000,000 (collectively as a group) over 10 years for their electrical service.

The frustrating part of the Bingaman Amendment, if enacted into law, will be the injustice imposed upon our community. There are several states that are blessed with plentiful resources of renewable energy. These states would receive favorable treatment under Senator Bingaman's Amendment, whereas we in Tennessee and the TVA Region would not. We here do not have the same abundant renewable resources available to us. In effect, we are penalized, and penalized significantly, simply because of geography.

One reason that Chattanooga EPB is in such a difficult situation under the Bingaman Amendment, as contrasted with utilities in some other parts of the country, is that the amendment is directed at utilities that have their own generation. Because the Tennessee Valley Authority supplies all requirements needed to for the Chattanooga EPB service area, and has an all-requirements contract with Chattanooga EPB, it is impossible for Chattanooga EPB to meet the requirements of the Senator Bingaman's renewal portfolio standard (''RPS'') amendment to S.B. 1419. Senator Bingaman's Amendment requires that utilities such as Chattanooga EPB obtain 15 percent of energy sales from new renewable sources by the year 2020. While Senator Bingaman's Amendment does allow an option for Chattanooga to buy renewal ''credits'' from U.S. Department of Energy, it is at the two-cent per kilowatt-hour rate in order to meet the RPS that the Bingaman Amendment would dictate.

We would appreciate your exerting all efforts within your power to defeat this horrific renewal energy ''tax''; and that you oppose, argue against, vote against, and secure all of the assistance that can be mustered from your fellow Senators to see that this Amendment is not enacted into law.

I am available if there is any additional information that we can supply to you in your efforts to help us.

Sincerely yours,
HAROLD E. DEPRIEST,
*President and Chief Executive Officer.*

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HUNTSVILLE ELECTRIC UTILITY BOARD,
*June 12, 2007.*

Hon. RICHARD C. SHELBY,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR SHELBY: The Senate is now debating an amendment to the Energy Bill, specifically a Renewable Portfolio Standard (RPS) Amendment. This amendment requires all electric systems that sell more than 4 million megawatt hours of energy a year to generate specific percentages of their load profile from renewable resources. By 2010, Huntsville Utilities would have to have 3.75% of its load coming from renewable generation sources (solar, wind, etc.); by 2013, 7.5% of the load from renewable generation; by 2017, 11.25% and by 2020, 15% of load coming from renewable generation.

Huntsville Utilities is under a long-term, 100% contract with TVA and is prevented by contract from developing its own resources and from purchasing any form of energy supply from any other power supply vendor. Further, Congress would have to pass laws that would allow Huntsville Utilities to use the TVA transmission system to bring in power from other power supply vendors.

Severe penalties are levied for not meeting the Renewable Portfolio Standard. Penalties to Huntsville in 2010 would be $4.2 million; in 2013, $8.8 million; in 2017, $14.1 million, and in 2020, $19.8 million.

Huntsville Utilities depends on TVA to provide renewable energy resources, since it is prohibited from generating our own energy, or purchasing energy from other power providers by the TVA contract.

Penalties in 2010 of $4.2 million for not meeting the standard are nothing more than a tax on the citizens of Huntsville. Huntsville Utilities is being placed in a no-win situation if this standard passes.

Huntsville Utilities is a public power system which is non-profit and receives all of its energy resources from TVA, which is a public power generation and transmission provider to its 158 captive customers. Huntsville Utilities needs to be exempted from the provisions of the Renewable Portfolio Standards (RPS). TVA needs to be the provider of

these renewable energy resources to its customers.

TVA's hydro and nuclear generation systems need to be used as a replacement for solar and wind, since hydro and nuclear energy generation are non-polluting.

Thank you for your consideration.

Sincerely,

RONALD W. BOLES,
*Vice Chairman.*

Mr. ALEXANDER. Mr. President, I see some other Senators on the floor. I see Senator DOMENICI, Senator DEMINT, and there are other Senators here. But I want to wind up my comments in this way with a couple of pictures to summarize the point.

It is a laudable goal to move us as rapidly as we can to renewable energy. But we should allow the States to move in ways that fit those States. So I think there should be an opt-out for States. I think Tennessee should be able to say: We have a 40-percent clean power standard, but it is nuclear and hydro. We are working hard on biomass. As soon as we get that going, we will have 50 percent. But we do not have sufficient wind resources not located in our scenic mountains. In addition, wind is enormously subsidized. We will be getting more to that this year.

Let's put up this chart.

TVA looked all around for a place to locate the first and only utility scale wind energy project in the southeast. First they looked down on Lookout Mountain. The people there spent 30 years restoring the natural beauty to this historic location. They did not want to see a 400-foot tower they could see from the whole area up there. So they finally put it on Buffalo Mountain, which is also a beautiful place.

Here is what it looks like. They had hoped the wind would blow so that it would produce 35 to 38 percent of the turbines rated capacity. It operates 19 to 24 percent of the time; 7 percent in August. What most people miss with wind power is you use it or lose it. So if the wind is not blowing, your air conditioner is off.

Even though you have these large wind towers all up and down every ridge top in Tennessee, even if you had them, you would still need a dependable powerplant. Wind turbines do not replace your base load.

Here is what it looks like in West Virginia, which is north of us. It is a different point, but this makes strip mining look like a decorative art. I mean this ruins, in my view, the tops of mountains.

Why would we insist on that with Federal requirements to have a State that is already on the honor roll for clean power? There are other ways to do this rather than raise our rates, raise our taxes, drive jobs away, or ruin our landscape.

I appreciate the chance to talk about this. Wind already is highly subsidized too. The best facts I have suggest we will be spending $11.5 billion between 2007 and 2016, already obligated in taxpayers' money, to build these big wind turbines in Tennessee, which in Tennessee operate 7 percent of the time in August. They do not produce much power either. There are proposals on the Senate floor to extend the federal subsidies for wind power.

So back to this wind project, TVA pays 6.5 cents for every kilowatt-hour produced by this wind project. The taxpayers pay them another 2.9 cents, in effect, for the production tax credit; that is 9.4 cents for each one here, and this would have the whole Southeast running around looking for wind developers to buy further credits from. We should all retire from the Senate and go in the business, it looks like, if that is what we want to do.

But here is my main point, let's respect Federalism, let's honor those States that are on the honor roll. Let's honor Senator BINGAMAN for wanting to encourage renewable energy. But Senator DOMENICI, I would respectfully say, has a better idea. He would allow new nuclear power, for example, to be a part of the mix.

My final comment would be this: As climate change has become more of a concern, and people say we are going to have to deal with it in this generation, we have looked for ways to create large amounts of clean energy. There are only two or three ways to do that.

The first is conservation and efficiency. We have barely scratched the surface. But the second is nuclear power. Seventy percent of our carbon-free electricity in America today is nuclear power. So why would we exclude that from any standard that allegedly wants us to have carbon-free energy? It does not make much sense to me.

I respectfully oppose the suggestion of the Senator from New Mexico, Mr. BINGAMAN. I honor his service here. I honor his motives here. But I think he has a solution looking for a problem. The problem is, we do not have any wind in our part of the State, and a wind portfolio standard simply does not work. It puts a big tax on us we do not need to pay, do not want to pay, does not do us any good.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I yield 50 seconds of my time to Senator DEMINT.

Mr. DEMINT. I thank the Senator. I will yield back to him immediately.

Mr. DOMENICI. Would you yield 30 seconds to me? Would that be acceptable to you?

Mr. VOINOVICH. That is fine.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to Senator LAMAR ALEXANDER, who gave about a 20-minute speech or 25, whatever it was, that I truly commend you on your understanding of both the problem and the attempted solutions here and the differences between the Bingaman amendment and mine. The way you present it is laudable. I thank you for that.

I yield the floor.

Mr. DEMINT. Mr. President, quickly, I wish to make a request of the chairman. I understand the current amendment will not be finished until tomorrow. I wanted to get one amendment pending. I ask unanimous consent to send an amendment to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. BINGAMAN. Mr. President, I do object. I believe we need to complete action on the two pending amendments before we take up any other amendments or have other amendments pending. Obviously he can send anything he wants to the desk, but as far as calling up any amendment for consideration, I would object.

The PRESIDING OFFICER. Objection is heard.

Mr. VOINOVICH. Mr. President, I understand Senator SALAZAR is waiting here. I will not be long. I appreciate his patience.

First, I associate myself with the words of the Senator from Tennessee, Mr. ALEXANDER. I thought he did a fantastic job of outlining why this proposed renewable portfolio standard is not in the best interests of the United States of America. I strongly oppose it because it has not taken into consideration the adverse effects on States that depend heavily on coal, such as my home State of Ohio.

I also mention that we have looked at wind power for our utilities. If they could use wind power they would be using it, because not only would it be something that would be better taken by the citizens of Ohio, but it also would associate them with being more green. They are interested in doing that. But the fact is we do not have the environment for that to occur. So I think even though this proposal is well intentioned, and I share his concern about reducing greenhouse gases, I believe his proposal will cause great economic distress for minimal benefit.

What we need to do when we are looking at these things is ask, what benefit are we going to get out of it, and what are the costs? Figure it out. A one-size-fits-all Federal RPS mandate ignores the different economic needs and resources of the individual States. There are significant regional differences in availability, despite renewable energy resources.

Even among the States that have an RPS, all have chosen to add technologies that are not usually included in a Federal RPS. Because many of the utilities will not be able to meet an RPS requirement through their own generation, they will be required to purchase renewable energy credits from some other company. Thus, a nationwide RPS mandate will mean a massive wealth transfer from electric consumers to States with little or no renewable resources, such as Ohio, to the Federal Government or to States where renewables happen to be more abundant.

In my State of Ohio, we rely on coal. Eighty-eight percent of our electric

generation comes from coal. It is estimated that the proposal would increase retail electricity prices by 4.3 percent, a total of a $12.8 billion cost to consumers by 2030. The 4.3 percent may not seem like a high increase to many, but to a family of four on a fixed income, this is a huge increase. These families may have to make a decision between paying their winter heating bills or putting food on the table for their families.

I recall a couple of years ago, before the Environment and Public Works Committee, Tom Mullen of Cleveland Catholic Charities described the direct impacts of significant increases in energy prices on those who were less fortunate. This is a quote. He said:

In Cleveland, over one-fourth of all children live in poverty and are in a family of a single family head of household. These children will suffer further loss of basic needs as their moms are forced to make choices of whether to pay the rent or live in a shelter; pay the heating bill or see their child freeze; buy food or risk the availability of a hunger center. These are not choices that any senior citizen, child, or for that matter, person in America should make.

So, in effect, if we pass this renewable portfolio, for people who live in my State—and maybe I am being a little bit selfish about the people I represent, but the fact is this is going to increase their energy bills. For those who are poor, for those who are elderly and on a fixed income, this is significant.

Another aspect which I think we forget about is Ohio is a manufacturing State. We are on the economic fault line. I wish our economy were as good as the rest of the States in this country. We have the same problem Michigan has. Energy costs are a huge concern of our manufacturers, who use 34 percent of the energy consumed in our economy. Due in large part to increased energy prices, the United States has lost more than 3.1 million manufacturing jobs since 2000, and my State has lost nearly 220,000 jobs.

I will never forget in 2001 when we had the big spike in gas prices. I believe that was the beginning of the recession in the State of Ohio. Many of those small companies never recovered because, for example, in my city, natural gas costs have gone up over 300 percent since 2000. Think about that, the impact that has. Then you add another burden on top of that. Rather than enacting an artificial RPS, which will increase costs to our utilities and consumers, we need to be spending this money on the development of technology to reduce our greenhouse gases.

The cost of the RPS to utilities and ratepayers will be better spent on funding the programs we authorized in the Energy Policy Act of 2005, such as carbon sequestration and IGCC technology, which, as most of us know, are not receiving the appropriate funding today.

It is clear we must get serious about partnerships and strategies that maximize Federal funding. We have got to look at how much money we are going to raise and where can we get the biggest return on our dollars. I do not think RPS does that.

It is critical that policymakers work in conjunction with the scientific community to develop policy solutions that are in the best interests of our State and Nation. For instance, one area requires further research to capture greenhouse gases and sequester carbon dioxide so we can continue to rely on coal for energy. We are the Saudi Arabia of coal. We have 250 years of that supply. For the past few years I have called for a ''Second Declaration of Independence,'' independence from foreign sources of energy, for our Nation to take real action toward stemming our exorbitantly high oil and natural gas prices. Instead of considering them separately, we must harmonize our energy, environment, and economic needs. This is an absolute must as we consider any additional solutions to address global warming and other environmental problems.

I have been here, this is my ninth year. I have been on the Environment and Public Works Committee for 9 years. The problem in the Senate and in the House is that the environmental, the energy, and the economic people don't get together and put each other's shoes on and figure out how we can work together to not only do a better job of cleaning up the environment but utilizing the scarce dollars that are available to make a difference.

This is an idea of the costs for Ohio. For example, American Electric Power which, while I was Governor, put on a $650 million scrubber to reduce their $NO_x$ and $SO_x$, it is going to cost them $3 billion between 2010 and 2030; First Energy, $3.18 billion to $4.6 billion; Duke—this is also another provider of energy—$1.6 billion.

Let's take the Timken Company, the heart and soul of Camden, OH. Their incremental cost of electricity under a 15-percent RPS will exceed $20 million per year. They say:

We would not expect to recoup most of this increased cost through price increases due to the global competition that we face. Adoption of a mandatory RPS would clearly place The Timken Company at a competitive disadvantage vis-a-vis our foreign competitors, further eroding already slim profit margins, and placing increasingly more jobs at risk.

We really ought to think about what we are doing here today. I don't think what we want to do is advantage one area of the country by having a cost increase in another part of the country and see a massive shifting of resources. What we should do is look at the big picture and figure out, as Senator ALEXANDER pointed out, where do we put our money where we can get the greatest return on our investment. I sincerely believe this isn't the way to do it. Why would we want to do something that will take a State such as Ohio, that is 80 percent reliant on coal, and basically tell our utilities: Folks, you are going to have to buy renewable energy from somebody else, pay the money out, and then increase your rates, increase the rates to the folks in our inner cities, when they could be taking that same money and putting more of it into, for example, ISGC, the integrated gas-combined cycle. AEP is going to build a 1,000-megawatt plant that is going to cost an enormous amount of money. That is where they should be putting their money. They should be putting their money into technology so that we can capture carbon and sequester it.

Those are the things that would really make a difference. We are fooling ourselves to say we are going to pass this legislation, and it is going to make a big difference. I argue that it is going to make little difference, and we could spend our money on things that are going to make more of a difference in terms of cleaning up the environment and dealing with some of the problems we all know this country faces.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, let me start by thanking Senator BINGAMAN, chairman of the committee, and Senator DOMENICI, ranking member, for their fine work in producing the Energy bill before us today. This energy legislation is important for our country as we move toward energy independence. It is strong on alternative fuels. It is strong on energy efficiency. Through the work of the Commerce Committee, it has strong CAFE standards that will make all the difference in the world in terms of how we use transportation fuels. It also begins to do some important work with respect to carbon sequestration. This is good legislation. The amendments and debates we are having hopefully will build on that good legislation to get us to the point where we can deliver to the President a good bill.

The President said in his State of the Union that one of the things he wanted us to work on was moving forward to get rid of our addiction to foreign oil. It is our hope that by working together in a bipartisan fashion, as we did in the Energy Committee, we will be able to move forward with respect to reaching that vision of energy independence for the United States.

Let me say that I am here to speak in support of the Bingaman proposal which I am cosponsoring on a renewable electricity standard for the Nation. Let me at the outset say, we in the Congress, we in the Nation should not be afraid. We should not be afraid of having a robust renewable electrical standard, called an RES, a renewable portfolio standard. There will be significant benefits that will help our economies. It will help rural communities, it will help our environment, if we have a robust national standard for renewable electricity.

Some may say: How do you know that? I have heard my colleagues on the other side of this amendment arguing that we don't need a national

standard because it will harm particular States or areas. There were lots of people in my State in Colorado in 2004, just a short 2 years ago, who made the same argument, that if we passed an RPS in my State of Colorado in 2004, we would see a parade of horribles coming down the pike.

Well, in 2004, the voters of Colorado decided on their own they were going to take this measure to the voters of the State, and they passed a renewable portfolio standard of 10 percent by the year 2015. Because Colorado's efforts have been so successful in the last 2 years, the general assembly this year decided to double that standard to 20 percent by the year 2015. What had been the parade of horribles has not been a parade of horribles in Colorado with respect to the RPS. It has been a parade of celebration with respect to what we have been able to accomplish on the ground.

Let me refer to two very significant economic facts and initiatives within our State. One relates to wind. Two years ago, we had a very small wind farm. It produced just a few megawatts of power. That was 2 years ago. Fastforward to today. Because of the RPS, in Colorado, today we now have four major wind farms in operation. We have two more wind farms currently under construction. By the time we finish a year from now, those wind farms will be producing 1,000 megawatts of electricity.

Let's put that in a context so people can understand what we are talking about with respect to 1,000 megawatts. One thousand megawatts is about the equivalent of what we would produce with three coal-fired powerplants. We were able to do that with the power of the wind in less than 2 years.

What has been the benefit for Colorado? First and foremost, we are contributing to the economy of our State because there were counties, such as Weld, Logan and Prowers Counties that I refer to as forgotten America because they have such limited opportunities out in those rural communities that struggle on the vine every day. What has happened is the RPS has injected a new economic vigor into those rural communities. It is something about which the bankers, Democrats and Republicans alike, are all very happy and excited. It is something about which the school boards are very excited as well because it has brought significant additional tax revenue into the coffers of some of the rural school districts that suffer from not having enough money for schools or for other public needs.

It also has made sure the people of Colorado understand that they are contributing to the environmental security of our Nation. We are past the debate in this Nation as to whether global warming is a reality. The people in my State recognize they are making a significant contribution to dealing with the issue of global warming because they passed an RPS which has been a good RPS. In fact, it has been so good in terms of acceptance by the people of Colorado, almost without a whimper the requirement was doubled this year so that now we in Colorado will be producing 20 percent of our electricity from renewable energy resources by the year 2015. That is not a long way away. We are not talking 2050 or 2040. We are already at 2007. So within 8 years in Colorado, we are going to be producing 20 percent of our energy from renewable energy resources.

It is not just wind. I come from what is one of the most remote and rural, poorest areas in the United States. The place is called the San Luis Valley. It is a place where you have to struggle to make a living. But it is a place also that is embracing the new ethic of renewable energy, driven in large part by the renewable portfolio standard we have in Colorado. Because of that RPS, the largest utility in our State, Xcel, has broken ground on the largest solar utility generator in the United States. That solar electrical utility farm, which is now under construction in my native valley, is creating jobs for the people of the valley. It is something we are very proud of.

With the advances being made in solar technology, there is no reason in most of our States we would not be able to create a robust addition for our electrical needs that actually is powered from the Sun.

Our experience in Colorado with respect to a renewable portfolio standard, a renewable electrical standard, has been an absolutely positive one. It was one that was approached with some trepidation a few years ago. Today it is wholly embraced. I ask my colleagues in this Chamber today to look at the RPS as something that, in fact, is a great opportunity for the people of this country. If it worked for the State of Colorado, it can also work for the rest of the Nation.

Let me also say that Colorado is not alone. If you look at a map of the United States and look at all of the States that have passed a renewable portfolio standard, they are from all parts of the country. We now have at least 22 States that have adopted their own renewable portfolio standard. So if we have 22 States plus the District of Columbia that have already adopted a renewable portfolio standard, does it not make sense, instead of having a patchwork of regulation from one State to another, where you essentially have no RPS in one and a different RPS in another, that we have a national standard? From my point of view, it does.

The mechanism that has been set forth by Senator BINGAMAN in this legislation will allow us to have that renewable portfolio standard and also will allow us to take into account the different renewable resources for electrical production that we have from State to State. I am very hopeful that the RES before us will ultimately make it into law.

Let me talk a little bit about the primary benefits I see from this RES. The first is that it will bolster our renewable energy production by creating certainty in renewable energy markets. With an RES, producers, developers, and manufacturers know that there is a guaranteed market for renewable electricity. They make long-term investments in infrastructure and renewable energy development when they know that certainty is there, and that is what this national RES will provide. That added stability will result in a second major benefit. That is an economic benefit both to consumers and to communities that assist in production.

As I said, in my State consumers who have been participating in a program that Xcel has provided on a voluntary wind energy program have saved a total of $14 million in 2004 and in 2005. A 2005 study of the Energy Information Administration found that a modest national renewable energy standard of only 10 percent—only talking in 2005 about 10 percent by 2020—would result in savings to consumers of $22.6 billion.

We are going to do better than that here because our RES we are proposing is 15 percent. Meanwhile, communities particularly rural communities, thrive with new jobs, with new infrastructure, and a new economy that is built on invention and investment.

The Union of Concerned Scientists estimates that a national renewable energy standard of 20 percent by 2020—we are not proposing that we be that ambitious in this particular amendment—that a 20-percent by 2020 standard would spur $72.6 billion in new capital investment, with $16 billion in income to America's farmers and ranchers, and $5 billion in new local tax revenues for rural communities. That is a terrific shot in the arm for parts of our country that are dying for these kinds of opportunities.

Thirdly, a national renewable electricity standard will enhance our environmental security and take an important step toward reducing our carbon emissions. If we were to pass a renewable electricity standard of 20 percent by 2020, we would reduce emissions of carbon dioxide by more than 400 million tons a year—that is more than 400 million tons a year. That would be equal to taking 71 million cars off of America's roads or the planting of 104 million trees in our country.

We know an RES by itself will not solve the global warming problem, but it is, in fact, a significant step in the right direction.

I want to, once again, thank Chairman BINGAMAN for his leadership on this amendment. It is an important addition to this bill and a leap ahead for our Nation's energy security.

It is, at the end of the day, an effort for all of us to embrace a clean energy economy for the 21st century. A clean energy economy for the 21st century is one of the imperative issues that we can grasp on, we can discover on, on a

bipartisan basis, for America, and we can do it now in 2007. It is not something for which we have to wait until 2010 or 2011. It is something we can do now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed just for a few minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Minnesota for her courtesy in allowing me to go forward.

WHITE HOUSE SUBPOENAS

Mr. President, the reason I speak on this sort of stage—instead of doing a press conference and calling every one of you about it—today I have issued, on behalf of the Senate Judiciary Committee, subpoenas to the White House in connection with our investigation into the firing of U.S. attorneys around the country. I have spoken recently with Mr. Fielding, the White House Counsel, and I have consulted with the ranking Republican on the committee. Regrettably, to date, the White House has not produced a single document nor allowed White House staff to testify, despite our repeated requests for voluntary cooperation over the last several months.

The White House's stonewalling of the congressional investigative committees continues its pattern of confrontation over cooperation. Those who bear the brunt of this approach are the American people, those dedicated professionals at the Department of Justice who have tried to remain committed to effective law enforcement in spite of the untoward political influences from this administration, and, thirdly, the public's confidence in our justice system. That is why I believe we have to do everything we can to overcome the administration's stonewalling and get all the facts out on the table—get the facts out so Republican Senators and Democratic Senators and the American people can see what the facts are.

Actually, the White House cannot have it both ways. They cannot stonewall congressional investigations by refusing to provide documents and witnesses—or saying they might let witnesses testify behind closed doors, with no transcript, no oath, which neither Republicans nor Democrats would ever accept—but then simultaneously claim that nothing improper ever happened. The involvement of the White House's political operation in these matters, including former Political Director Sara Taylor and her boss Karl Rove has been confirmed by information gathered by congressional committees.

Some may hope to thwart our constitutional oversight efforts by locking the doors and closing the curtains and hiding things in their desks, but we will keep asking until we get to the truth.

The House Judiciary Committee, led by Chairman CONYERS, is likewise issuing and serving subpoenas today. He makes the point that these subpoenas are not merely requests for information; they are lawful demands on behalf of the American people through their elected representatives in Congress.

So we will issue and serve three subpoenas today—two seeking the documents and testimony of Sara M. Taylor, the former Deputy Assistant to the President and Director of Political Affairs, and another seeking White House documents relevant to the panel's ongoing investigation.

Incidentally, Senator SPECTER and I had written to Ms. Taylor asking for voluntary cooperation. We did this more than 2 months ago, on April 11, so there would not be any need for a subpoena. We asked for voluntary cooperation. Well, that did not go very far.

As I noted in my cover letter to the new White House Counsel, Mr. Fielding, I have sent him a half dozen previous letters during the past 3 months seeking voluntary cooperation from the White House with the Senate Judiciary Committee's investigation into the mass firings and replacements of U.S. attorneys and politicization at the Department of Justice.

It is now clear from the evidence gathered by the investigating committees that White House officials played a significant role in originating, developing, coordinating, and implementing the plan and the Justice Department's response to congressional inquiries about it. Yet to date the White House has not produced a single document or allowed even one White House official involved in these matters to be interviewed.

It has been 2½ months since Republican and Democratic members of the Senate Judiciary Committee rejected their take-it-or-leave-it offer of off-the-record, backroom interviews with no followup. We said it was unacceptable.

We have offered to try to work these things out. They have stayed the course: Take it or leave it. Take it or leave it: a backroom, closed-door meeting, with no transcript and no oath. Mr. President, I will leave that one quickly. As I told the White House Counsel, I would be subject to legislative malpractice if I were to ever accept on the part of the Senate such an offer.

Ironically, Mr. Rove and the President have had no reluctance to comment publicly that there was, in their view, no wrongdoing and nothing improper. But they won't even tell us what they base that on. They cannot have it both ways. Their continuous stonewalling leads to the obvious conclusion they have something to hide. Because they continue their refusal, I issued these subpoenas.

So we formally demanded—this is what it is—production of documents in the possession, custody, or control of the White House related to the committee's investigation into the preservation of prosecutorial independence and the Department of Justice's politicization of the hiring and firing of U.S. attorneys.

The documents compelled by the subpoena include documents related to the administration's evaluation of and decision to dismiss former U.S. attorneys David Iglesias, H.E. ''Bud'' Cummins, John McKay, Carol Lam, Daniel Bogden, Paul Charlton, Kevin Ryan, Margaret Chiara, Todd Graves, or any other U.S. attorney dismissed or considered for dismissal since President Bush's reelection, the implementation of the dismissal and replacement of the dismissed U.S. attorneys, and the selection, discussion, and evaluation of possible replacements. They have yet to be explained.

Among these documents are documents related to the involvement of Karl Rove, Harriet E. Miers, William Kelley, J. Scott Jennings, Sara M. Taylor, or any other current or former White House employees or officials involved in the firings and replacements, as well as documents related to the testimony of Justice Department officials to Congress regarding this matter—part of the reason being: What did they tell the Justice Department to say or, even more importantly, not to say. Of course these would include the purportedly ''lost'' Karl Rove e-mails that should have been retrieved by now and should now be produced without further delay.

The distinguished Presiding Officer may remember when I said—at the time when they said those were all lost and erased—Well, you could not erase them. Of course they could be found. The White House dismissively said to we computer experts up here: Of course they had been lost. Gee whiz. Golly. Guess what. They seem to have been in a backup hard drive—like the e-mails for all of us are, like everybody knew they were, and notwithstanding the condescending, misleading statements of the White House Press Secretary's Office. Of course the e-mails were there.

I am just disappointed that now that it turns out they were not lost like they claimed they were we still do not have them. We have to go to subpoenas to obtain information needed by the committee to fulfill our oversight responsibilities regarding the firings and the erosion of independence at the Justice Department—probably the greatest crime here. But the evidence so far—that White House officials were deeply involved—leaves me no choice, in light of the administration's lack of voluntary cooperation.

Mr. President, I thank, again, the distinguished Senator from Minnesota for yielding. I know she was to go first. I yield the floor to the distinguished senior Senator from Pennsylvania, the man who probably understands the necessity of subpoenas better than anybody else in this body.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, first, I thank the Senator from Minnesota for yielding. I know she yielded to Senator LEAHY; and Senator LEAHY, the chairman of the Judiciary Committee, has made some comments which I think I ought to supplement.

I believe when you have the subpoena issued for Ms. Sara Taylor, the White House staff, it is appropriate at this time. A letter was sent to Ms. Taylor on April 11 requesting testimony and documents, and there has been no response.

It is my hope, as I have said at Judiciary Committee meetings, executive sessions, that we will yet be able to work this out with Ms. Taylor on a cooperative basis without any further controversy.

The enforcement mechanism of the subpoenas is very lengthy. The last time it was undertaken, with the conflict between congressional oversight and the White House, it took more than 2 years. That would take us into 2009, after the election of a new President.

I think with respect to the subpoena to former White House Counsel Harriet Miers, there again the request went out some time ago, and they have not been forthcoming, and I think it is appropriate to proceed—again, in a manner which looks toward conciliation, looks toward resolving it without controversy.

I talked again today to White House Counsel Fred Fielding on the question as to how we are going to obtain testimony from executive branch officials who are high up in the White House, and the President made a televised statement some time ago setting forth the acceptable parameters from the President's point of view. After reflecting on it and talking to members of the Judiciary Committee—both Democrats and Republicans—I think that most of what the President wants can be accommodated.

He does not want his officials, his employees, put under oath. My preference would be to have an oath, but I would not insist on that because the testimony would be subject to prosecution under the False Statements Act, 18 United States Code 1001.

He does not want to have the sessions public. My preference again would be to have them public, but I would not insist upon that.

He does not want to have the officials come before the Senate Judiciary Committee, then before the House Judiciary Committee, and I think we can accommodate that, having members of both committees—both Democrats and Republicans—in a manageable group to obtain the necessary information.

The one point where I think it is indispensable is that we obtain a transcript. If you don't have a transcript, people walk out of the room in perfectly good faith and have different versions as to what happened. I think it is in the interest of all sides to have a transcript. It is in the interest of congressional oversight so we have it precise, so we can pursue questions and have them in black and white and know where we stand. It is important for the people whose depositions are being taken that it be written down, too, so nobody can say they said something they didn't say because we know what they said when it is transcribed. I am pleased to say to the distinguished Presiding Officer, the Senator from Rhode Island who is nodding in the affirmative, as a former U.S. attorney, attorney general, and one who has had experience with transcripts, as has the chairman and I, it needs to be written down.

I hope we can accommodate the competing interests here. There is no doubt there are very important issues involved: The request for resignations from the U.S. attorneys and the reasons why they were replaced. There is no doubt the President has the authority to remove all 93 U.S. attorneys without giving any reason. President Clinton did that at the beginning of his term in 1993. I think it is equally clear the President can't replace people for bad reasons. There is a suggestion of pressure on the U.S. attorney from San Diego that she was going after some of former Congressman Cunningham's associates, who is serving an 8-year sentence, and that pressure was put on some other U.S. attorney in some other direction for an improper purpose, and that is an appropriate question for congressional oversight. We had a lengthy and heated debate earlier this week on the resolution to say the Senate has no confidence in the Attorney General. That was defeated on procedural grounds.

But the issue of the operation of the Department of Justice is not yet finished. This inquiry is very important. Next to the Department of Defense, which defends the homeland and is our military defense, next in line is the Department of Justice, which deals with terrorism, deals with drugs, deals with violent crime and that department has to function in the interests of the American people. And getting to the bottom of this investigation is important for that purpose. So I wanted to appear to make these brief comments, following the statement by the distinguished Chairman. I thank the Senator from Minnesota.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, last Wednesday I came to the floor and introduced legislation that would place the country on a path toward a better energy future by requiring that 25 percent of our Nation's energy, our Nation's electricity, come from renewable sources. This made sense to me because this is what we do in Minnesota. As my colleagues know, all good things come from Minnesota.

But today, Senator BINGAMAN has introduced an amendment requiring that 15 percent of our Nation's electricity come from renewable sources. I also support Senator BINGAMAN, and I am a cosponsor of Senator BINGAMAN's 15 percent standard by 2020. That is because I believe our country is headed down the wrong energy path, and we need to take it in a new direction.

I can't tell my colleagues the number of times I hear from businesses in my State, including manufacturing companies, about the high costs and how they want to get some new possibilities and a new direction with where their energy comes from. The money issue is one thing you hear about from individual consumers, that you hear about from businesses, but there is also the effect it is having on the environment. Both the Presiding Officer and I serve on the Environment Committee. We have heard countless accounts from scientists from all over this country, from major CEOs of large businesses in this country, about the change we are seeing in our climate and about the chance we have to do something about it.

So I have to tell my colleagues, in my State I also hear from regular people. I hear from hunters who see a change in the wetlands. I hear from people on Leech Lake who say it takes a month later, a month longer than usual to put their fish house out. I hear from kids wearing little penguin buttons. I hear from city council members in Lanesborough who are changing out their light bulbs. I hear from venture capitalists in Minneapolis who want to get some standards in place so they can invest in this new green technology. I hear from people up in Grand Marais, MN, where I visited 2 weeks ago. This area has had tragic fires. When we saw those fires going on in California, they were also raging in northern Minnesota and up into Canada. Nearly 200 buildings were downed by this fire in our State—some of them beautiful homes—homes that have been in families for years and years and years, rustic cabins and businesses. Of course, the people who gathered to meet with me had immediate problems. There was no phone service to many of these places. Many of the lodges that rely on tourism were having trouble even taking orders. But in the middle of all this, with these scarred forests surrounding us, there were people who wanted to talk about climate change, including ski resort owners who had seen a dramatic drop in their profits when we have had less snow and people who were very concerned about their businesses and the future of this country.

So this standard is not only important for investing in our country for more jobs and putting a renewable standard in place that will spur investment, it is also important for our country's future and our environment.

A strong renewable energy standard is good policy. Let's look at where our electricity comes from. Currently, we have 52 percent coming from coal. We have 15 percent coming from natural gas. We have 3 percent from petroleum,

20 percent from nuclear, 7 percent from hydro, and only 3 percent from renewables. Compare this with countries such as Denmark, where they are seeing something akin to 50 percent coming from renewables, and Great Britain and other countries. What a strong renewable standard can do is it can diversify our electricity sources so we are not so reliant on energy sources such as natural gas that are vulnerable to periodic shortages or other supply interruptions. A strong renewable energy standard can also save the American consumer money. According to studies, a 15-percent renewable electricity standard will save consumers a total of $16.4 billion on their energy bills by the year 2030.

Let's look at some of the savings. What are we going to get if we put in a national renewable electricity standard of the kind I have talked about, which is up to 25 percent, and the kind that Senator BINGAMAN and I have sponsored here today at 15 percent by 2020? We will get 355,000 new jobs, nearly twice as many as generating electricity from fossil fuels; economic development, $72.6 billion in new capital investment; $16.2 billion in income to farmers, ranchers, and rural landowners; $5 billion in new local tax revenues; consumer savings of $49 billion in lower electricity and natural gas bills; a healthier environment with reductions in global warming, as I discussed, equal to taking nearly 71 million cars off the road; less air pollution, less damage to land, and better use of our water.

I have seen it firsthand in my State, in southwestern Minnesota, where there are wind turbines coming up everywhere. They have even opened a bed and breakfast near Pipestone, MN, because they are so excited about these wind turbines. If you were looking for a romantic weekend and time away from your State of Rhode Island, you could actually go down there and stay overnight and wake up in the morning and look at a wind turbine. That is the package.

But the point is this: The people in that area are so excited about the development and the potential manufacturing that is going on, that they want people to come and see it. We also have individual homeowners and school districts that are trying to figure out how they can put a wind turbine up so they can bring that kind of homegrown renewable energy into their places of business and into their homes.

A strong renewable energy standard is going to save us money, and it is going to cause this kind of investment. It is going to open the door to a new electricity industry that will bring thousands of jobs and billions of dollars into our economy.

Over the last 20 years, America's renewable energy industry, and the wind industry in particular, has achieved significant technological advancements. The industries for solar and wind and biomass are expanding at rates exceeding 30 percent annually. Now, some of this is because the States—and I will talk about this in a minute—have shown foresight and have been ahead of the game, but we need to do more. The question is: Does the United States want to be a leader in creating new green technologies in the new green industries of the future, or are we going to sit back and watch the opportunities pass us by?

Tom Friedman, who actually comes from Minnesota, wrote a cover story for the New York Times Magazine about a month ago about the power of green. He talked about a new green deal—not like the old New Deal; not necessarily the kind of money we are talking about there, but that the Government's role should be to set those standards and industry will meet them. The Government's role should be to seed new research and to promote green technology and direct us that way; otherwise, if we don't do that, if we don't have the kind of 15 percent standard we are talking about on a national level, I can tell you what is going to happen because we are already seeing it happen. We no longer are the world leader in two important clean energy fields. We rank third in wind power production behind Denmark and Spain. We are third in photovoltaic power installed behind Germany and Japan. Ironically, these countries have surpassed us using our own technology. They used the technology we developed in our country. We came up with the right ideas, but we didn't capitalize on the innovations with adequate policies to spur deployment. The Federal Government, in fact, has been complacent. They have been watching the opportunities go by.

Now, this is not so of the States. I know Senator SALAZAR borrowed my chart about an hour ago, but I like this chart because it shows the progress that is going on across the country. You can see it is not limited to one area. It is not limited. We have heard about what California has done and how aggressive they are. I am always telling the Senators from California it is great what you have done, but it is important to talk about what is going on in the rest of the country.

You look at what is happening in my own State of Minnesota: 27.4 percent mandated renewable standards by 2025. We have what is happening in New Hampshire: A 23.8 standard by 2025. We have Maine, which actually has a standard and goal, as opposed to a standard, of 30 percent by 2000; Virginia, 12 percent by 2022; We have New Jersey, which has been a leader in this area, at 22.5 percent by 2020. If you go all the way out to Montana, you see a 15-percent standard by 2015; if you go up to Washington, 15 percent by 2020. If these courageous States are willing to do this with no direction from the Federal Government, I think it is time for us to act.

It was Louis Brandeis, the judge, who once in one of his opinions wrote about how the States are the laboratories of democracy. That is what you see going on here. The States are the laboratories of democracy, and you talk about how one courageous State can make a decision to set policy and can be used as a laboratory for the rest of the country. I don't think he ever meant, when he wrote that opinion, that that should mean inaction by the Federal Government. In fact, it should be the opposite. The States experiment, the States show, such as our State has, you can put high standards in place, you can start developing these industries, and it is a good thing.

It revitalizes our rural economy. It is cleaner for our environment. It allows us to invest in new jobs. Now it is time—we have seen the story across the country—for the Federal Government to act.

What I want to see when we vote on Senator BINGAMAN's amendment is a bipartisan effort, bipartisan support for this kind of amendment.

Let me tell you what happened in our State. In February, the Minnesota Legislature—it is a Democratic State senate, Republican statehouse—passed nearly unanimously this 2025 standard. In fact, for Xcel Energy, our biggest energy company, it is 30 percent. They passed that nearly unanimously, a Democratic house, a Democratic senate, with a number of Republicans, a majority voting for it, and then they sent it to a Republican Governor, and that Republican Governor signed it into law. It is considered the Nation's most aggressive standard for promoting renewable energy in electricity production. I think Minnesota's aggressive standard is a good example, but I also think the bipartisan way in which it was set should be a model for Federal action.

The courage we are seeing in States such as my own should be matched by the courage in Washington. We should be prepared to act on a national level, especially when the States and local communities are showing us the way.

There is now an opportunity for the Federal Government to act, and this Energy bill has many good things in it. I love the standards for appliances, the standards for buildings. I like to call it ''building a fridge to the 21st century.'' But I also would like to see some even bolder action. That bolder action comes in many forms, but one that is most important to me is putting this renewable standard into law.

We have everything we need. We just need to act. We have the scientific know-how in this country. In my State, we are so proud of the work that is going on at the University of Minnesota and the State colleges across the State. It is going on everywhere.

We have the fields to grow the energy that will keep our Nation moving, and we have the wind to propel our economy forward. The wind is at our back, and it is time for us to move. It is time to act. The only thing that is holding us back is complacency.

In my office in the lobby, I have a picture. It is a picture of someone holding a world in their hands. The words on it read: The angel shrugged, and she placed the world in the palm of our hand. She said if we fail this time, it is a failure of imagination.

We in the Senate in the next 2 weeks have the opportunity to show this country and the world that we have the imagination for a better world and we have the imagination that we can start having our energy and our electricity produced by the wind and the sun, that we have the imagination that we can have a better environment.

This is the time to act, and I urge my colleagues to support the 15-percent standard for renewable energy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I appreciate the opportunity to hear the comments of my friend and colleague from Minnesota. She speaks of wind in her State. It is fair to say that in certain parts of my fair State of Alaska, we, too, have incredible winds that sometimes we feel could power the entire Nation with the amount of wind energy we have. In fact, sometimes the winds are too strong and we cannot keep wind generation units up because the force of the winds is that intense. But I do recognize that all States are not created equal in terms of their ability to produce forms of renewable energy, such as wind.

I am a very strong supporter of renewable energy, really all forms of renewable energy. Whether it is geothermal, ocean energy, wind, solar, biofuels, all aspects of renewable are so important. I want to explain this afternoon why I am supporting the clean portfolio standard over the renewable portfolio standard and actually think that the clean standard is the best for the environment and for the public.

Both of these proposals will encourage States to promote the most forms possible of renewable energies, whether they be solar, wind, geothermal, ocean, biomass. All are covered equally under both of the proposals.

For my purposes and where I am really honing in is in the area of hydropower, and this is one key area where the different proposals part company.

Under the renewable portfolio standard, new hydropower does not count toward meeting the production mandate, only incremental power. The addition of turbines to existing facilities can count.

Under the clean portfolio standard, new hydropower, not the power from dams that span the rivers, but all other forms of new hydropower, such as power from small hydro projects and from lake taps, can count toward that renewable requirement. That is a very important difference.

In my State of Alaska, we tap the mountain lakes, those that have few fish. There is a hole that is literally drilled in the bottom. It runs the water into turbines, and this produces the power. About 40 percent of the power in urban Alaska comes from projects such as these. They have zero environmental impact. They do not affect the stream flows. They do not affect the fish runs.

So I have to look at the two different proposals and ask: How are we treating hydro? How are we treating runs of the rivers, the lake taps? How is that included in the proposals? I believe ignoring the potential for hydropower where it can be done without emissions and without any other environmental impact is a mistake and a needless mistake.

The clean portfolio standard also allows utilities to count not just the incremental nuclear power and the power from the next generation of nuclear, but it also allows you to count the power saved by energy efficiency programs. This is an area we all want to encourage. We want to encourage energy conservation and efficiency programs. This, I think we will all agree, is a justifiable addition to the bill.

Some will argue that the amendment waters down Congress's commitment to push renewable energy. I am just not buying into that argument. That is not the case. By increasing the standard to 20 percent from the 15 percent starting in the year 2020, we have offset any reduction in effort, but we have made the provisions more fair to all the States. As I mentioned, all States are not equal in their ability to produce renewable energy.

All State utilities can sponsor energy efficiency legislation. Most States are able to move toward nuclear power. Most States have some access to hydropower. Most States can benefit from landfill gases or from some forms of biomass. And all States can utilize fuel cells to reach a clean energy standard. But not all States have consistent wind patterns, have cloudless energy potential or good geothermal or ocean options.

I look at the State of Alaska, with our geography and with our considerable landmass, considerable coastline, and say we are blessed with incredible resources when it comes to renewable resources. We have incredible geothermal potential. We have strings of volcanoes up the Aleutian chain and even in our south central area. With a coastline the size we have in Alaska, we have potential from ocean energy that is unequaled anywhere else in the United States. We have, as I mentioned, incredible wind potential, and we are seeing that particularly in our coastal communities where we are able to put wind-generating units, offsetting the cost of diesel, which is what currently powers far too many of our communities in the State of Alaska.

My point is, we are blessed in Alaska with renewable energy options. Those in perhaps the southeastern part of the United States have already pointed out some of the very real concerns they have with a renewable standard. In the Pacific Northwest, if we are not counting any new hydro development, it makes one wonder: How will they be able to achieve the standards that have been set forth in a renewable portfolio standard if we cannot count the hydro?

I am concerned that we will move toward a one-size-fits-all solution. It is something we are wise to avoid; otherwise, we have electricity consumers in many of the States that will be better off by not having a Federal mandate at all but continuing under this patchwork arrangement of State renewable portfolio standards that are already being formulated. For them, it may be better to stick with that patchwork program than a Federal approach.

I have heard from the American Wind Power Association that the provision in this amendment that allows the Secretary to certify other clean energy sources to qualify in the future somehow creates a loophole that will harm renewable energy progress. But given the standards that are contained in the amendment, I don't believe this is a problem. All the provision does is allow new technology to be classified as renewable to benefit from the incentives this provision creates without waiting for Congress to act, which we all know can be a very lengthy process and one we really don't even want to count how long that can be.

As a strong supporter of renewables and a really strong supporter of wind energy, I am a huge proponent of wind energy. I am the sponsor in this bill of a grant program to have the Federal Government help pay up to 50 percent of the cost of renewable projects to help get the renewables over the hump of the higher construction costs. I want to work to encourage a rapid expansion of renewables. We need to increase renewable use in this country tenfold. We are currently at 2 percent. We need to get to 20 percent, and this is what is called for in the clean portfolio standard. But I think we need to be careful about narrowing the list of technologies so that we in the Government, we in the Congress are not picking the winners and losers; that we allow wind to compete with ocean energy, with geothermal energy; that we allow hydropower to compete with the advantages of energy efficiency programs.

We have to remember that if the Federal Government does not generously finance renewable power projects, consumers will be paying the bills for their construction through higher power rates. We have a fine line to walk between promoting renewables and raising the cost of electricity in some parts of this country too quickly and too high. That program, if you will, will harm low-income families and the competitiveness of the economy.

So while both proposals are admirable in very many respects—and I commend the chairman of the Energy Committee for his hard work in this area—I do believe the clean portfolio standard overall does a better job and is more fair to States that have different abilities to meet our renewable portfolio standard.

I urge my colleagues to study this, study it very carefully, and have an open mind when they cast their vote on these provisions.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I have made it a practice for the last—I don't know how long it has been now, 12-plus years in the Senate—that any time I see a major tax increase coming along, at least I want to voice opposition, to get on record against it. That is what we are talking about right now with the renewable portfolio standard that is before us.

I support development of renewable energy resources, as do the citizens of my State of Oklahoma. In fact, in 2006, Oklahoma was ranked sixth in the Nation for wind energy capacity, surpassed only by Texas, Minnesota, Iowa, California, and Washington State. Those are real turbines lighting over 150,000 homes in Oklahoma without an RPS.

Let me emphasize, Oklahomans are developing wind energy without a one-size-fits-all Federal mandate known as an RPS, renewable portfolio standard.

Quite a number of years ago I spent a number of years as mayor of a major American city. Its problems were not the ones you would think, not crime in the streets, not prostitution. It was Federal mandates that were not funded. This is exactly what we are looking at here.

Under this amendment, Oklahomans would pay an additional $6 billion for their electricity. You might ask where would that money go? It would go to perhaps the Federal Government to spend as it pleases, or it would go to other States that are lucky enough to have the particular energy sources that environmental groups decide today they want.

How does this promote clean energy in Oklahoma? It does not. The amendment cherry-picks technologies that have to be blessed by environmental groups but ignores the real clean energy benefits of nuclear power, hydro power, clean coal, and energy efficiency.

A kilowatt saved is a kilowatt earned. You can't get cleaner than energy efficiency, but it doesn't comply with the amendment.

The RPS amendment is nothing more than a tax increase. It is a tax on States that lack enough natural resources to meet the 15-percent mandate. It is a tax on States that do not harness the particular renewable technologies enshrined in this amendment, and it is a tax on States that do not happen to have electricity transmission lines located where the renewable resources are. The States, I believe, know best on how to promote and manage the renewable resources unique to their States without another Federal mandate.

We had this discussion this morning when I had my refinery amendment up. I said there is this mentality in Washington that no decision is a good decision unless that decision is made in Washington, DC. I think that is what we are looking at here. This is an issue that should be left to the States, not enacted in an RPS. The decision should not be preempted, especially not when the cost is $6 billion.

I know a lot of people are thinking, in terms of the things we talk about here in Washington, DC, $6 billion is not an astronomical amount. But take a State with a population of the State of Oklahoma. A $6 billion tax increase is huge, particularly when you do not get anything for it.

I hope we will oppose the amendment of Senator BINGAMAN on renewable portfolio standards.

Mr. KYL. Mr. President, I rise today in opposition to the Bingaman amendment relating to the renewable portfolio mandate. The Bingaman amendment would impose a 15-percent portfolio requirement for a limited number of so-called renewables by 2030. I oppose this amendment as I have opposed such proposals in the past because it is an egregious example of Federal command and control of the marketplace.

Renewables have been and will continue to be an important part of our energy mix. Hydropower, solar, geothermal, wind, municipal solid waste all make substantial contributions to our energy needs. These and the other power types—nuclear, clean coal, and natural gas—succeed in the market because they are cost-effective, not because the Federal Government has required them to be bought.

Congress has long supported renewable energy. That is one thing—Federal mandates are another. Fundamentally, I oppose Federal command and control of the marketplace. I have no doubt that any requirement that a particular percentage of electricity generation by renewables can be met. During World War II, through a tremendous expenditure of money and effort, we developed nuclear weapons when no one thought it was possible. During the sixties, no one thought it was possible to send a man to the Moon, but we did. A renewable portfolio mandate of any percent, be it 15 percent as proposed here or even 50 percent, is achievable—whether it be through actual generation of energy or through the purchase of credits from the Federal Government. But at what cost? What cost in terms of electricity rates to be paid by American consumers, estimated at over $100 billion by 2030, at what cost in terms of stifling technological advancement into other alternative sources of energy? Over the past 20 years, renewable technology has advanced by leaps and bounds, not because we ordered industry to generate more renewable power but because we gave incentives to generate new renewables. The Bingaman approach turns that on its head. Under the Bingaman amendment, renewable producers will gravitate to low cost, existing renewable sources. They will have no incentive to innovate and bring their costs down. The power generated will be sold almost regardless of cost.

The Bingaman amendment is nothing more than the Government deciding which type of energy is politically in favor and which type is politically out of favor. Right now, the wind industry is the big political winner. It is lower in cost than most renewables, currently gobbles up 95 percent of available tax credit, and has the largest lobby for the Bingaman amendment.

Wind-generated power has significant environmental problems we need to address. First, wind turbines take up lots of space to generate any significant amount of energy, making them poor for urban environments and problematic for landscape viewsheds, especially near our Nation's national parks. They are also dangerous for wildlife. The National Academy of Sciences stated in a report released this year that bats are at considerable risk in the Southwestern United States and elsewhere, where reliance on wind power has been growing. The wind-power turbines generate sounds and, possibly, electromagnetic fields that lure the acoustically sensitive creatures into the spinning blades. In addition, local bird populations are also at risk. NAS also stated that local bird populations, especially peregrine falcons and other raptors that are attracted to windy areas where the generators are likely to exist, are at risk and called for additional study. Raptors ''are lower in abundance than many other bird species, have symbolic and emotional value to many Americans, and are protected by federal and state laws.'' Besides these environmental impacts that must be looked at, the fact is, wind just doesn't blow enough in most parts of the country for this to be a viable source of energy for utilities across the country to rely on.

I believe the kind of energy utilities use to generate electricity should be based on the free market and consumer choice. If consumers want to buy the kind of renewable energy mandated by the Bingaman amendment, they are free to do so. Likewise, if they want to spend their money on something else, they should be free to do that too. Consumers are better able to decide what is in their own interest than government. Why should a family of four struggling to meet its monthly bills, to educate the kids, or help elderly parents be required—due to Federal political correctness—to purchase high-priced energy instead of meeting family obligations?

Over 20 States have already adopted their own renewable standards, including my home State of Arizona. They each did so, presumably, because those States decided it was in their citizens' best interests. I have long believed that decisions affecting people's lives and livelihoods should be made at levels of government that are closest to the people, not by bureaucrats in Washington.

Let's look at the problems with a Federal renewable portfolio mandate. First, as I said before, it picks certain politically favored renewable energy types for special treatment, ignoring what States have already decided to do on their own. The supporters of the amendment will tell you that is not the case and that State programs can continue, but that is only true if the State picked the same favorites this amendment does. For instance, what about Pennsylvania? Pennsylvania took a look at its energy availability and determined that coal to liquids made sense given its vast coal reserves. So coal to liquids counts toward meeting its State RPS. Under the Bingaman amendment, Pennsylvania would not be able to count this source toward the Federal mandate, in effect gutting its State RPS program and increasing the costs to consumers.

This example brings me to a basic problem with a Federal renewable mandate. Some regions of the country are blessed with abundant renewable resources, while others are not. The renewable mandate will create stupendous transfers of wealth from renewable-poor States to renewable-rich States. This means that consumers in New York City will send their hard-earned dollars to wind generators in Minnesota. Think about it. Consumers in New York City will pay for renewable electricity they don't even get. That is not fair. If the purpose of the renewable mandate is to lessen our dependence on foreign energy, there are better ways: nuclear power, clean coal, and oil and gas from regions of the United States that have been put off limits.

Let's face it, we have to have reliable sources of energy to meet the ever increasing consumer demand for electricity. However, the primary sources of energy that will be necessary to meet this mandate, wind and solar, are intermittent sources. What happens when the wind doesn't blow or the Sun doesn't shine? As we learned in economics 101, there is no such thing as a free lunch; consumers will pay. They will pay for the renewable energy and they will pay for the backup capacity that will come from what we know are reliable sources of energy—nuclear, coal and natural gas—to keep the lights on.

Mr. President, let me return to my fundamental concern about the renewable mandate. The Bingaman amendment gives the Federal Government the power to micromanage the marketplace with a one-size-fits-all mandate; I want States to determine the best mix to meet their energy needs and allow the free market to work. Thus, I will vote no on the Bingaman amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise today in support of the renewable portfolio standard offered by Senator JEFF BINGAMAN of New Mexico. The phrase ''renewable portfolio standard'' is a question most of us would fail on the final exam. What does it mean? To try to put it in the most simple terms, what we are trying to achieve here is the generation of electricity through means which meet the needs of our families, our businesses, and our economy, but create fewer environmental problems. That is it—renewable fuel. By doing this, we are going to end up with an environment which is kinder and cleaner for future generations.

Let's be very honest about this. Some of the people who oppose this renewable portfolio standard do not believe we have an environmental problem. They do not believe global warming exists. They do not believe climate change is an issue. They do not believe pollution is a problem. They can't understand why we are trying to change the way we generate electricity. If that is your point of view, I can understand why you would oppose the amendment of Senator BINGAMAN, because it seems like much ado about nothing. Why would we be spending all this time, all this effort, all this debate, and all this force in changing the way we generate electricity if everything is fine the way it is?

I am not one of those persons. I believe we do face some serious environmental challenges in the world today which, if they go unresolved and unanswered, will change the Earth on which we live. In fact, I think the process is underway. I do not think it is positive. I think the evidence is abundant that as we become more industrial in the world we live in, we have generated more smoke, more pollution, more greenhouse gases, and it is changing the world in which we live.

Some people will say that is what we expect to hear from the environmentalists, those extremists, those tree huggers. They have been singing this song ever since Earth Day was first created. But you know what is happening? There are some hard-headed businessmen coming to the same conclusion. When I visit a major insurance company in my home State of Illinois which has announced it is no longer going to write property insurance on Gulf Coast States for fear of the violent storms that are causing damage, it tells me this has gone beyond the musings of some people in the green movement. It now has become an economic reality, that the world is changing and in some respects not for the better.

If we know that to be true, the obvious question is what will we do about it? Listen to the debate on the floor, Senator after Senator coming in saying this is too complicated. This is the big hand of Government. It sounds like more taxes. It is going to force some change, pick winners and losers, let's put this off to another day. Let's get back to this next year or the year after.

I have heard that song before, over and over again. I do not believe the American people sent us to Washington to put off addressing the problems which we face in this Nation and this world today. We have to tackle them. Some of them are controversial. Some of them may not be popular back home. But we are sent here to make a decision. Even if the decision is uncomfortable for some, we have to understand it is important.

This renewable portfolio standard—a mouthful, if you will—requires retail electric utilities to include 15 percent renewable energy in their generation portfolios by the year 2020. We give a lot of flexibility to the utilities about how to reach this goal. They can generate this renewable electricity themselves—build wind farms or solar facilities. Some people say maybe these wind farms won't work. I did not know much about wind farms myself. What I read suggested my home State of Illinois was just OK when it came to wind energy. But now as I move around my State, I see big changes. In the Bloomington-Normal area, central Illinois, the Twin Groves project, they are in the process of building 240 wind turbines, huge turbines.

Sadly, they are made in Europe. I hope the day comes soon when more are made in the United States. But they are coming here to generate, with the wind blowing across the cornfields, electricity. It is a $700 million investment. It will generate enough electricity from these wind turbines spread out among the cornfields to take care of the needs of 120,000 families in central Illinois. At the end of the day, there will not be pollution added to the atmosphere. It will be natural wind power turning the turbines, generating the electricity for the families and businesses in that area. That is renewable electricity.

When it comes to solar power, I guess some people think that is a vestige of some musings back in the 1950s and 1960s, but it is not. Solar energy today is growing in its usage. You see it all over the United States, little solar panels that are now collecting enough energy to do little jobs. Then you take a look at the world scene and look at a country such as Germany, not a country you might single out as being a leader when it comes to solar energy. As a country, I doubt it has much more sunshine than parts of the United States. But 20 years ago the Germans made a commitment to solar energy and now that commitment is paying off. By guaranteeing return on investment, more and more solar panels are being installed and they are generating more electrical power from the force and power of the Sun. We can do the same.

How do you reach that goal, for more solar panels? You create incentives. How do you create these incentives? The Bingaman amendment. The Bingaman amendment says if you are an electrical power generating company, we want 15 percent of the power you generate by the year 2020 to come from sources such as wind and solar panels.

What is that going to do? It is going to change the nature of the solar power industry. There will be more companies, there will be more compensation, there will be more research, there will be more efficiency. When it is done, we will end up with the electricity we need to lead the good lives we have without creating a mess in this atmosphere that changes the climate and creates pollution, creates problems such as asthma and lung disease. We will be moving in the right direction instead of the wrong direction.

There will always be voices opposing this kind of change. It is too much for some people. It is a vision of the world they cannot imagine. It is addressing a problem which many of them do not even acknowledge and that is why you run into resistance.

Some say it is a great idea, but America is not up to this challenge; we can't generate the technology to meet this challenge. Come on. I disagree. There has not been a time in our history when this Nation has been challenged to achieve anything, from a man on the Moon to taming the atom, that we have not risen to the challenge. We can do it here and we must do it here. I believe in the creative genius of this American system of government and this economy.

If you believe in it, a 15-percent renewable portfolio standard is not a leap of faith. Of course, if the electric utilities do not have their own generating capacity through solar panels or wind power or other sources, they have an option under this to purchase credits from other utilities that do.

This is a market-based mechanism that Senator BINGAMAN's amendment addresses. It will drive competition into the renewable market without picking winners. It is basically going to say: We have some goals we have to meet; now who can do those best? Using the Energy Information Administration's data, a national 15-percent renewable portfolio standard would save American consumers $16 billion on their electric and natural gas bills by the year 2030; commercial customers would save $8 billion; industrial, $5 billion; residential, $3.3 billion.

A renewable portfolio standard will create jobs and income in rural areas. I know this for a fact; that is where I come from. I come from downstate Illinois, I have seen these wind farms, and they work. Each large-scale wind turbine that goes on line generates $1.5 million in economic activity and provides about $5,000 in lease payments per year for 20 years or more to a farmer, rancher, or landowner.

If you drive south of Rockford, IL, and go through a little town called Paw Paw, IL, that really was kind of disappearing on us, with a little cafe or two and a little gas station, all of a sudden people are paying attention. Why? Because they have about 20 wind turbines right next to Paw Paw, IL.

I stopped my car and went over to the farmer who lives in the shadow of these wind turbines. This man had a smile from ear to ear. He is getting a monthly lease payment for them to put the wind turbines on his property, and he has planted corn right next to these wind turbines. He is getting the best of both worlds—the lease payment and the production from his own land. He couldn't be prouder.

How did they end up putting those wind turbines in that tiny town? I can tell you why they put them there. Because the mayor of the city of Chicago, about 50 to 60 miles away, said to the utility company, the electric company supplying electricity to the city government, that they required—the city contract required a percentage of renewable sources of electricity. So this electric power company decided they needed to build some wind turbines. They built them, put them in Paw Paw, IL. They are now feeding electricity into the grid instead of burning coal or some other pollutant. They are trying to find a way to generate electricity and not make the environmental situation worse. It works. It is in smalltown America. It is in rural America, and it pays off.

We have over 100 megawatts of wind energy in Illinois already. A conservative estimate shows these turbines generate enough electricity currently to power 22,500 homes; another 300 megawatts under construction, and that would generate another 1,200 megawatts of electricity. If all of those projects are completed, Illinois will be generating enough electricity to power over 370,000 homes from this wind energy.

Now, with a 15-percent renewable portfolio standard, America would increase its total homegrown, clean, renewable power capacity 4½ times the present level. Senator BINGAMAN's amendment gives us 13 years to reach that goal. It is not unrealistic. In fact, I think one might argue we can do better. I hope we will.

Some States have already adopted standards far higher than what Senator BINGAMAN is suggesting as a national standard. With the abundance of renewable energy resources—the sun, the wind, the Earth itself—the technical potential of major renewable technologies could actually provide more than five times the electricity America needs.

There are limits of how much this potential can be used because of competing land uses and costs, but there is more than enough to supply 15 percent, maybe even 20 percent.

Twenty-one States and the District of Colombia have already established a renewable electricity standard. Illinois, for instance, has a goal of 8 percent by 2013; New York, 24 percent by 2013; Colorado, 16 percent by 2020.

By diversifying and decentralizing our energy infrastructure, increased reliance on renewables provides environmental, fuel diversity, national security, and economic development benefits for everybody. Increasing renewable energy will reduce the risks to the economy posed by an overreliance on a single source of new power supply.

Additionally, the 15-percent national standard will reduce carbon dioxide emissions by nearly 200 million metric tons per year by 2020—a reduction of 7 percent below the business-as-usual level. That is the equivalent—the Bingaman amendment is the equivalent of taking 32 million cars off the road.

Furthermore, the Energy Information Administration study found that a 20-percent renewable energy standard would reduce the cost to consumers of meeting four pollutant reductions from powerplants by $4.5 billion in 2010 and $31 billion in 2020, compared to meeting the emission reductions without a renewable standard.

I support this amendment. I believe that diversifying our electricity portfolio and encouraging the development of clean, renewable resources provides economic and environmental benefits to our country.

I would say to those who are engaged in this debate: Do not bemoan global warming, do not cry about climate change, do not say you really are concerned about pollution if you cannot accept the challenge of the Bingaman amendment. In the next 13 years, we can meet this goal. It is a challenge to America which we can meet and exceed. I am confident we will. In the process, we will find cleaner ways to generate electricity. We will create less pollution for the people who live in this country. We will end up with new technologies, new business opportunities that demonstrate the strength of this great country in which we live. We can meet this goal. We should not shrink away from it.

I thank the Senator from New Mexico for his leadership in bringing this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I don't know how much longer we are going to be here this evening. I have not been able to confer with Senator BINGAMAN on the timing. But I do not think we are going to be here very late. I am not sure—I mean, I am sure we are not going to vote on either amendment this evening. Nonetheless, there are a couple of Senators—at least one standing there—who have not talked today and who want to.

I am going talk for a little bit. First, I want to say to everybody—including the previous immediate speaker who spoke about what kind of people we are who think we have something better than Senator BINGAMAN—I want to say

that there is no animus between Senator BINGAMAN and PETE DOMENICI. We are friends, and it is almost difficult when people are saying: You do so many things together; how can you come up on opposite sides of this? Well, I just studied it as best I could, and I came up with what I thought was a better idea. We have to do that. That is what we are elected for. New Mexicans ought to be wondering what is cooking, but they also ought to know that he has an idea and I have a different idea built on it, and that is all there is to it. One or the other or neither will get adopted, and we will have a good exchange here on the floor to see what is really happening.

I do want to say that anybody who comes to the floor and talks about how much richer we are going to get by having a plan like Senator BINGAMAN's, the mandate for each State—I have not seen any estimate of the cost to the people of either Senator BINGAMAN's approach or mine. I have seen one of Senator BINGAMAN's plans—two of them, and none of them say you are going to make money; both of them say it is going to cost a lot of money to the taxpayers. One says a lot more than the other. So I guess they really don't know. EIA recently studied the 15-percent RPS mandate and found that it would cost $21 billion. But there was another one that was already done before that by Global Energy Decisions, and they said the cumulative cost to consumers would represent $175 billion over the 20-year life. But in both cases, they said it was going to cost money.

So I don't think anybody is going to get all excited about a statement down here on the floor that, among the many things, having a mandate that every State be the same, have 15 percent, nobody is going to get excited and stand up and jump here on the floor of the Senate with the idea that this is a good way for each State to make money. It is going to cost them money. It may be a great idea, and it may be worth it.

But I am here tonight to suggest—and I also want to say that the last speaker on the Democratic side, the Senator from Illinois, spoke also about some of us as if we do not believe in wind energy. Well, let me say, there are not too many Senators who came to the party here in Washington in helping wind energy. There are not too many who helped them more or came to help them sooner than this Senator. The Senate and the House have been helping solar energy to a fare-thee-well. We will continue to do that. But I can say to the wind industry that I have helped you all the way through, and now I note that you are out campaigning as hard as you can for this Bingaman proposal, this proposal by Senator BINGAMAN, this mandate. When you look at it and think about it, it is a mandate that we use more and more wind energy. That is what it is.

Now, I am not at all sure we are right in assuming that across this land the fundamental way to get things going right is for every State to march to the tune of getting to 15 percent of solar energy in their base. I am not sure that is the best thing for the United States. I think maybe when it was dreamt up, nobody thought there were any other alternatives. But there are, and certainly we are making a mistake in saying it is going to be the language of the Bingaman bill or nothing else when we already see that means wind for the next 20 years or more.

What I tried to say in mine was maybe there is something good about pushing States to change. But I provided alternatives for diversification.

I say to my friend from Montana, I do not know where you stand on a nuclear powerplant. If you have never had one in your State, you are not going to get one because they are building them right where they were. So States that had them are going to get nuclear powerplants within the next 10 years, many of them right where the existing powerplants are. All the Senator from New Mexico, the senior Senator, said was that if that is done during the lifetime of this program and you put in a new nuclear powerplant, you ought to get credit for that. And the only way I could think of was to call my portfolio the clean energy portfolio. That is what is it. And when you look at it that way—and I added to the availability of what is allowed, I added nuclear and I added some other things that I truly believe we should pursue with vigor, and I raised the ceiling to 20 instead of 15. Now, when you look at it, you get a chance of one or the other.

The distinguished Senator, my colleague from New Mexico, thought it was kind of unexpected that this bill had an opt-out and seemed to make of it as if that was something very bad. Look, we are open and sincere about our bill having an opt-out. When a State meets the goal, we see no reason for them to stay in. We think they ought to be able to get out. There is nothing that is naturally ideological or philosophical about it; it just seems there is no reason to keep them in. We have seen no good suggested from keeping them in, and so we think when they get through and meet their goal, they ought to be able, if they want to, to get out. If, in fact, they are already tied together because of electric lines and the like, they will not destroy all of that. There will still be relationships of those types which were built, and the ones that are needed will stay on. They will be there for a long time.

Let me say in closing that one from the other side of the aisle need not talk about those on this side of the aisle, including this Senator, as if we don't understand what wind energy is and we don't have enough dreams about solar energy. We understand both of them. We have funded both of them. We have put the identical tax benefit on both, the same as we have put on everything else.

Last year when we did them all, we gave them all a 27.5-percent tax credit, from nuclear power all the way down to solar, bio, and everything else. They all got the same. We had already begun funding wind power. Again, I say to the nuclear industry, but for the Congress of the United States, the truth is, there would be no wind industry, because without the tax credits we gave to make wind energy work, there would be no wind energy except in a few places. I am not saying that in any way negative. I am for it. I don't know how many more years we will have to give them this tax credit to push them over the hump, but I am going to do that because I believe they ought to move ahead. We are learning both sides of the wind energy delivery system. We are beginning to see some negative aspects to it. It was all positive at one time. Some people are reporting negative ones. Out in the country where we used to raise cattle, certainly anybody who leases their land is delighted. They make a lot more money out of wind turbines than they do trying to graze cattle. There is no doubt about that. Some of those cattlemen are extremely happy because they don't look like the old windmills. They are much different. But they pay well, so they are glad. They joined up with wind energy, those who are lobbying for them. They got all the property owners who are getting paid. They joined them. That is good. I don't know who is lobbying for the rest of the kinds of energy we want to put in so we have diversity.

All this is is a vote to distinguish the two. If you want diversity of clean energy, vote for Domenici. If you want to be tied rigidly by a Federal statute to what is almost all wind, vote for Bingaman. If you want to vote for letting those who have already met their goal opt out if they want, vote for Domenici. If you want to say they have to stay in, somebody ought to tell us all why and how long they should stay in, but if they are going to have to stay in and be rigidly construed as to what counts, then obviously, you have to vote for the Bingaman amendment.

We will have more discussion because everybody is getting well informed and asking questions. I don't know what is going to happen immediately after this. I assume the distinguished Senator from Montana will speak. He was next. I will be leaving and apologize in advance that I would not get to hear his speech about this bill. Maybe someday we can meet back up there in Montana on the campaign trail and he can talk about Montana and I can talk about I don't know what. He can tell me what to talk about. But it is good to be here with him on the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I thank the Senator for the kind words. I appreciate that. I look forward to having him in ''big sky'' country anytime he wants.

I rise in strong support of the Bingaman amendment. Change is difficult, if

you are young, if you are old, and oftentimes change is difficult in politics. But what we are talking about is a national energy policy, a long-term national energy policy that people and investors and consumers can depend upon. Within this national energy policy, there is an amendment called the Bingaman amendment that deals with the renewable energy standard.

Interestingly enough, back in 2005, in a former life when I was in the Montana Senate, I carried a bill for a renewable energy standard in Montana that increased the renewable energy portfolio by 15 percent by 2015. Let me tell you what happened there. The important parts of this bill were 8 percent by 2008 renewable energy in the portfolio, 10 percent by 2010, and 15 percent by 2015. That was the bill that we carried in the Montana legislature. What happened was, the first year they met the 8 percent. They will meet the 10 percent by next year, 2 years ahead of schedule. It is predicted by 2011, the independent-owned utilities will meet the 15-percent threshold, 4 years early.

The fact is, this amendment is not cutting edge. This amendment is what is right for the country, renewable energy. Everybody talks about wind. Wind is an important part of renewable energy. But geothermal is also another one. We haven't even tapped into the geothermal resources we have, and they are massive. That is a renewable energy. Biomass, small bore timber, wood waste products, crop byproducts to help power generators, that is renewable energy. Landfill gas is another one we haven't tapped into, a renewable energy. Electricity created by solar, by the Sun, is a renewable energy. Biofuels such as camelina, such as biodiesel, powering generators, that is renewable energy.

Make no mistake about it, when we talk about renewable energy, it is not just wind—although wind is an important factor—it is many different avenues we can go down that suit some parts of the country better than others. By the way, back in 2005, when we were dead last in wind energy production, that little renewable portfolio standard bill we passed took Montana from 50th to 15th in the Nation in renewable energy production. We see transmission lines being built in the State, something that wasn't done before. We saw a whole lot of wind generators go up in rural Montana, where jobs are most needed, where economic development is most needed, where we develop a tax base for our schools and counties in those areas that have seen depopulation, giving these areas hope.

What we are talking about is a long-term policy that will invest in America's consumers and this country. In the process, it will result in a 50-percent increase in wind generation, a 300-percent increase in biomass generation, a 500-percent increase in solar power, and it will reduce emissions by some 222 million tons per year by 2030. It is cheap. It is clean. It is a solution for the climate change issue. It diversifies our production as far as where the energy is produced. It diversifies the energy portfolio which is critically important.

If the Members of this body want to help move this country forward, help make this country energy independent and address the global warming issue, I recommend a ''yes'' vote on the Bingaman amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I yield to the Senator from Iowa for whatever time he wishes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ALTERNATIVE MINIMUM TAX

Mr. GRASSLEY. Mr. President, once again, as a leader of our party on the Finance Committee, I come to the floor to discuss one of the important tax issues that must come before Congress. That is the alternative minimum tax. I am sure many have noticed that the alternative minimum tax is frequently the subject of my many speeches. They may be wondering how long I intend to keep talking about it. The simple answer is I intend to keep talking about it—meaning the alternative minimum tax—until this Congress actually takes some action. Instead of taking action, this Congress has done absolutely nothing. The problem continues to get worse for millions of Americans who will be caught by the alternative minimum tax and are now being caught. It is this ''now being caught'' that I wish to emphasize, because when I speak about those now being caught by this alternative minimum tax, I am referring to those families who make estimated tax payments and who will be making their second payment for this quarter this Friday.

Last year, 2006, 4 million families were hit by the alternative minimum tax. This was 4 million too many. Of course, it is considerably better than what we know for the year we are in right now, when 23 million Americans, mostly middle class, will be hit by the alternative minimum tax. The reason we are experiencing this large increase this year is that in each of the last 6 years, Congress has passed legislation that temporarily increased the amount of income exempt from the alternative minimum tax. These temporary exemption increases have prevented millions of middle-class Americans from falling prey to the alternative minimum tax until now. While I have always fought for these temporary exemptions, I believe the alternative minimum tax ought to be permanently repealed because it was never meant to hit the middle class—and it is hitting the middle class—and because the class of people it was intended to hit, the superwealthy, are finding ways of getting around what was thought to be a bright-light idea in 1969. It is hitting maybe a few hundred people, finding that superrich class not even paying the tax. So it isn't serving the purpose it was intended to serve, and it will hit middle-class Americans who were never intended to be hit by it by 23 million this year.

One reason I have previously given for permanent repeal is it may be difficult for Congress to revisit the alternative minimum tax on a temporary basis every year, as we have for each of the last 6 years. From January 1 of this year until now, when the second quarterly payment is going to be made, proves me right, because nothing has been done. So the new Congress has yet to undertake any meaningful action on the alternative minimum tax. Several proposals have been tossed around by the other body, meaning the House of Representatives. I have discussed a few of them in my earlier speeches. I generally find these proposals lacking but completely agree with my colleagues that something needs to be done, at least I seem to agree. Despite assurances that the alternative minimum relief is an important issue, nothing has actually been put forward as a serious legislative solution.

This chart I am going to put up reflects how the alternative minimum tax has been handled by this Congress so far. It is kind of a smoke-and-mirrors example that I use because we have had numerous proposals talked about, but that is all, just talk. An academic discussion is not in any way a serious substitute for real action this Congress ought to take, as tomorrow people making their quarterly payments will attest to.

I have also come to realize the best way to learn about new proposals that deal with the alternative minimum tax is not to check for the new legislation in the CONGRESSIONAL RECORD but to check the daily newspaper. In the course of reading the Washington Post last Friday, I came across another trial balloon—I emphasize ''trial balloon''—for a new idea about the alternative minimum tax that was printed in the business section of the newspaper. A lot of people were out of town on Friday, so I ask unanimous consent that the article entitled ''Democrats Seek Formula to Blunt Alternative Minimum Tax'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 8, 2007]

DEMOCRATS SEEK FORMULA TO BLUNT AMT; ONE PLAN WOULD IMPOSE SURTAX OF 4.3% ON RICHEST HOUSEHOLDS

(By Lori Montgomery)

House Democrats looking to spare millions of middle-class families from the expensive bite of the alternative minimum tax are considering adding a surcharge of 4 percent or more to the tax bills of the nation's wealthiest households.

Under one version of the proposal, about 1 million families would be hit with a 4.3 percent surtax on income over $500,000, which

would raise enough money to permit Congress to abolish the alternative minimum tax for millions of households earning less than $250,000 a year, according to Democratic aides and others familiar with the plan.

Rep. Richard E. Neal (D–Mass.), chairman of the House subcommittee with primary responsibility for the AMT, said that option would also lower AMT bills for families making $250,000 to $500,000. And it would pay for reductions under the regular income tax for married couples, children and the working poor.

All told, the proposal would lower taxes for as many as 90 million households, and Neal said it has broad support among House leaders and Democrats on the tax-writing House Ways and Means Committee. ''Everybody's on board,'' he said.

Neal has yet to release details of the plan, however, and others inside and outside the committee say major pieces of it are still in flux. Some Democrats say Neal's plan stretches the definition of the middle class too far, providing AMT relief to too many wealthy households. They argue that the cutoff for families to be spared from the AMT should be lower, at $200,000, $150,000 or even $75,000.

''There is consensus to make sure that we have some responsible tax policy that will also treat taxpayers fairly. No one ever expected to be caught in the AMT making 75 grand,'' said Rep. Xavier Becerra (D–Calif.), a Ways and Means Committee member whose Los Angeles district is populated by working poor. ''We're trying to come up with a fix that does right by the great majority of Americans who fall into the middle class.''

The debate has focused attention on a different surtax proposed by the Tax Policy Center, a joint project of the Urban Institute and the Brookings Institution. That plan would eliminate the AMT and replace it with a 4 percent surcharge on income over $200,000 for families and $100,000 for singles, cutting taxes for 22 million households and raising them for more than 3 million.

''Our plan is as simple as can be. And only 2 percent of the whole population would have to pay it,'' said Leonard E. Burman, director of the Tax Policy Center. The plan has the added benefit of abolishing the complicated AMT at all income levels, Burman said, an approach some lawmakers find attractive.

On the other hand, fewer families' taxes would be cut, diminishing the ability of Democrats to capitalize on the plan politically. Since they took control of Congress in January, Democrats have made repealing or scaling back the AMT a top priority in hope of establishing tax-cutting credentials and seizing the issue from Republicans for the 2008 campaign.

The alternative minimum tax is a parallel tax structure created in 1969 to nab 155 super-rich tax filers who had been able to wipe out their tax bills using loopholes and deductions. Under AMT rules, taxpayers must calculate their taxes twice—once using normal deductions and tax rates and once using special AMT deductions and rates—and pay the higher figure.

Because the AMT was not indexed for inflation, its reach has expanded annually, delivering a significant tax increase this spring to an estimated 4 million households. The AMT would have spread even more rapidly after President Bush's tax cuts reduced taxpayers' normal bills, but Congress enacted yearly ''patches'' to restrain its growth. The most recent patch expired in December, and unless Congress acts, the tax is projected to strike more than 23 million households next spring, many of them earning as little as $50,000 a year.

House Democrats want legislation to spare those households while also lowering the bills of many current AMT payers. But they face numerous obstacles. In the Senate, Finance Committee Chairman Max Baucus (D–Mont.) favors AMT repeal but considers it too ambitious for this year. Baucus has said another year-long patch is more likely.

In the House, some Democrats argue that more time is needed to explain the issue to the public. The vast majority of households have yet to pay the AMT and may not fully appreciate the value of eliminating the tax, while the wealthy are sure to feel the bite of a new surtax.

''I don't think there's enough of an understanding right now that you've got this tidal tax wave about to hit everybody,'' said Rep. Chris Van Hollen (D–Md.), a Ways and Means Committee member who is also chairman of the Democratic Congressional Campaign Committee. ''From a political perspective, we need to lay the groundwork.''

Before the Memorial Day break, Ways and Means Committee Chairman Charles B. Rangel (D–N.Y.) said he hoped to announce an AMT proposal as soon as Congress returned to Washington. But his timetable has slipped to late June, Democratic aides said, with the issue set to go before the full House sometime in July.

Republicans generally oppose new taxes on the wealthy, saying they disproportionately affect small businesses, but are waiting to hear more before deciding whether to work with Democrats or offer their own plan to abolish the AMT.

''House Democrats are going to have to find their sea legs on this issue fast,'' said Rep. Phil English (R–Pa.), the senior Republican on the Ways and Means tax subcommittee. ''Folks seem to be launching a lot of trial balloons, and it's all very festive. But I don't have enough really to react to yet.''

Mr. GRASSLEY. The concept underlying the alternative minimum tax fixes highlighted in this article in the Washington Post is that the alternative minimum tax could be abolished for families and individuals making less than a given amount, and that the resulting revenue loss would then be offset by a surtax—I want to emphasize: creating a new tax, a surtax—on what the article refers to as our ''nation's wealthiest households.''

Now, when they use the term the ''nation's wealthiest households,'' remember that was the whole concept of the alternative minimum tax in the first place, in 1969, to tax a few thousand people with this tax, and now they are not even being hit by it.

I will bet you, you could have this surtax, and you are still going to find people who can hire the best lawyers to avoid paying that tax. When I say ''avoid paying that tax,'' I mean avoid paying that tax in a legal way, not in a way that is extralegal.

There are two basic proposals that have been laid out in that Washington Post article. One of them, put forward by a member of the Ways and Means Committee of the other body, would use a 4.3 percent surtax on income over $500,000 to offset the elimination of the alternative minimum tax for people earning less than $250,000 a year.

Now, it is estimated in the article that the surtax of 4.3 percent would affect about 1 million families. It is also suggested the alternative minimum tax bills would be decreased for families earning between $250,000 and $500,000 yearly as part of this option. Now, I am not sure how individuals would be treated in this plan.

Interestingly, immediately after the insistence that this option enjoys a great deal of support, the article notes that details of the plan have yet to be released. In the tax world, the devil, of course, is in the details. So I am curious as to exactly what it is that is enjoying this broad political support.

I will note that Ways and Means members have now denounced—now denounced—this label they have applied to this 4.3 percent tax. They have denied the ''surtax'' label.

So, Mr. President, I ask unanimous consent to prove what I said, that an article from Tax Notes Today be printed in the RECORD. That is a publication dated June 13, 2007.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Tax Analysts, Tax Notes Today, June 13, 2007]

WAYS AND MEANS DEMOCRATS TAKE OFFENSE TO NOTION OF SURTAX

Both House Ways and Means Committee Chair Charles B. Rangel, D–N.Y., and committee member Richard E. Neal, D–Mass. have said that while their plan to reform the alternative minimum tax will likely be paid for by increasing taxes on the wealthiest taxpayers, claims that they plan to create a ''surtax'' on the rich are unfounded.

''We have not agreed to any surtax,'' Rangel told reporters June 12. ''But that might be another way to say that we're going to adjust the rates to make up for what we don't raise in terms of all the loopholes and knocking out credits and looking for this $340 billion [in the tax gap].''

Neal also objected to the notion of a surtax in comments to Tax Analysts on June 11, although he did not completely rule out the possibility of using the proposal when his plan is finally introduced.

''Obviously we're going to ask 1 million people to help pay for tax relief for 92 million people,'' Neal said.

The idea of a surtax to pay for the Democrats' AMT reform proposal was first proposed in a May 23 Urban-Brookings Tax Policy Center paper in which Len Burman and Greg Leiserson argued that the AMT should be repealed and replaced with a surtax of 4 percent on adjusted gross incomes above $100,000 for singles and above $200,000 for married couples. That change would lead to a more progressive tax system and would be approximately revenue neutral over 10 years, they said. (For the paper, see Doc 2007–12677 or 2007 TNT 102–36.)

Although the details of the Democratic AMT plan have not been released, subsequent media reports have claimed that Ways and Means Democrats plan to employ a surtax in their effort to comply with House ''pay as you go'' budget rules.

House Majority Leader Steny H. Hoyer, D–Md., acknowledged that the idea of a surtax is under consideration by the Ways and Means leaders, but said he was unwilling to ''prejudge'' whether Democrats in the chamber would ultimately support that proposal. He added.that pay-go rules will require lawmakers to make difficult choices when it comes to offsetting the costs of any AMT reform legislation.

''What we want to do is fix the AMT permanently and fix it in a way that does not add to the deficit,'' Hoyer said. ''We adopted pay-go. We believe in pay-go.''

Rangel and Neal have also repeatedly said that they are committed to complying with pay-go rules, and Rangel said all revenue-raising options are on the table.

''There's nothing we're not considering in terms of raising revenue to take care of the AMT and expand the child credits,'' said Rangel.

Rangel's committee is expected to mark up its AMT reform legislation in July, with House floor consideration likely to come the same month. The committee's AMT plan is expected to exempt from the AMT taxpayers earning less than $250,000. Those earning above $500,000 would see an increase in their AMT liability, while taxpayers earning between $250,000 and $500,000 would see a reduced AMT liability. Several other proposals to benefit lower-income taxpayers—including expansion of the earned income and child tax credits—are also expected to be part of that proposal.

Mr. GRASSLEY. Now, the other plan comes from our friends at the Tax Policy Center. In a similar plan to the one I just discussed, a 4-percent surtax would be charged to individuals with adjusted gross incomes above $100,000 and couples with incomes above $200,000. The surtax would apply to income above those thresholds, and the thresholds would be indexed for inflation after the year 2007. Under this option, the alternative minimum tax would be completely repealed.

To give an idea of how many people would be hit by this surtax, according to IRS statistics of income, in the year 2004—the latest year we have information available for—there were 1,427,197 returns filed by singles reporting adjusted gross incomes of at least $100,000. In the same year, married persons filing jointly numbered 2,569,288 returns reporting adjusted gross incomes above $200,000.

Mr. President, 2004 is the most recent year we have for this data. I realize the proposal hits singles with incomes greater then $100,000 and my numbers would include someone with an income exactly at that amount, but we can see the Tax Policy Center's plan would impact roughly 4 million singles and joint filers. It would likely impact more than that, since my numbers do not include heads of households or other categories, but you get the idea, I hope, that a lot of people would still be impacted.

Now, as I said before, I am glad people are thinking about the alternative minimum tax and realize it is a very real problem out there and, specifically, this year, for 23 million middle-income-tax people who would not otherwise be hit. But as I have discussed more and more of these proposals with you, I have started to see them—as my chart indicates—as more smoke and mirrors than actual, real legislative proposals.

For one thing, legislation is not introduced in a newspaper—even from the prestigious Washington Post. I keep hearing about proposal after proposal, but nothing is actually done. Everyone seems to agree something needs to be done and needs to be done quickly, but the discussion does not go further from that point.

I spoke about the alternative minimum tax at the beginning of this Congress, in January and when the first quarterly payment was due. I am here now that the second quarterly payment is due. I bet I will be here when the third quarterly payment comes due, saying largely the same thing I am saying right now.

Aside from the fact that Congress does not seem to be under any pressure to actually take action, all of the proposals I have discussed here share the same major flaw in that they seek to offset any revenues not collected through reform or repeal of the alternative minimum tax. Notice I said ''not collected.'' And I did not use the word ''lost.'' This distinction is important for the simple reason that the revenues we do not collect as a result of alternative minimum tax relief are not lost because the alternative minimum tax collects revenues that were never supposed to be collected in the first place.

Let me emphasize that. We cannot talk about lost revenue because we are talking about 23 million people being hit by the alternative minimum tax who were never supposed to be hit by the tax in the first place. The alternative minimum tax collects revenues it was never supposed to collect in the first place. Originally conceived as a mechanism to ensure high-income taxpayers were not able to completely eliminate their tax liability, the alternative minimum tax has failed.

In 2004, IRS Commissioner Everson told the Finance Committee the same percentage of taxpayers continues to pay no Federal income tax. So the alternative minimum tax is not even working for those who were supposed to pay it. This was originally created in that first year with just 155 taxpayers in mind. Of the two plans I discussed earlier, the one that would impact the lower number of filers would still hit about 1 million families. See how 155 has grown to 1 million families?

Finally, if we offset revenues not collected as a result of alternative minimum tax repeal or reform, total Federal revenues are projected to push through the 30-year historical average and then keep going.

This chart I have in the Chamber, which is reproduced from the nonpartisan—I want to emphasize ''nonpartisan''—Congressional Budget Office's publication called ''The Long-Term Budget Outlook,'' issued in December 2005, illustrates—as you can see by the red mark—the ballooning of Federal revenues.

The alternative minimum tax is a completely failed policy that is projected to bring in future revenues it was never designed to collect—and 23 million people being hit this year by it. A large share of that 23 million people being hit by it now in the second quarterly estimate they are filing is absolute proof of people being hurt by a tax that was never supposed to hit them in the first place.

Of course, the best solution to this mess would be S. 55, and that is called the Individual Alternative Minimum Tax Repeal Act of 2007. It is a bipartisan bill introduced by Senator BAUCUS, the chairman of the Finance Committee, and this Senator, along with Senators CRAPO, KYL, and SCHUMER. Senators LAUTENBERG, ROBERTS, and SMITH have also later signed on as cosponsors.

While permanent repeal without offsetting is the best option, we absolutely must do something to protect taxpayers immediately, even if it involves a temporary solution such as an increase in the exemption amount. Of course, if we do not do that, we are going to be in the same fix next year, and I will be making the same points at that particular time.

This Friday, taxpayers making quarterly payments are going to once again discover the alternative minimum tax is neither the subject of an academic seminar nor a future problem we can put off dealing with. It is the real world for those taxpayers filing Friday. They are being hit by it. The alternative minimum tax is a real problem right now, and if this Congress is serious about tax fairness, we need to stand up and take action on the alternative minimum tax.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me speak briefly. I know my colleague, Senator SANDERS, is in the Chamber and wishes to speak. I will not delay him long.

Let me make three brief points with regard to Senator DOMENICI's second-degree amendment. What that amendment does is it does three things to the renewable portfolio standard I have sent to the desk.

First of all, it starts out by saying: Since it is a requirement that you produce a certain percent of the power you are selling from renewable sources, let's take the base amount of power you are selling and redefine it so it is smaller. It does that by saying: OK, if you are selling any power you produce from nuclear sources, that does not count in the base. So that automatically eliminates 20 percent of the electricity being sold in this country today.

It says: OK, that way, you can suggest to people we have a 20-percent goal here—whereas the one I have sent to the desk is only 15 percent. But you do not need to be a mathematician to realize that after you take the 20 percent out, and you take 20 percent of 80 percent, then you are getting down to 16 percent. So, essentially, there is some smoke and mirrors going on there.

Second, they say: OK, let's redefine how you can meet that requirement, that 16 percent requirement, which is what it, in fact, is. They say: You can meet it by using any of the renewable sources the Bingaman amendment allows for; and that is, biomass, solar,

wind, geothermal, tidal energy. Those are all options. In addition, if you want to build another nuclear plant, that counts. If you want to improve energy efficiency, that counts. If you want to adopt some demand response programs to reduce demand, that counts against your requirement. If you want to use the capture and storage technology, that counts. The Secretary is given authority to identify other things that could count, too, which are unspecified in the bill.

So, essentially, what you wind up—and then the final thing it does with our amendment is it says: If you are a State that has some kind of program, and you think it is pursuing the same—I will read the exact language. It says:

If the governor of a State submits to the Secretary a notification that the State has in effect and is enforcing a State portfolio standard that substantially contributes to the overall goals of the Federal clean portfolio standard under this section, then the State may elect not to participate in the Federal program.

So, essentially, it is an invitation to States to adopt something and then opt out, which I think undermines what we are trying to accomplish.

Essentially, the way I read the amendment by my colleague, his second-degree amendment would basically say: Let's put together this complicated trading system to keep track of what utilities are doing, but, in fact, it is designed essentially to mirror what they are already planning to do at any rate. It doesn't require them to do anything different.

The amendment I have sent to the desk does require them to do some things differently. They are going to have to actually start either producing energy from renewable sources, buying energy that has been produced from renewable sources by someone else, buying credits from someone else who has produced more renewable energy than they, in fact, needed, or pay a compliance fee to the Secretary of Energy. So we have some real teeth in our provision.

Now, it is not as strong as some Senators would like. I know my colleague, who is about to speak, will speak to that issue, and I know Senator KERRY from Massachusetts feels very strongly that this is not a strong enough requirement that I have suggested. But I would suggest to anyone who is studying these issues, the proposal I have made is a vastly stronger proposal than the one that my colleague, Senator DOMENICI, has proposed as an alternative.

I urge my colleagues to study both amendments tonight and perhaps tomorrow we can get a vote on both amendments. Also, I know Senator KERRY would like an opportunity to propose that we have even a stronger standard. I think he should be given that opportunity.

Mr. President, I ask unanimous consent that three letters—one from Constellation Energy, one from a large group of environmental organizations, and then another one from a separate group of environmental organizations—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSTELLATION ENERGY,
*Baltimore, MD, June 13, 2007.*

Senator JEFF BINGAMAN,
*Chairman, Senate Energy and Natural Resources Committee, Hart Building, Washington, DC.*

DEAR CHAIRMAN BINGAMAN: Constellation Energy is a Fortune 200 competitive energy company based in Baltimore, Maryland. We are the nation's leading supplier of competitive electricity to large commercial and industrial customers and one of the largest wholesales power sellers. We serve approximately 57,000 megawatts of load on a daily basis, which is equal to the amount of electricity consumed by the State of California daily. Additionally, we are one of the largest renewable energy credit suppliers in the northeast.

We believe that it is time to enact a nationwide, market-based renewable portfolio standard and we support your efforts to amend S. 1419, with your RPS amendment mandating a 15% standard by 2020. As you know, the State of Maryland also has a renewable portfolio standard, which we supported. That law also takes into account a market-based mechanism to achieve its objectives. In addition to generating or purchasing renewable energy in Maryland, electricity providers have the option of complying with the standard by making Alternative Compliance payments (ACP). The Maryland law directs ACPs to be paid into the Maryland Renewable Energy Fund, the purpose of which is, ''to encourage the development of resources to generate renewable energy in the State.'' The Maryland law goes on to say that, ''. . . the Fund may be used only to make loans and grants to support the creation of new . . . renewable sources in the State.''

We are somewhat concerned that your amendment may create a situation where electricity providers and, by proxy, our customers, may end up paying duplicatively for a separate federal and state program because of uncertainty regarding your definition of, ''direct associations with the generation or purchase of renewable energy''.

We think this issue should be surmountable and would like to work with you on this concern as your provision moves through the legislative process.

Finally, we appreciate your long standing support of nuclear power and want to continue our efforts to bring the next generation of nuclear power plants to this country.

Sincerely,

PAUL J. ALLEN,
*Senior Vice President, Corporate Affairs, Constellation Energy Group.*

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JUNE 13, 2007.

VOTE YES ON THE BINGAMAN RENEWABLE PORTFOLIO STANDARD, VOTE NO ON THE DOMENICI CLEAN PORTFOLIO STANDARD

DEAR SENATOR: On behalf of our members and supporters nationwide, we urge you to support the amendment by Senator Bingaman to create a national Renewable Portfolio Standard (RPS) in energy security legislation now being considered on the Senate floor. Adopting a RPS would enhance national energy security by diversifying our sources of electricity generation and would also have substantial environmental benefits, such as reducing the emissions of greenhouse gases.

We urge you to oppose the ''Clean Portfolio Standard'' amendment by Senator Domenici that allows new hydropower to qualify as new renewable energy under a RPS. Existing hydropower generation comprises about 7% of the nation's net electricity production. The RPS should be reserved for emerging technologies that need help to enter the marketplace. Hydropower, a mature technology that has not advanced significantly since the 19th century. Allowing new hydropower into a RPS would usher in a new era of dam building, destroying our nation's last remaining free-flowing rivers and encourage developers to retrofit existing dams, many of which have significant environmental impacts or pose a threat to public safety.

While hydropower is an important source of energy, this energy comes at a great cost to the health of our nation's rivers and communities. Many hydropower plants pipe water around entire sections of river leaving them dry, or worse, constantly alternating between drought and floodlike conditions. Hydropower turbines can chop fish into pieces, and can even change the temperature and basic chemistry of the water, harming fish and wildlife. Hydropower's impacts have even caused the extinction of entire species.

We urge you to support the Bingaman Renewable Portfolio Standard and oppose the Domenici Clean Portfolio Standard.

Sincerely,

American River, American Whitewater, Appalachian Mountian Club, California Outdoors, California Sportfishing Protection Alliance, California Trout, Catawba-Wateree Relicensing Coalition, Coastal Conservation League, Columbia Riverkeeper, Connecticut River Watershed Council.

Central Sierra Environmental Resource Center, Foothill Conservancy, Foothills Water Network, Friends of Butte Creek, Friends of Living Oregon Waters, Friends of the Crooked River, Friends of the River, Georgia River Network, Hydropower Reform Coalition, Idaho Rivers United.

Michigan Hydro Relicensing Coalition, Missouri Coalition for the Environment, New England FLOW, New York Rivers United, Northwest Resource Information Center, Northwest Sportfishing Industry Association, Oregon Wild, Republicans for Environmental Protection, River Alliance of Wisconsin, San Juan Citizens Alliance.

Save Our Wild Salmon Coalition, The Lands Council, Trout Unlimited, Upper Chattahoochee Riverkeeper, Utah Rivers Council, Vermont Natural Resources Council, Washington Kayak Club, West Virginia Rivers Coalition, Western Carolina Paddler.

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JUNE 13, 2007.

DEAR SENATOR: On behalf of the undersigned organizations, we urge you to support the Renewable Electricity Standard (RES) to be offered by Senator Bingaman.

The Bingaman RES amendment would require utilities to obtain at least 15 percent of their electricity from clean renewable energy sources by 2020. A recent analysis by the Union Concerned Scientists found that the Bingaman amendment would save consumers $16.7 billion on their energy bills, while reducing global warming emissions by the equivalent of taking 41 million cars off the road. The standard will diversify our energy supply with American-grown energy resources create thousands of good new jobs, and generate millions of dollars for farmers, ranchers, and local communities.

We urge you to oppose the Domenici amendment.

The Domenici amendment would severely curtail our ability to deploy clean renewable resources and stall investment in a clean renewable future. Because it includes nonrenewables, coupled with huge state and federal waivers, the Domenici amendment

would fail to guarantee any of the benefits for consumers, large energy users, and farmers and ranchers contained in the Bingaman amendment

For example, the Domenici amendment would:

Waive requirements for state to participate in the program if the governor found state programs to be ''substantially contributing to the overall goal.'' This vague language could stifle investment in renewables and cripple the federal trading program that assures the lowest possible cost for renewable energy.

Weaken renewable requirements by including non-renewables such as nuclear power. These provisions would subtract all existing nuclear generation from the utilities renewables requirement, give utilities credits for already-planned and economic capacity upgrades, provide a windfall for the poorest performing nuclear plants of the last 3 years, and give credits for building new nuclear power plants that are already heavily subsidized in the 2005 Energy bill. These nuclear bailouts and subsidies would reduce the potential contribution of new renewable energy from the Bingaman proposal.

Allow utilities to receive credits for ''an inherently low-emission technology that captures and stores carbon'' without defining what that technology might be or assuring how much, if any, of the carbon actually gets stored, or how permanent such storage is.

Allow DOE to designate ''other clean energy sources'' to qualify for clean energy credits without any restrictions on the Secretary.

Undercuts the development of new renewables by including all ''new'' hydropower. This would encourage new dam construction irrespective of the potential for significant environmental impacts these facilities can have. The Domenici amendment would reverse the compromise language in the Bingaman amendment that would permit ''incremental'' hydro power that encourages new hydropower generation while protecting natural resources.

Includes electricity savings from energy efficiency and demand-response programs, which will further erode the national energy security, diversity, economic, and environmental benefits of developing new renewable energy sources. While we support a separate standard for energy efficiency and demand-response, the Domenici amendment would create a zero sum game between efficiency and renewable energy by forcing them to compete under the same standard.

Overall, the combined effects of allowing nuclear, efficiency, demand-response, as well as new hydro, and other non renewable clean energy sources to qualify for the standard-without any restrictions—would greatly reduce, and potentially eliminate, the development of new renewable energy sources and the corresponding economic and environmental benefits.

We urge you to support the strong Bingaman RES amendment and oppose weakening amendment such as the Domenici amendment, as it would take us backwards, not forwards on energy policy.

Sincerely,

EarthJustice, Environmental Law and Policy Center, Greenpeace, National Audubon Society, National Environmental Trust, Natural Resource Defense Council, Sierra Club, Southern Alliance for Clean Energy, Union of Concerned Scientists, U.S. Public Interest Research Group, Western Organization of Resource Councils.

## MORNING BUSINESS

Mr. BINGAMAN. Mr. President, at this point I ask unanimous consent that the Senate now be in a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

## ENERGY

Mr. SANDERS. Mr. President, let me thank Senator BINGAMAN for his leadership efforts in addressing one of the major crises facing our country. I thank Senator DOMENICI as well.

As Senator BINGAMAN just indicated, I would go further than he is going in his proposal. I think he has made an important step forward, but I think given the gravity of the situation we face, it is imperative for the future not only of our country but for the future of our planet that we seize this moment and we be bold and we be aggressive because if we are not, what the scientific community is telling us is that the results could be catastrophic.

When thousands of scientists from the Intergovernmental Panel on Climate Change tell us with 100 percent certainty that global warming is real, and with 90 percent certainty that it is manmade, we should listen. When these scientists tell us that today, in terms of the melting of glaciers and permafrost, in terms of the increase in drought around the world, the increase of forest fires we are seeing in the United States, in terms of the loss of drinking water and farmland all over the world today, it would be absolutely irresponsible not only for us but for future generations if we did not stand up and say we are going to do everything we can to lower greenhouse gas emissions and reverse global warming.

I have introduced legislation—which the Presiding Officer is one of the cosponsors of and was introduced with Senator BOXER—which, in fact, would lower greenhouse gas emissions by 80 percent less than where they were in 1990. I think that is the type of aggressive effort that we need. If Senator KERRY offers his amendment to make sure 20 percent of the electricity we produce in this country comes from renewables, I will strongly support that legislation. Fifteen percent, as Senator BINGAMAN has proposed, is a good step forward, but it does not go far enough.

The bad news is that as a nation, we are lagging far behind the rest of the world, or many countries in the world, in going forward in terms of energy efficiency and sustainable energy. The bad news is that today in America, in terms of transportation, we are driving vehicles which, if you can believe it, get worse mileage per gallon than was the case 20 years ago. Meanwhile, several weeks ago, I was in a car which was a retrofitted Toyota Prius which gets 150 miles per gallon. Yet, as a nation, on average we are driving vehicles which get worse mileage per gallon than we had 20 years ago.

All over our country, we are lacking in public transportation. In Europe, in Japan, in China, their rail systems are far more sophisticated and advanced than we are. Our roadways, from Vermont to California, are clogged with cars, many of them getting poor mileage per gallon. Yet we are not investing and creating jobs in mass transportation. But it is not only transportation that we are lacking in, studies have indicated that if we make our own homes more energy efficient, we can save substantial amounts of energy.

Some estimates are, if we do the right things, we could cut our energy expenditures by 40 percent—40 percent. Yet there are millions of homes in this country inhabited by lower income people who don't have the money to adequately insulate their homes, put in the kind of roofs they need, the kind of windows they need, and we are literally seeing energy go right out of the doors and the windows because we are not adequately funding weatherization. But it is not just lower income people. Many middle-class families are also in homes that are inadequately weatherized, inadequately insulated.

One of the things I have long believed as I have studied this issue of global warming is that not only do we have the moral imperative to reduce greenhouse gas emissions significantly so that we can reverse global warming, but in that process we can seize this crisis, respond to this crisis, and create some very golden opportunities in terms of creating good-paying jobs. If you look at those areas in the world where they have moved most effectively in terms of reducing greenhouse gas emissions, such as Germany, many countries in Europe, and our own State of California, the result has been, yes, there has been economic dislocation, but at the end of the day, they have created a lot more jobs than they have lost.

I have worked with groups such as the Apollo Project, which is a group that brings together labor organizations as well as environmentalists, that say: How do we move toward lowering greenhouse gas emissions and creating good-paying jobs? The opportunities are sitting right in front of us.

Detroit has lost billions and billions of dollars year after year by building cars that many Americans no longer want. Maybe if we move toward energy-efficient cars, people might start buying those cars, and instead of laying off workers, maybe we can create more jobs. Think of the jobs we can create as we build a rail system that we are proud of. As cities like Chicago and New York and other cities rebuild their antiquated subway systems, we can create jobs doing that.

We can create jobs all over this country in terms of energy efficiency. As we move toward biofuels, I can tell my colleagues that in my State of Vermont, our small family farmers are struggling very hard to stay on the

land. There is a lot of evidence out there that we can create significant income for family-based agriculture as we move to biofuels, not only in Vermont but all over this country.

The good news is there is a lot of good, new technology out there. That means we have the opportunity right now to build the cars of the future. I was in an electric car last month which now has a range of 200 miles—200 miles in an electric car. That is far more than most people use in a day. There is potential there as well.

If we look at what is going on in the world right now, the fastest growing source of new energy is wind. There is huge potential in terms of the growth of wind technology. One of the reasons I am supporting the strongest possible energy portfolio is that I want to see the wind technology exploding and growing all over this world. The more that is produced, the cheaper it will become. When I talk about wind, we are not just talking about large wind farms, as important as that is, as part of the energy mix. We are talking about small wind turbines which we believe in 5 or 6 years will be available for $10,000, $12,000, $14,000 that on average can provide half of the electric needs a rural house might need.

Look at what is going on in California right now. I think we owe a lot to our largest State for leading us in a direction that the rest of our country might want to emulate. In California now what they are saying is that in 10 years they want, and have funded, the need for 1 million photovoltaic units on rooftops throughout California—1 million. In California, what they are saying is they can provide significant incentives to those people who want to install photovoltaics. There is huge potential in this country moving toward solar energy. One of the issues that concerns me and saddens me is that the technology for solar energy, which was originally developed in the United States, has now moved abroad.

Think of all of the jobs we can create if we as a nation had the goal of saying, in 10 years we will have 10 million rooftops in America using solar energy. Think how many jobs we can create by people installing those units. Think of the jobs we can create as American factories start producing those photovoltaic units—not in China, not in Japan, not in Germany, but producing them right here in the United States of America. But to do that, we are going to need the policies such as net metering, which says if I own a photovoltaic unit and I produce more than I am consuming, it goes back into the grid and I get paid for that, as they are doing right now in Germany.

It means if I am a middle-income person who cannot afford the $30,000 I need to install that photovoltaic unit, I am going to need some help, and it may be a lot more than the type of tax credits we are now providing. I think we could learn from California, which is encouraging people in a much more generous way than we are doing.

It is quite similar for wind production as well; that is, the production tax credit should be significantly increased and the investor tax credit should be significantly increased as well.

Some people might say: Well, Senator SANDERS, this will cost a lot of money. They are right. It will cost a lot of money. But I would remind my colleagues that not too long ago on the floor of this Senate a significant number of Senators voted to repeal the estate tax completely—repeal the estate tax completely—which would cost our Government $1 trillion over a 20-year period. All of those tax breaks are going to the wealthiest three-tenths of 1 percent of the population, the very wealthiest people in America.

Well, if some of my friends think we have the resources to provide $1 trillion in tax breaks to the wealthiest three-tenths of 1 percent, I would argue that we have the resources to incentivize the American people to purchase automobiles and other vehicles that get good mileage per gallon, incentivize and help people to put photovoltaic units on their rooftops, and incentivize and help people in rural America to purchase small wind turbines which could provide a substantial amount of electricity for their homes.

So the good news is that today, unlike 20 or 30 years ago, what we can say in honesty is that the technologies now are available in terms of transportation and energy efficiency.

Last month I talked to a major manufacturer of electric lights. What he told me is that in 4 or 5 years, there will be lights on the market, LED lights, which will last for 20 years when plugged in and consume about one-tenth of the electricity that is currently being consumed. Those are the kinds of breakthroughs we are making right now.

What we have to do as a Senate right now is provide the incentives to the American people to go out and purchase the lightbulbs which today might cost, if it is even a compact fluorescent lightbulb, more than an incandescent lightbulb, but in the long run, you save money. But we have to help those who do not have the money to do that.

An argument could be made that if the Federal Government helped every American purchase compact fluorescent lightbulbs and pay for those lightbulbs, we probably will save money in the long run without needing to build new powerplants, and certainly we would be making a major investment in lowering greenhouse gas emissions.

I conclude by saying that we would be absolutely irresponsible if we did not stand up to the big oil companies, the big coal companies, and all of those people who want us to continue to go along the same old path. We would be irresponsible because we would not be bringing about the changes we need to protect our kids and our grandchildren and, in fact, the very well-being of our planet.

I hope that as this debate continues for the rest of this week and into next week, that what we understand is that there is an absolute moral imperative that we act as boldly as we can to lower greenhouse gas emissions, that we act as boldly as we can to break our dependency on fossil fuels, that we be prepared to be a leader in the world in terms of moving toward energy efficiency, and that we embrace the new technologies that are out there in terms of solar energy, wind energy, geothermal, and other energies.

The more we invest, the more we produce, the more breakthroughs we will see. There are extraordinary opportunities out there, and if we do the right things, if we get our act together, 30 years from today the kind of energy system that exists in this country will look very different than the one that exists now. Not only will we be able to lower greenhouse gas emissions and reverse global warming, we are going to clean up the planet, which I think will go a long way to prevent many types of diseases that currently exist.

Now is the time for boldness, now is the time for the United States not to continue being a laggard behind other countries on this issue but becoming a leader around the world. It is not good enough to criticize China and India. What we need to do is become a leader and reach out and help those countries move forward in combating global warming.

This is the opportunity, and I think history will not look kindly upon us if we do not take advantage of this moment.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Ohio.

Mr. BROWN. Madam President, I echo the words of the Senator from Vermont about the Energy bill being an opportunity for our country—an opportunity in terms of a better environment, global warming, to preserve our planet, an opportunity to stabilize energy costs, and an opportunity especially for good-paying jobs.

I come from a State that has taken a real hit from the Bush economic policy. I come from a State that has taken a real hit from trade policy through the last two administrations, Democratic and Republican administrations.

I look at what we are able to do with this Energy bill and better manufacturing policy.

I start with a story. Oberlin College is a school halfway between Cleveland and Toledo, not far from where I live. It is the site of the largest freestanding building on any college campus in the country fully powered by solar energy. The problem is that all of the solar panels were imported from Germany and Japan because we simply do not make enough solar panels in this country to do what we ought to be doing. It is the same with wind turbines. Toledo is especially well known for research in wind turbines and wind power. Yet with the exception of a plant in Ashtabula that makes a small component

for wind turbines, very little manufacturing is done in this country on that particular alternative energy.

With the right kinds of incentives and with changing tax law, changing trade law in the Energy bill, Ohio, as the industrial Midwest, can play a major role in alternative energy.

We have seen energy policy, tax policy, trade policy, and the failure to have a manufacturing policy cause significant job loss. My State has lost literally hundreds of thousands of manufacturing jobs since President Bush took office, in part because of the lack of a manufacturing policy and no leadership from the White House, in part because of trade policy, in part because of tax policy.

For us, as we look to the future on trade agreements and trade policy, it is not good enough just to oppose bad trade agreements, it is not good enough to oppose the next round of NAFTA or CAFTA, it is not good enough to try to fix PNTR with China. We need a much more forward-looking manufacturing policy. That means expanding efforts on exports. It means expanding the Manufacturing Extension Program that Senator KOHL has worked on and I have worked on, and others. And it means a different regimented trade policy.

The Bush administration has just announced with some Members of the House of Representatives, some Members of my party, that they want to move forward on the Panama and Peru trade agreements. Those are two trade agreements where the administration finally has decided they support environmental and labor standards, but this is also an administration that has never pushed very hard for environmental and labor standards in our own country.

I would look askance at the administration's promises without more proof of what, in fact, they are going to do on enforcement of labor and environmental standards. All one need do is look at the news stories that came out after the announcement from our U.S. Trade Ambassador Schwab and some House Democrats that there would be labor and environmental standards in the Panama and Peru trade agreements when soon after those news stories they said they may not be in the core trade agreements, that they may be in side deals, side agreements. We learned that lesson once with NAFTA where the labor standards and environmental standards were outside the agreement in a separate agreement, and that simply didn't matter. It didn't help that trade agreement work for American families in Steubenville or for workers in Toledo. It didn't work for communities in Finley and Lima and Mansfield.

We also know, listening to the discussions after the Peru and Panama trade agreements were announced with the labor and environmental standards, some people do not seem so certain that they are going to work as hard on enforcing these labor standards and environmental standards as they might have initially promised. All we need to do is look at the Jordan trade agreement passed in 2000, a trade agreement in the House of Representatives I supported but a trade agreement that had labor and environmental standards. Soon after President Bush took office, U.S. Trade Representative Robert Zoellick sent a letter to the Jordanians with a wink and a nod saying that because of dispute resolution issues, he wasn't going to enforce those labor and environmental standards.

If we are going to move forward on trade policy, it means stronger labor standards, stronger environmental standards, and stronger food safety standards. It means standards in the agreements, as part of the agreements. It means enforcing those agreements, and it means a manufacturing policy, the Manufacturing Extension Program, better assistance for small companies to export, better currency rules, particularly with China. It means benchmarks so that once these trade agreements pass, we can gauge whether the trade agreements helped our trade surplus deficit, our trade relations, and that there be benchmarks showing if there were job increases or job losses, did it mean a lower trade deficit or higher trade deficit, did it mean wages went up or wages went down for American workers. We need those benchmarks if we are going to pass trade agreements so we can look a year later and see if these trade agreements are working.

I contend they certainly are not working. The year I ran for Congress, the same year the Presiding Officer was elected to Congress, in 1992, we had a trade deficit of $38 billion. In 2006, our trade deficit exceeded $800 billion. Our trade deficit with China bilaterally in 1992 was barely in the double digits. Today, our trade deficit with China is upward of $230 billion.

President Bush 1 said $1 billion in trade deficit is equivalent to the result of about 13,000 fewer jobs, and if you just do the math and look at the trade deficit, multiplying times 20, from a factor of 20, the trade deficit is that much larger today than it was a decade and a half ago, you know it is costing us jobs. That is why a trade agreement with a tax policy, with a manufacturing policy that really does help American communities, that helps people in Toledo, Finley, Zanesville, Springfield, Miami Valley, and the Mahoney Valley in my State, will matter to help build a middle class.

I am hopeful that as we do this Energy bill and the House and Senate move ahead on trade policy in the next year, that we can link these so that it really does help to create a middle class, strengthen the middle class in our country with better trade, tax, and manufacturing policies.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise in support of Senator BINGAMAN's renewable portfolio amendment which would require that 15 percent of the Nation's electricity be generated from renewable sources by 2020.

I have heard from my office some of the debate which has taken place today. I was surprised that some of my colleagues have characterized this amendment as some sort of Federal giveaway for the wind industry. The renewable portfolio standard will not just benefit the wind industry, of course, but it will also benefit the production of energy from solar, biomass, electricity from biogas, small hydro, geothermal, and ocean and tidal energy projects as well.

This diverse set of energy sources will help protect us from the fuel price increases, such as those we have seen in natural gas recently. In turn, this reduction in demand for natural gas might even cause natural gas prices to fall, causing electricity prices to also fall.

Another economic benefit of the renewable portfolio standard is that it would help these emerging technologies flourish in the United States. Right now there are renewable energy firms in Europe that are outpacing their U.S.-based competitors. But by driving up demand for renewable energy domestically, we will help develop these industries at home, creating jobs and allowing us to develop energy as a domestic economic engine. At the same time we are meeting our energy challenges, at the same time that we are meeting the economic imperative of our energy challenges, at the same time that we undermine foreign countries—for which we are giving our dollars abroad in terms of our addiction to those energy sources—we can also fuel a domestic economic engine by pursuing these sources.

Of course, the most dramatic effect of the amendment will be its positive impact environmentally. According to the Energy Information Administration, it will reduce carbon emissions by 222 million tons per year by the year 2030, and other reports project reductions of as much as 10 percent per year from the electricity sector. This would be the equivalent of removing 71 million cars from the road. Think about it—removing 71 million cars from the road.

I also want to point out what this amendment will do for the solar energy industry. This amendment will provide triple renewable energy credits to solar energy. As a result, it has been estimated that this will result in a 500-percent increase in solar energy production.

Solar needs to be a significant part of America's energy future. When you have a way to generate energy that produces no carbon emissions, has no moving parts, makes no noise, and results in no adverse wildlife impacts, that is something we as a nation need to be pursuing.

My home State of New Jersey realized this a few years ago and set about enacting policies designed to spur the growth of its solar market. The results have been extremely successful. New Jersey has the second largest solar market in the entire Nation, from 6 installations to nearly 2,000 in just 5 years, over 7 megawatts of installed capacity, and tens of millions of kilowatt-hours produced each year. New Jersey, of course, is blessed with many things, but it is not blessed with more Sun than most of the rest of the Nation. The State simply recognized that by being visionary we could not only start generating large amounts of pollution-free energy in our own State, but we could also provide a kick-start to a whole new industry. That industry, of course, generates not only great energy, truly clean energy, truly renewable energy, but at the same time creates a very significant economic positive consequence as well.

What New Jersey has done we must do as a nation. The renewable portfolio standard amendment, along with the extension of solar tax credits, will help expand the use of solar energy, and, most importantly, lower the cost.

I also want to urge my colleagues to oppose the Domenici amendment—the amendment that Senator DOMENICI has offered to Senator BINGAMAN's renewable portfolio standard amendment. That amendment would stall the development of renewable energy and thereby undercut the entire point of this bill. There are some who don't want to challenge the industry. There are those who don't want to bring us to a higher standard. For them, the Domenici amendment to Senator BINGAMAN's renewable portfolio standard is their out. That is their out.

For those Members of the Senate who don't want to bring us to a higher challenge, who don't want to challenge the industry, who, in essence, are happy to support the status quo, the Domenici amendment is their solution.

The Domenici amendment, however, has numerous problems. To begin with, the substitute would allow States to opt out of the standard for just about any reason—just about any reason. If a State can opt out, the renewable industries will be hesitant to adequately invest in these projects and, therefore, we won't move forward.

The substitute will also weaken renewable requirements by including nonrenewables, such as nuclear power. This would divert money from renewables to an already well-subsidized energy source.

The Domenici substitute would also allow the Department of Energy to designate ''other clean energy sources'' to qualify for clean energy credits without any restrictions on the Secretary—without any restrictions on the Secretary. Who knows what would be included under such a definition. This would leave discretion for the Secretary to include ''clean coal'' or any other source of energy one could put the word ''clean'' in front of.

In addition, the Republican substitute would include energy inefficiency projects and demand-response programs. The more things we add to the standard, the less meaningful the standard becomes. We cannot pit efficiency against renewables. We need both efficiency and renewables to flourish in partnership and not compete for investment dollars.

Once again, I praise Senator BINGAMAN, the chair of the Energy Committee, on which I have the privilege of sitting, for his amendment, for his vision, for bringing us and challenging us to a higher standard, one that the Nation clearly needs. It will be beneficial for our environment, it will boost our domestic economy, and it will reinforce the actions taken by 23 States that have already shown leadership by instituting renewable portfolio standards. If the States have already shown leadership in this regard, the Nation and the Senate need to show the same leadership.

I urge my colleagues to vote in favor of that important amendment and against efforts to weaken this important provision. Those are, I hope, words that Members of the Senate will take to heart.

## TRIBUTE TO PETER CHASE NEUMANN

Mr. REID. Madam President, today I rise to honor the achievements of Peter Chase Neumann. Not only is Peter recognized locally and nationally for his skill as a trial lawyer, he is also deeply involved with philanthropies whose work has been enormously beneficial to Nevada. These significant contributions have resulted in Peter being named the recipient of the Nevada Trial Lawyers Association Lifetime Achievement Award, and deservedly so.

Peter has tried more than 150 civil and criminal cases to verdict and almost 50 appeals to the Nevada and Arizona Supreme Courts. His ability in the legal profession is renowned, and his talents are wide-ranging, from trial advocacy in personal injury cases to writing academic articles. He has dedicated himself to the cause of justice for the wrongfully injured, and has been recognized for his work in Town and Country Magazine's Top Trial Lawyers in America, in Las Vegas Magazine, by Top Gun Lawyers in Nevada and by The Best Lawyers in America.

His leadership in the legal community is unparalleled: He has served as president of the Arizona, Nevada, and Western Trial Lawyers Association, and on the Board of Governors for the American Trial Lawyers Association. He was both legislative advocate for and president of the Plaintiff's Bar, and was accepted as a diplomat in the International Society of Barristers and the American Board of Trial Advocates.

His devotion to the law has not in any way impeded his philanthropic contributions. He and his wife Renate have served with the Angel Kiss Foundation, a nonprofit dedicated to helping families cope with the financial burdens associated with childhood cancer. President Clinton recognized Peter's influence and appointed him to the Tahoe Regional Planning Committee. He has involved himself with Scenic America and Scenic Nevada, committing himself to the cause of protecting Nevada's natural treasures in the Lake Tahoe region and beyond.

Peter is also an accomplished airplane pilot. In recent years, he has spent untold hours soaring in his gliders all over America.

Most people know Peter for his reputation as a renowned trial lawyer or for his work in the philanthropic community in my State. But I have had the privilege to call Peter my friend. It is my great pleasure to offer congratulations to Peter Chase Neumann for his lifetime of excellence in his profession, in his public service, and in his philanthropy.

## HEALTH CARE REFORM

Mr. ALEXANDER. Madam President, with the cost of health care continually increasing for employers, individuals, and the Government combined with the growing number of uninsured Americans it is clear that our health care system is in dire need of change. My goal is to help every American have access to affordable health insurance and to continue the State Children's Health Insurance Program, SCHIP.

In an op-ed in The Hill on June 6, 2007, the Secretary of Health and Human Services, Mike Leavitt, suggested a very good proposal for increasing access to health insurance. His proposal calls for reauthorization of SCHIP and keeping the program's focus on kids, providing the same tax advantage to all Americans through a standard deduction for health insurance, and encouraging State innovation through grants to help low income individuals afford private health insurance.

I support Secretary Leavitt's ideas. However, health care reform is too big of an issue for one party to tackle on its own. Our only chance of achieving true, meaningful reform is if both parties work together. This involves reaching across the aisle and getting Democrats to say two words ''private markets'' and Republicans to say to two words ''universal access.''

Two of my colleagues have put forward two different but thoughtful pieces of legislation addressing the uninsured Senator WYDEN's Healthy Americans Act, S. 334, and Senator COBURN's Universal Health Care Choice and Access Act, S. 1019. But I am doing something that I rarely do cosponsoring both of them to encourage my goal of affordable health insurance for every American while continuing the SCHIP program helping children.

I have cosponsored these bills in the spirit of reform, but that does not mean I support every provision in both

pieces of legislation. In fact, there are some provisions that I oppose. Though not perfect, these bills are an important first step toward achieving access to health services for all Americans.

## REQUEST FOR SEQUENTIAL REFERRAL

Mr. ROCKEFELLER. Madam President, I ask unanimous consent to have my letter of June 12, 2007, to Senator REID printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
*Washington, DC, June 12, 2007.*

Hon. HARRY REID,
*Majority Leader, U.S. Senate, Washington, DC.*

DEAR MR. LEADER: Pursuant to paragraph 3(b) of Senate Resolution 400 of the 94th Congress, I request that S. 1547, the National Defense Authorization Act for Fiscal Year 2008, and its companion measure, S. 1548, the Department of Defense Authorization Act for Fiscal Year 2008, both of which were filed by the Committee on Armed Services on June 5, 2007, be sequentially referred to the Select Committee on Intelligence for a period of 10 days, as calculated under S. Res. 400. The basis for this request is that the bills contain matters within the jurisdiction of the Select Committee.

Thank you for your assistance.

Sincerely,

JOHN D. ROCKEFELLER IV,
*Chairman.*

## CBO STUDIES

Mr. GREGG. Madam President, today there is a great deal of debate about how Americans are doing, in particular those considered low income. I rise today to dispel a major misconception about the progress of low-income Americans. Those on the other side of the aisle would have you believe that when one person does better it must be at the expense of another. Nothing could be further from the truth. In fact, when Congress adopts policies that encourages individuals to work harder, save, take risks, and invest more, the economy does better and everyone benefits. Two recent studies I requested from CBO prove a rising tide does lift all boats.

The first report issued in December, entitled ''Changes in Low Wage Labor Markets Between 1979 and 2005,'' found that the inflation adjusted hourly earnings of U.S. workers was 10 percent higher now than back in 1979. Since 1990 those in the bottom 10th percentile of wage earners witnessed their inflation adjusted wages increase 12.8 percent, more than 2.5 percentage points faster than those in the statistical middle.

CBO's second report entitled ''Changes in the Economic Resources of Low-Income Households with Children'' indicates that poor households with children experienced real earnings gains of 80 percent since 1991, outpacing even those in the top income quintile whose earnings grew 54 percent. This fact is even more amazing viewed in the context of welfare reform.

Those opposing welfare reforms in the mid 1990s argued that limiting direct Government assistance and requiring low-income people to work more would prove to be disastrous. However, low-income households with children now rely less on the Government, are more self reliant and have a higher standard of living. In 1991, low-income households relied on the Government for a majority of their income with earnings accounting for just 49 percent. Today, low-income households earn 65 percent of their income and rely on Government assistance for the remainder. Female headed households also rely less on the Government for their livelihood. In 1991, 35 percent of their income was earned compared with 54 percent now. The share of their income derived from AFDC or TANF fell from 42 percent in 1991 to 7 percent in 2005.

These two studies prove that when the Government interferes less in the lives of its citizens, they are more productive. Once unencumbered by Government, people are motivated to work harder, save, and invest more.

## PASSING OF ADEN ABDULLE OSMAN

Mr. COLEMAN. Madam President, I would like to take the opportunity to express sorrow on behalf of the Somali community of Minnesota, which is currently mourning the death of an important figure for Somalia, former President Aden Abdulle Osman. Aden Abdulle Osman, known by many Somalis as Aden Adde, passed away at the age of 99 on June 7, 2007.

Aden Abdulle Osman became the first President of Somalia in 1960 after the country gained its independence on July 1. Mr. Osman served as President of the newly formed Somalia until June 10, 1967. President Osman led his country during the critical time of its formation and development into a full-fledged state. When he lost the Presidential election in 1967, President Osman graciously ceded his position to his opponent, Abdirashid Ali Shermarke. In doing so, Aden Abdulle Osman set an example for the peaceful transfer of democratic power, which is a critical aspect of all democratic systems. For this reason, Aden Abdulle Osman is viewed throughout Somalia and Africa as a model of statesmanship that seeks the greater good.

I am privileged to represent the State that has the largest Somali community in the U.S. The Somalis of Minnesota represent a thriving community that has enriched the fabric of our State through its vibrant culture. I would like to join my Somali constituents in expressing sorrow for Aden Abdulle Osman's death. It is my sincere hope that the current leaders of Somalia will look to his leadership as an example, and that such leadership will serve to usher Somalia towards peace, stability and democracy.

# ADDITIONAL STATEMENTS

## MODESTO'S NATIONAL NIGHT OUT

● Mrs. BOXER. Madam President, I ask my colleagues to join me in recognizing the outstanding National Night Out program in Modesto, CA. For the past 6 years, the city of Modesto has either ranked first or second in the Nation in National Night Out participation among cities with populations of 100,000 to 299,999.

Since its inception in 1983, National Night Out has brought millions of Americans together to take a united stand against crime and send a clear message to criminals that citizens and neighborhoods are committed to crime prevention. National Night Out has played an instrumental role in helping to raise crime and drug prevention awareness, generate support for and participation in local anticrime programs, and perhaps most importantly, improve neighborhood spirit and strengthen community-police partnerships.

In 2006, more than 35.2 million people and 11,125 communities from all 50 States, U.S. territories, and military bases worldwide participated in the National Night Out campaign. Conscientious citizens, law enforcement agencies and civic groups came together to participate in a variety of festive events and activities such as block parties, ice cream socials, flashlight walks, and visits from law enforcement and other public agencies to help promote the importance of community involvement in local crime-fighting programs.

In Modesto, 123 neighborhoods participated in National Night Out last year, making it the Nation's leader among cities with populations of 100,000 to 299,999. The city of Modesto is a shining example of the importance of community and cooperation in local crime-fighting efforts.

As the residents of Modesto gather for another successful National Night Out campaign, I would like to congratulate and commend its citizens, civic leaders, and the Modesto Police Department for their leadership and willingness to help make their city a safer and better place to call home.●

## 150TH ANNIVERSARY OF SACRAMENTO HIGH SCHOOL

● Mrs. BOXER. Madam President, I am pleased to recognize the 150th anniversary of Sacramento High School in Sacramento County, CA.

On September 1, 1856, as the Gold Rush came to an end in California and miners migrated into newly formed cities, Sacramento High School opened its doors and began a long tradition of quality education. As the second oldest high school west of the Mississippi, Sacramento High School is a historical landmark and symbol of a quality educational institution in California's capital city.

Sac High, as it is locally known, has been the alma mater of a wide range of notable alumni including NBA great Kevin Johnson, Pulitzer Prize winner Herb Caen, and a number of distinguished Californians, including former California Governor Hiram Johnson.

Most recently, nearly 100 percent of the senior class will have the opportunity to pursue a post secondary education, 70 percent of whom have been accepted to a public or private 4-year college. Sac High's Dragons have also accumulated many championships in a variety of athletics over the years, including the recent San-Joaquin Division III Championship that both men's and women's basketball teams have won.

As the school and the community celebrate Sac High's sesquicentennial, I would like to congratulate the past and present students, faculty, and administrators who upheld Sacramento High School's traditions and campus pride for the last century and a half and wish them another 150 years of success.●

## NATIONAL HISTORY DAY

● Mr. DOMENICI. Madam President, I wish to recognize three great students from New Mexico today. These three students have harnessed their creativity and skills to produce amazing projects which were displayed today at the National Portrait Gallery in honor of National History Day. What a great achievement for these students to be selected out of 500,000 entries to be showcased in the National Portrait Gallery.

Shannon Burns, from Los Alamos Middle school, has put together a 10-minute documentary on Irish immigration and how it contributed to the American Civil War while Ryan Andrews-Armijo and Ashley Page from Moriarity Middle School contributed a documentary on the racial tensions and the triumph over those obstacles, of the 1966 Texas Western College basketball team. I was incredibly honored to meet with these three individuals earlier today, and I am impressed by their projects and their tenacity. I am proud to see these kids learn and put into action what they have learned at school and beyond.

I was also very pleased to hear of 44 other students, in total, from New Mexico participating in the National History Day contest in Maryland today. It is quite impressive to see how well New Mexico was represented in this nationwide contest.

National History Day is an academic organization for elementary and secondary children that has been celebrating history for over 25 years now. This exceptional scholarship program gives kids the opportunity to research a historical event and put that research into a format for others to enjoy. This is a great way for our children to learn and explore history while also putting their creativity to work. History is one of the cornerstone subjects taught in America's schools today. When students learn about the past, they are taught how to handle the future.

National History Day gives us a unique opportunity to reflect on our past and appreciate where we, as Americans, come from. History makes us who we are, it defines us. We must not forget our history. Learning history is as important today in our schools as it ever was. We must always be stewards of continual learning from our mistakes and victories.

Congratulations again to the amazing students participating in this great commemoration of history.●

## NATIONAL HISTORY DAY PROJECTS

● Mr. INHOFE. Madam President, today I wish to recognize and congratulate students Natalie Haworth and Trenton Knight from Dill City High School in Burns Flat, OK, and Libby Trusty from Verdigris High School in Claremore, OK. These students have been selected to present their award winning National History Day projects in Washington, DC, today. Each project reflects on this year's National History Day theme, ''Triumphs and Tragedies in History.''

Haworth and Knight have been selected to present their history project at the White House Visitor's Center. Trusty has been selected to present her project at the National Archives and Records Administration. Their projects were selected by the National History Day program from hundreds of thousands nationwide.

Haworth's and Knight's project, ''Land Divided—World United,'' is a depiction of the historical creation of the Panama Canal. The exhibit begins with the original vision to construct a channel through Central America and extends all the way to the completion and proposed expansion of the Panama Canal.

Trusty is presenting a U.S. Supreme Court case which addressed the controversial issue of equal educational opportunities available throughout American history. Fisher v. University of Oklahoma Board of Regents was one of the unfamiliar but significant cases that ultimately led to the landmark decision to desegregate schools in America.

I believe it is important for students to be informed and educated about the milestones of American history, because it will strengthen them as our country's future leaders and provide them with the knowledge to continue to lead our Nation as our Founding Fathers intended. History is an integral part of the education of future generations of Americans, and I would like to commend the National History Day program for empowering teachers to improve history education and influencing students to follow these Oklahoma students' exemplary example.●

## RECOGNIZING MATTHEW MARIUTTO

● Mr. MARTINEZ. Madam President, today I recognize and congratulate Floridian Matthew Mariutto for his outstanding work and achievement in the study of history, and specifically, for his award-winning documentary on Apollo I.

Each year, more than half a million students compete for recognition in the National History Day program. Students are given a general theme and the freedom to develop a presentation to present to the judges. This year's National History Day theme is ''Triumph and Tragedy in History.'' This exercise develops and enhances a student's abilities for critical thinking and problem solving skills, research and reading skills, oral and written communication, self-esteem and self confidence.

Based on the quality and accuracy of their projects, this year, around 2,000 finalists were chosen. Of that group, 22 students were given the privilege of presenting their projects at the Smithsonian American Art Museum and National Portrait Gallery here in Washington, DC.

Matthew Mariutto has been selected to present his documentary on ''Worth the Risk of Life: The Tragedy and Triumph of Apollo I.'' Matthew attends American Heritage School in Plantation, and his teacher is Leslie Porges.

History—and the teaching of its lessons—is an integral part of the education of future generations of Americans. I would like to commend the National History Day program for empowering teachers to bring history alive through innovative teaching methods and outside-of-the-classroom learning opportunities. I would also like to congratulate again, Matthew Mariutto, for his fine work.

Matthew, you have earned the admiration of the Sunshine State. Additionally, your teachers and school deserve a great deal of appreciation for contributing to your education.

Congratulations on a job well done.●

## RECOGNIZING KELSEY TATE

● Mr. MARTINEZ. Madam President, today I recognize and congratulate Floridian Kelsey Tate for her outstanding work and achievement in the study of history, and specifically, for her award-winning performance on Alfred Nobel.

Each year, more than half a million students compete for recognition in the National History Day program. Students are given a general theme and the freedom to develop a presentation to present to the judges. This year's National History Day theme is ''Triumph and Tragedy in History.'' This exercise develops and enhances a student's abilities for critical thinking and problem solving skills, research and reading skills, oral and written communication, self-esteem and self confidence.

Based on the quality and accuracy of their projects, this year, around 2,000 finalists were chosen. Of that group, 22 students were given the privilege of presenting their projects at the Smithsonian American Art Museum and National Portrait Gallery here in Washington, DC.

Kelsey has been selected to present her performance on ''Alfred Nobel: Poverty to Prizes.'' Kelsey attends Deerlake Middle School in Tallahassee, and her teacher is Mr. Andrew Keltner.

History—and the teaching of its lessons—is an integral part of the education of future generations of Americans. I would like to commend the National History Day program for empowering teachers to bring history alive through innovative teaching methods and outside-of-the-classroom learning opportunities. I would also like to congratulate again, Kelsey Tate, for her fine work.

Kelsey, you have earned the admiration of the Sunshine State. Additionally, your teachers and school deserve a great deal of appreciation for contributing to your education.

Congratulations on a job well done.●

## HONORING IMMUCELL

● Ms. SNOWE. Madam President, I wish to recognize a tremendously innovative small business from my home State of Maine that recently opened an upgraded production facility to benefit both its employees and its business operations. Immucell, an emerging biotechnology company based in Portland, opened its newly expanded building on June 7 to great fanfare. The new facility benefits Immucell's 30 employees, who now have enhanced space and equipment with which to conduct research and manufacture products. Equally as critical, the facility was designed to help Immucell more easily comply with current good manufacturing practice standards. Enforced by the U.S. Food and Drug Administration, current good manufacturing practice requirements assure quality in our food and medicines.

Immucell's specialized work is quite impressive. In a rapidly expanding biotech industry, Immucell has carved out a niche as a leading producer of medicines for animals in the dairy industry. The company's products, such as First Defense and Mast-Out, have ensured the safety and health of cows and calves that supply our milk and other dairy products. Working together with Pfizer, Immucell has managed to turn Mast-Out into a profitable product. Besides its products, Immucell's research provides the company a respected and prestigious role in the animal-health industry.

I was delighted to hear that Immucell is seeking to use its expanded facilities to extend its reach into overseas markets. What a great honor that would be for the State of Maine. Immucell contributes immensely to Maine's small business community, and the ever-increasing relevance of its work also places it at the forefront of modern science worldwide.

Immucell's efforts to become a leader in its market are noteworthy, and the vision that its leadership has for future growth reflects a steadfast determination for continued success. It is particularly exciting that a Maine small business is making such a name for itself in an industry replete with large companies. Immucell and its high-paying jobs provide us with a shining example of smart growth. I commend chief executive officer Michael Brigham and all the employees at Immucell for their wise choices and tremendous achievements, and I wish them much success in the future.●

## RECOGNIZING KEITH AND PATTI JENNINGS

● Mr. THUNE. Madam President, today I wish to recognize Keith and Patti Jennings as they celebrate their ranch's 100-year anniversary. The Jennings family has the unique distinction of being one of the few functioning farm and ranch operations able to trace their roots back to family members who were the original homesteaders on the land. This is a truly impressive accomplishment for the Jennings family and the State of South Dakota.

This milestone celebration is a tribute not only to Keith and Patti Jennings but to their grandparents Robert and Lucille and their parents Darrell and Mary. The family can certainly take pride in the perseverance and fortitude that enabled three generations of Jennings to stay on and operate the same ranch for the past 100 years.

Keith and Patti Jennings should also be very proud of the contributions their children are making to the great State of South Dakota, Brian as executive director of the American Coalition for Ethanol, Barry as executive director of the South Dakota Beef Industry Council, Marla with the construction industry in Sioux Falls, and Byron as a student at South Dakota State University.

I would like to commend Keith and Patti for their 32 years operating the Jennings Ranch and for its 100 years of operation. South Dakota is fortunate to have the Jennings as lifelong residents. Families like theirs are the backbone of South Dakota's economy and future. I wish them continued success in the years to come.●

## RECOGNIZING LAKE NORDEN, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize Lake Norden, SD. The town of Lake Norden will celebrate the 100th anniversary of its founding this year.

Located in Hamlin County, Lake Norden is home to the South Dakota Amateur Baseball Hall of Fame, the Lake Norden Historical Society Museum, and the Donald Christman Toy Museum. Lake Norden has been a successful and thriving community for the past 100 years and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 100 years.

I would like to offer my congratulations to the citizens of Lake Norden on this milestone anniversary and wish them continued prosperity in the years to come.●

## RECOGNIZING HENRY, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize Henry, SD. The town of Henry will celebrate the 125th anniversary of its founding this year.

Located in Codington County in northeastern South Dakota, Henry was founded in 1882 and has approximately 300 residents today. Henry has been a successful and thriving community for the past 125 years and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 125 years.

I would like to offer my congratulations to the citizens of Henry on this milestone anniversary and wish them continued prosperity in the years to come.●

## RECOGNIZING HAYTI, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize Hayti, SD. The town of Hayti will celebrate the 100th anniversary of its founding this year.

The county seat of Hamlin County, Hayti was founded in 1907 by the South Dakota Central Railway as a stop on its line from Sioux Falls to Watertown. The town was named after the area's common practice of tying hay for fuel. Hayti has been a successful and thriving community for the past 100 years and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 100 years.

I would like to offer my congratulations to the citizens of Hayti on this milestone anniversary and wish them continued prosperity in the years to come.●

## RECOGNIZING FAULKTON, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize Faulkton, SD. The town of Faulkton will celebrate its 125th anniversary this year.

Faulkton was founded in 1882 and named after Territorial Governor Andrew J. Faulk. Located in Faulk County, it has served as the county seat since 1886. Faulkton has been a successful and thriving community for the past 125 years and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 125 years.

I would like to offer my congratulations to the citizens of Faulkton on their anniversary and wish them continued prosperity in the years to come.●

## RECOGNIZING WESSINGTON SPRINGS, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize Wessington Springs, SD. The town of Wessington Springs will celebrate the 125th anniversary of its founding this year.

Located in Jerauld County, Wessington Springs was founded in 1882. It was named after a man named Wessington and also after the natural springs that flow through the town's hills. While Wessington's identity is not certain, there are a number of local legends about a trapper by that name who spent time in the area. Wessington Springs has been a successful and thriving community for the past 125 years and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 125 years.

I would like to offer my congratulations to the citizens of Wessington Springs on this milestone anniversary and wish them continued prosperity in the years to come.●

## RECOGNIZING LEMMON, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize Lemmon, SD. The town of Lemmon will celebrate its 100th anniversary this year.

Founded in 1907, Lemmon is located in Perkins County near the North Dakota border. It was named after George Edward Lemmon, who managed the largest fenced pasture in the world and is a member of the National Cowboy Hall of Fame. The town of Lemmon is home to the world's largest petrified wood park, which was constructed by unemployed workers during the Great Depression. Lemmon has been a successful and thriving community for the past 100 years and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 100 years.

I would like to offer my congratulations to the citizens of Lemmon on their anniversary and wish them continued prosperity in the years to come.●

## RECOGNIZING WESSINGTON, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize Wessington, SD. The town of Wessington will celebrate its 125th anniversary this year.

Wessington is located west of Huron in Beadle County. Since its beginning, the town has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Wessington will continue to thrive and succeed for the next 125 years.

I would like to offer my congratulations to the citizens of Wessington on this milestone anniversary and wish them continued prosperity in the years to come.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, 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 which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

At 3:11 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 251. An act to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes.

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.

H.R. 2367. An act to amend the Fair Labor Standards Act, with respect to civil penalties for child labor violations.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 164. Concurrent resolution authorizing the use of the Rotunda of the Capitol for a ceremony to award the Congressional Gold Medal to Dr. Norman E. Borlaug.

The message further announced that pursuant to 44 U.S.C. 2702, the Clerk of the House appoints Mr. Bernard Forrester of Houston, Texas, to the Advisory Committee on the Records of Congress.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 251. An act to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2637. An act to amend the Fair Labor Standards Act, with respect to civil penalties for child labor violations; to the Committee on Health, Education, Labor, and Pensions.

## 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–2236. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a report relative to cooperative activities in areas of research, development, and test and evaluation; to the Committee on Armed Services.

EC–2237. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Carl A. Strock, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2238. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the projects from solicitation that were not funded solely due to lack of resources; to the Committee on Armed Services.

EC–2239. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the amount of acquisitions made by the Department from entities that manufacture the articles, materials, or supplies outside of the United States in fiscal year 2006; to the Committee on Armed Services.

EC–2240. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department's initiation of preliminary planning to determine if the facilities maintenance and logistics function performed at Marine Corps Base, Quantico, Virginia is a suitable candidate for a public-private competition; to the Committee on Armed Services.

EC–2241. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department's efforts to determine if it should initiate a public-private competition of facilities sustainment and other services at installations in Norfolk, Portsmouth, Virginia Beach and Yorktown, VA; to the Committee on Armed Services.

EC–2242. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department's decision not to conduct a public-private competition of nationwide personnel; to the Committee on Armed Services.

EC–2243. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Special Lending Limits for Residential Real Estate Loans, Small Business Loans, and Small Farm Loans'' (OCC–2007–0011) received on June 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2244. A communication from the Chief Counsel, Federal Emergency Management

Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (72 FR 28613) received on June 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2245. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (72 FR 27752) received on June 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2246. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Final Flood Elevation Determinations'' (72 FR 27741) received on June 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2247. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (72 FR 28617) received on June 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2248. 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 Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XA40) received on June 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2249. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less than 60 Feet LOA Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA25) received on June 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2250. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Amendment to Modify Recordkeeping and Reporting and Observer Requirements; Hagfish Collection of Information'' (RIN0648–AU80) received on June 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2251. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule to Prohibit New Entry to the Pacific Whiting Fishery in 2007'' (RIN0648–AV57) received on June 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2252. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Maryland Regulatory Program'' (MD–055–FOR) received on June 12, 2007; to the Committee on Energy and Natural Resources.

EC–2253. A communication from the Attorney, Office of General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Procedural Rules for DOE Nuclear Activities and Occupational Radiation Protection'' (RIN1901–AA95) received on June 12, 2007; to the Committee on Energy and Natural Resources.

EC–2254. A communication from the Associate Deputy Secretary of the Interior, transmitting, the report of a draft bill that would amend the Federal Land Transaction Facilitation Act; to the Committee on Energy and Natural Resources.

EC–2255. 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; Indiana; Exemption from VOC Requirements for Sources Subject to the National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing or Reinforced Plastics Composites Manufacturing'' (FRL No. 8319–8) received on June 12, 2007; to the Committee on Environment and Public Works.

EC–2256. 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; Indiana; NSR Reform Regulations'' (FRL No. 8327–1) received on June 12, 2007; to the Committee on Environment and Public Works.

EC–2257. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Request for Rescission'' (FRL No. 8325–8) received on June 12, 2007; to the Committee on Environment and Public Works.

EC–2258. 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 ''Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2007'' (FRL No. 8325–5) received on June 12, 2007; to the Committee on Environment and Public Works.

EC–2259. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Nevada State Implementation Plan, Washoe County District Health Department'' (FRL No. 8327–3) received on June 12, 2007; to the Committee on Environment and Public Works.

EC–2260. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's latest quarterly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–2261. 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 ''Safe Harbor for Valuation Under Section 475'' ((RIN1545–BB90) (TD 9328)) received on June 12, 2007; to the Committee on Finance.

EC–2262. 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, defense services and defense articles to support the sale of four C–17A aircraft to Canada; to the Committee on Foreign Relations.

EC–2263. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a Determination executed by the Deputy Secretary relating to actions of Iraq and Libya; to the Committee on Foreign Relations.

EC–2264. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy in the position of Chief Financial Officer, received on June 11, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2265. A communication from the White House Liaison, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Postsecondary Education, received on June 11, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2266. A communication from the White House Liaison, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Assistant Secretary for Postsecondary Education, received on June 11, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2267. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination for the position of Surgeon General, received on June 11, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2268. A communication from the Assistant Secretary for Administration and Management, Office of the Deputy Secretary, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Deputy Secretary of Labor, received on June 11, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2269. A communication from the Director, Office of Personnel Management, transmitting, the report of a legislative proposal entitled the ''Senior Professional Performance Act of 2007''; to the Committee on Homeland Security and Governmental Affairs.

EC–2270. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the Semiannual Report of the Board's Inspector General for the period ending March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2271. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation'' (FAC 2005–17) received on June 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2272. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Virginia Advisory Committee; to the Committee on the Judiciary.

EC–2273. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Michigan Advisory Committee; to the Committee on the Judiciary.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–116. A joint resolution adopted by the Legislature of the State of Montana expressing its opposition to the Rockies Prosperity

Act; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION NO. 31

Whereas, bills with the same content have been introduced in the Congress for the past three sessions, named successively the Northern Rockies Ecosystem Protection Act of 2001, the Northern Rockies Ecosystem Protection Act of 2003, and the Rockies Prosperity Act of 2005; and

Whereas, these acts would designate more than 15.4 million acres as new wilderness, more than 1.4 million acres as park preserves, more than 1 million acres as recovery areas, and an additional 8.51 million acres as biological connecting corridors; and

Whereas, the proposed wilderness, preserves, and recovery areas would impose severe restrictions on access and human activities in violation of existing laws such as the Multiple-Use Sustained-Yield Act; and

Whereas, severe restrictions on the management of the private property within the corridors would lead to prohibition of even-aged silvicultural management, prohibition of timber harvesting, prohibition of mineral, oil, and gas exploration, prohibition of road construction or reconstruction with the goal of achieving zero miles of road in the corridors over a short time period, causing loss of value to private property even to the point of forcing landowners to abandon their properties, hopes and dreams and causing extreme hardship and anguish; and

Whereas, additional taking of private property would occur with the reduction of water rights on National Forest land and the reduction of grazing rights on National Forest land, causing hardship and loss of business to ranchers, farmers, and residents in the region; and

Whereas, the requirements for implementation of the management plans set forth in the acts are extremely unbalanced in their approach to conservation, focus entirely on plant, animal, and ecological effects and leave out the social, economic, and cultural impacts on people who also are part of the natural environment, and are in violation of existing law, such as the National Environmental Policy Act; and

Whereas, the Montana Legislature does not believe these acts, drafted by extreme special interest groups funded by international foundations and other sources that do not represent the majority of Montana residents, should be allowed to subject land in Montana to this sort of unbalanced, unnecessary control; and

Whereas, the placing of environmental or other restrictions upon the use of private lands has been held by a number of recent United States Supreme Court decisions to constitute a taking of the land for public purposes; and

Whereas, these acts do not include proposals to purchase the private lands; and

Whereas, the restrictions contemplated constitute an unlawful taking of that land in violation of Article I, section 8, clause 17, of the Constitution of the United States, which provides that before any state land can be purchased, the consent of the state Legislature and not the state Executive Branch must be obtained; and

Whereas, Article IV, section 3, clause 2, of the Constitution of the United States provides that ''nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state''; and

Whereas, Article IV, section 4, of the Constitution of the United States provides that ''the United States shall guarantee to every state in this union a republican form of government''; and

Whereas, Amendment V of the Constitution of the United States provides that no person shall ''be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation''. Now, therefore, be it

*Resolved by the Senate and the House of Representatives of the State of Montana:* That the Montana Legislature is opposed to the passage of these acts. Be it further

*Resolved,* That the Montana Legislature urge the members of Congress, especially the Montana delegation, to vigorously oppose these acts and any revisions of these acts and to vote against these acts at every opportunity, Be it further

*Resolved*, That the Secretary of State send copies of this resolution to the President of the United States, the Secretary of State of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States, and Montana's Congressional Delegation.

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POM–117. A joint resolution adopted by the Senate of the State of Nevada urging Congress to support a proposed off-highway vehicle park in Clark County; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 18

Whereas, the Nellis Dunes area comprises approximately 10,181 acres located in unincorporated Clark County, Nevada, on federal public lands managed by the Bureau of Land Management, 8,921 acres of which are usable recreation space, offering a variety of terrain and trails for off-highway vehicle enthusiasts; and

Whereas, most areas of Clark County have been closed to motorized recreation; and

Whereas, the Nellis Dunes is recognized in the Southern Nevada Regional Planning Coalition's open space plan to protect the natural backdrops and maintain a perimeter trail corridor around the Las Vegas Valley; and

Whereas, the Bureau of Land Management's Las Vegas Resource Management Plan designates the Nellis Dunes as an ''open area,'' allowing unrestricted motorized recreation; and

Whereas, an opportunity exists for Clark County to develop and manage a motorized recreation system, consistent with the mission of Nellis Air Force Base, with the potential to prevent safety concerns, improve air quality, protect rare plants and sensitive soils, prevent refuse dumping and capitalize on potential economic development possibilities; and

Whereas, a feasibility study, funded by the Board of County Commissioners for Clark County, evaluated supply and demand considerations, capital and operations and maintenance costs and options for funding, and likely operation models for a motorized recreation park; and

Whereas, development of a motorized recreation park managed by Clark County will benefit southern Nevadans through the promotion of safe off-road activities and implementation of environmental protections to air, sensitive soils and native plants: Now, therefore, be it

*Resolved by the Senate and Assembly of the State of Nevada, Jointly,* That the members of the Nevada Legislature hereby urge Congress to promulgate legislation for the conveyance of the Nellis Dunes area to Clark County for the purpose of off-road recreation and environmental protection; and be it further

*Resolved,* That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, the Board of County Commissioners of Clark County and each member of the Nevada Congressional Delegation; and be it further

*Resolved,* That this resolution becomes effective upon passage.

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POM–118. A joint resolution adopted by the Senate of the State of Nevada encouraging the use of biomass in the production of energy in Nevada and encouraging certain activities relating to that production; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 11

Whereas, ''Biomass'' is the term used to describe organic matter that is available on a renewable basis, including, but not limited to, agricultural crops and agricultural wastes, wood and wood residues, animal wastes, municipal wastes and various aquatic plants; and

Whereas, unlike petroleum, biomass is a resource that is renewable and is generally readily available at the location where it is used to produce renewable energy, thereby reducing the costs of distributing the biomass; and

Whereas, although the production and use of renewable energy is encouraged in Nevada, and biomass is included in the incentives provided for the production and use of renewable energy, the availability and benefits of using biomass itself should be accentuated and brought to the attention of the members of the general public: Now, therefore, be it

*Resolved by the Senate and Assembly of the State of Nevada, Jointly*, That the Nevada Legislature hereby urges Congress to make biomass eligible for production tax credits at the same level and in the same manner as wind and geothermal energy: and be it further

*Resolved*, That this Legislature encourages the use of biomass in the production of energy in Nevada and therefore urges all Nevadans to consider investing money in the production of energy from biomass and to participate in the establishment throughout the State of Nevada of projects that demonstrate the effectiveness and desirability of using locally obtained biomass in the production of energy and partnerships between private enterprises and federal, state and local governmental entities to create those projects: and be it further

*Resolved*, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Secretary of Agriculture, the Director of the Bureau of Land Management, the Chief of the United States Forest Service, the Governor of the State of Nevada, the Director of the State Department of Conservation and Natural Resources and each member of the Nevada Congressional Delegation: and be it further

*Resolved*, That this resolution becomes effective upon passage.

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POM–119. A resolution adopted by the Senate of the State of Florida urging Congress to, among other things, fully authorize the conditionally approved projects in section 601 of the Water Resources Development Act of 2000; to the Committee on Environment and Public Works.

SENATE MEMORIAL 2770

Whereas, the Everglades is one of the most unique and fragile ecosystems in the world, and

Whereas, the Legislature and the Congress of the United States have long recognized that the Everglades is imperiled and must be restored, and

Whereas, the Comprehensive Everglades Restoration Plan was approved by Congress

as a framework for restoration of the Everglades in the Water Resources Development Act of 2000, and

Whereas, the Comprehensive Everglades Restoration Plan will restore more than 2.4 million acres of the south Florida ecosystem while meeting the other water-related needs of the region, and

Whereas, the Legislature and the governing board of the South Florida Water Management District have appropriated more than $2 billion to implement the Comprehensive Everglades Restoration Plan since the passage of the Water Resources Development Act of 2000, and

Whereas, the Legislature and the governing board of the South Florida Water Management District have provided more than 90 percent of the funding to implement the plan, and the South Florida Water Management District has begun construction on the initial conditionally authorized projects, and

Whereas, the Water Resources Development Act of 2000 approved the restoration plan as a full and equal partnership between the State Government and the Federal Government, and

Whereas, the Indian River Lagoon and Picayune Strand projects and 10 conditionally authorized projects require authorization from Congress: Now, therefore, be it

*Resolved by the Legislature of the State of Florida,* That the Congress of the United States is requested to fully authorize the conditionally approved projects in section 601 of the Water Resources Development Act of 2000 and the Indian River Lagoon and Picayune Strand projects in the Comprehensive Everglades Restoration Plan and to provide funding for the federal share of the full and equal partnership; and be it further

*Resolved*, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

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POM–120. A resolution adopted by the Senate of the State of Florida urging Congress to authorize improvements to bring the Herbert Hoover Dike into compliance with current levee protection safety standards and to authorize funding to expedite the improvements; to the Committee on Environment and Public Works.

SENATE MEMORIAL 1680

Whereas, Lake Okeechobee was impacted by four hurricanes during the 2004 and 2005 hurricane seasons, and

Whereas, subsequently, at the request of local community leaders, the South Florida Water Management District Governing Board implemented an independent report on the Herbert Hoover Dike surrounding Lake Okeechobee, and

Whereas, the report found that the dike does not meet current levee protection safety standards, which constitutes a failure of the structure, and

Whereas, the failure of the structure poses a clear and imminent threat of catastrophic proportion to the communities surrounding Lake Okeechobee, and

Whereas, the dike was not built to current levee engineering standards and is therefore not authorized by Congress to be brought into compliance to such standards: Now, therefore, be it

*Resolved, by the Legislature of the State of Florida,* That the Congress of the United States is requested to authorize improvements to bring the Herbert Hoover Dike into compliance with current levee protection safety standards by 2014 and to authorize funding to expedite the improvements; and be it further

*Resolved,* That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

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POM–121. A joint resolution adopted by the Legislature of the State of Nevada urging Congress to reevaluate the ''fast track'' approval of international trade agreements; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 10

Whereas, as international trade has evolved in recent years under the ''fast track'' authority by which Congress reviews international trade agreements involving the United States, the authority for which will expire on June 30, 2007, significant questions have developed with respect to the continuing ability of states to retain their character, environmental controls and quality of life; and

Whereas, under ''fast track'' rules, the review of complex trade agreements by Congress is limited to a vote to approve or reject the agreements, after limited time for consideration, without the possibility of amendments; and

Whereas, trade agreements today have an impact which extends significantly beyond the bounds of traditional trade matters such as tariffs and quotas, and instead grant foreign investors and service providers certain rights and privileges regarding acquisition of land and facilities and regarding operations within a state's territory, subject state laws to challenge as ''non-tariff barriers to trade'' in the binding dispute resolution bodies that accompany the pacts and place limits on the future policy options of state legislatures; and

Whereas, despite the demonstrated variety of significant impacts that trade and investment agreements have on state governance, taxation authority, environmental protection, land use regulation and many other areas of state interest, states and local governments have not received assurances that their concerns will be adequately addressed in any ''fast track'' renewal process; and

Whereas, Federal legislation should clarify the negotiating agenda of the United States in a manner that establishes a stronger role for states and should include an explicit mechanism for the prior informed consent of affected state legislatures: Now, therefore, be it

*Resolved by the Assembly and Senate of the State of Nevada, Jointly,* That the Nevada Legislature hereby urges Congress to reevaluate the ''fast track'' approval of international trade agreements, and to consider replacing that authority with a more democratic, inclusive and deliberative mechanism which takes into consideration the concerns of state legislatures and authorizes their participation in the international trade agreement process; and be it further

*Resolved,* That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

*Resolved,* That this resolution becomes effective upon passage.

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POM–122. A joint resolution adopted by the Legislature of the State of Nevada urging Congress to enact the Resident Physician Storage Reduction Act of 2007; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 17

Whereas, the Resident Physician Shortage Reduction Act of 2007 was recently introduced in Congress as a tool to help states whose physician to population ratios are below that of the national median; and

Whereas, the intent of this legislation is to increase the number of residency positions for which Medicare payments will be made to teaching hospitals in states with a shortage of resident physicians; and

Whereas, increasing the number of resident physicians in states is an important step towards ensuring an adequate supply of physicians in the health care system; and

Whereas, as a result of this legislation, teaching hospitals in approximately 24 states would be eligible for an increase in their resident cap, including Nevada which currently has 199 physicians in training and is estimated to be eligible for an additional 93 positions; and

Whereas, as one of the fastest growing states in the nation, and with a ranking of 43rd in the nation in physicians per 100,000 residents, it is critical to the residents of Nevada that the shortage of physicians be remedied; and

Whereas, it is the belief of the Nevada Legislature that the Resident Physician Shortage Reduction Act is an important first step that will help meet Nevada's and the nation's need for future physician services: Now, therefore, be it

*Resolved by the Senate and Assembly of the State of Nevada, jointly,* That the members of the Nevada Legislature hereby express their support for passage of the Resident Physician Shortage Reduction Act of 2007: and be it further

*Resolved*, That the Nevada Legislature will continue to do all things possible to make Nevada a desirable location for the physicians who choose to practice here; and be it further

*Resolved*, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the United States Senate, the Secretary of Health and Human Services and each member of the Nevada Congressional Delegation; and be it further

*Resolved*, That this resolution becomes effective upon passage.

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POM–123. A joint resolution adopted by the Legislature of the State of Nevada urging Congress to support a free trade agreement between the Republic of China on Taiwan and the United States; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 16

Whereas, it is our belief that it is this country's responsibility to promote the values of freedom and democracy, a commitment to open markets and the free exchange of goods and ideas both at home and abroad, and the Republic of China on Taiwan shares these values and has struggled throughout the past 50 years to create what is an open and thriving democracy; and

Whereas, despite the fact that Taiwan is a member of the World Trade Organization, it has no formal trade agreement with the United States, yet Taiwan has emerged as the United States' eighth largest trading partner, the United States is Taiwan's largest trading partner and American businesses have benefited greatly from this dynamic trade relationship; and

Whereas, Taiwan has emerged over the past two decades as one of the United States' most important allies in Asia and throughout the world; and

Whereas, Taiwan has forged an open, market-based economy and a thriving democracy based on free elections and the freedom

of dissent, and it is in the interest of the United States to encourage the development of both these institutions; and

Whereas, the United States has an obligation to its allies and to its own citizens to encourage economic growth, market opening and the destruction of trade barriers as a means of raising living standards across the board; and

Whereas, a free trade agreement with Taiwan would be a positive step toward accomplishing all of these goals: Now, therefore, be it

*Resolved by the Senate and Assembly of the State of Nevada, Jointly*, That the members of the Nevada Legislature hereby urge President George W. Bush and Congress to support a free trade agreement between the United States and Taiwan: and be it further

*Resolved*, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as presiding officer of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of State, the Director General of the Taipei Economic and Cultural Office in San Francisco, the Executive Director of the Las Vegas Taiwanese Chamber of Commerce and the members of the Nevada Congressional Delegation; and be it further

*Resolved*, That this resolution becomes effective upon passage.

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POM–124. A resolution adopted by the Senate of the State of Florida urging Congress to timely authorize the State Children's Health Insurance Program to assure federal funding for the Florida Kidcare program; to the Committee on Finance.

SENATE MEMORIAL 1506

Whereas, the Legislature of the State of Florida regards the health of children to be of paramount importance to families in the state, and

Whereas, the Legislature of the State of Florida regards poor child health as a threat to the educational achievement and social and psychological well-being of the children of the State of Florid, and

Whereas, the Legislature of the State of Florida considers protecting the health of children to be essential to the well-being of Florida's youngest citizens and the quality of life in the state, and

Whereas, the Legislature of the State of Florida considers the Florida Kidcare program, which was created in 1998 and currently has 1,388,520 children enrolled in the program, to be an integral part of the arrangements for health benefits for the children of the State of Florida, and

Whereas, the Legislature of the State of Florida recognizes the value of the Florida Kidcare program in preserving child wellness, preventing and treating childhood disease, improving health outcomes, and reducing overall health costs, and

Whereas, the Legislature of the State of Florida considers the federal funding available for the Florida Kidcare program to be indispensable to providing health benefits for children of modest means, Now, therefore, be it

*Resolved, by the Legislature of the State of Florida:* That the Legislature urges the members of the Florida delegation to the United States Congress to ensure that the Congress reauthorizes the State Children's Health Insurance Program (SCHIP) to continue to provide federal funding for the Florida Kidcare program: Be it further

*Resolved*, That the Legislature urges the Governor to work with the Florida delegation to ensure that SCHIP is reauthorized in a timely manner. Be it further

*Resolved*, That the Legislature urges the Governor to provide the assistance necessary to identify and enroll children who qualify for Medicaid or the Florida Kidcare program. Be it further

*Resolved*, That the Legislature proclaims that all components of state government should work together with educators, health care providers, social workers, and parents to ensure that all available public and private assistance for providing health benefits to uninsured children in this state be used to the maximum extent possible. Be it further

*Resolved*, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

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POM–125. A joint resolution adopted by the Legislature of the State of Nevada urging Congress to continue to support the participation of the Republic of China on Taiwan in the World Health Organization; to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION NO. 15

Whereas, in the first chapter of its charter, the World Health Organization set forth the objective of attaining the highest possible level of health for all people, and participation in international health programs is crucial as the potential for the spread of infectious diseases increases proportionately with increases in world trade, travel and population; and

Whereas, Taiwan's population of over 23 million is larger than three-fourths of the member countries who currently participate in the World Health Organization; and

Whereas, the achievements of Taiwan in the field of health are substantial and include one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, the eradication of such infectious diseases as cholera, smallpox and the plague, and the distinction of being the first country in the world to provide children with free hepatitis B vaccinations; and

Whereas, before its loss of membership in the World Health Organization in 1972, Taiwan sent specialists to serve in other member countries on countless health projects and its health experts held key positions in the organization, all to the benefit of the entire Pacific region; and .

Whereas, presently, this remarkable country is not allowed to participate in any forums or workshops organized by the World Health Organization concerning the latest technologies in the diagnosis, monitoring and control of disease; and

Whereas, in recent years, the government and the expert scientists and doctors of Taiwan have expressed a willingness to assist financially and technically in international aid and health activities supported by the World Health Organization, but these offers have been refused; and

Whereas, admittance of Taiwan to the World Health Organization would bring tremendous benefits to all persons in this world: Now, therefore, be it

*Resolved, by the Senate and Assembly of the State of Nevada, Jointly,* That the members of the Nevada Legislature hereby urge President George W. Bush and the Congress of the United States to continue to support all efforts made by the Republic of China on Taiwan to gain meaningful participation in the World Health Organization; and be it further

*Resolved,* That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, the Secretary of Health and Human Services, the Director General of the Taipei Economic and Cultural Office in San Francisco, the Executive Director of the Las Vegas Taiwanese Chamber of Commerce and the Nevada Congressional Delegation; and be it further

*Resolved,* That this resolution becomes effective upon passage.

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POM–126. A resolution adopted by the Senate of the State of Florida urging Congress to engage the international community to take action in the effort to bring a just and lasting peace to the people of Darfur; to the Committee on Foreign Relations.

SENATE MEMORIAL 1698

Whereas, United Nations officials have described the ongoing crisis in Darfur as ''the world's worst humanitarian crisis,'' and

Whereas, hundreds of thousands of people have died and more than 2.5 million have been displaced in Darfur since 2003, and

Whereas, the Government of Sudan has failed in its responsibility to protect the many peoples of Darfur, and

Whereas, the United States Congress declared on July 22, 2004, that the atrocities in Darfur constituted genocide, and

Whereas, on September 9, 2004, Secretary of State Colin Powell and President George W. Bush described the crisis in Darfur as genocide, and

Whereas, on June 30, 2005, President Bush confirmed that ''the violence in the Darfur region is clearly genocide and the human cost is beyond calculation,'' and

Whereas, on May 8, 2006, President Bush stated, ''we will call genocide by its rightful name, and we will stand up for the innocent until the peace of Darfur is secured,'' and

Whereas, on May 5, 2006, the Government of Sudan and the largest rebel faction in Darfur, the Sudan Liberation Movement, led by Minni Minnawi, signed the Darfur Peace Agreement (DPA), and

Whereas, violence in Darfur escalated in the months following the signing of the DPA, with increased attacks against civilians and humanitarian workers, and

Whereas, violence has spread to the neighboring states of Chad and the Central African Republic, threatening regional peace and security, and

Whereas, in July 2006, more humanitarian aid workers were killed than in the previous 3 years combined, and

Whereas, violence has forced some humanitarian organizations to suspend operations, leaving 40 percent of the population of Darfur inaccessible to aid workers, and

Whereas, on August 30, 2006, the United Nations Security Council passed Security Council Resolution 1706 (2006), asserting that the existing United Nations Mission in Sudan (UNMIS) ''shall take over from the African Union Mission in Sudan (AMIS) responsibility for supporting the implementation of the Darfur Peace Agreement (DPA) upon the expiration of AMIS's mandate but in any event no later than 31 December 2006,'' and that UNMIS ''shall be strengthened by up to 17,300 military personnel . . . up to 3,300 civilian police personnel and up to 16 Formed Police Units,'' which ''shall begin to be deployed no later than 1 October 2006,'' and

Whereas, on September 19, 2006, President Bush announced the appointment of Andrew Nastios as Presidential Special Envoy to lead United States efforts to bring peace to the Darfur region in Sudan, and

Whereas, on November 16, 2006, high-level consultations led by Kofi Annan, Secretary General of the United Nations, and Alpha Oumar Konare, Chairperson of the African Union Commission, and including representatives of the Arab League, the European

Union, the Government of Sudan, and other national governments, produced the ''Addis Ababa Agreement,'' and

Whereas, the Agreement stated that the DPA must be made more inclusive, and ''called upon all parties—Government and DPA nonsignatories—to immediately commit to a cessation of hostilities in Darfur in order to give the peace process the best chances for success,'' and

Whereas, the Agreement included a plan to establish a United Nations–African Union peacekeeping operation that would consist of no fewer than 17,000 military troops and 3,000 civilian police, and would have a primarily African character, and

Whereas, the Agreement stated that the peacekeeping operation must be logistically and financially sustainable, with support coming from the United Nations, and

Whereas, it is imperative that a peacekeeping force in Darfur have sufficient strength and the mandate to provide adequate security to the people of Darfur, and

Whereas, on January 10, 2007, New Mexico Governor Bill Richardson met with Sudanese President Omar Hassan Al-Bashir; their meeting resulted in the issuance of a Joint Statement calling for ''a 60-day cessation of hostilities by all parties within the framework of the Darfur Peace Agreement,'' and

Whereas, the Joint Statement called for the initiation of African Union/United Nations diplomatic efforts within the framework of the DPA, and for two projected meetings—a Government of Sudan-sponsored field commanders' conference to be attended by representatives of the African Union and the United Nations, and a subsequent African Union/United Nations sponsored peace summit, again within the framework of the DPA, to be held no later than March 15, 2007, and

Whereas, the Joint Statement stated the need to disarm all armed groups, including the Janjaweed, pursuant to the provision of the DPA: Now, therefore, be it

*Resolved by the Legislature of the State of Florida,* That the Florida Legislature:

(1) Supports, given the rapidly deteriorating situation on the ground in Darfur, the principles of the Addis Ababa Agreement of November 17, 2006, in order to increase security and stability for the people of Darfur.

(2) Declares that the deployment of an African Union–United Nations peacekeeping force under the command and control of the United Nations, as laid out in the Addis Ababa Agreement, is the minimum acceptable effort on the part of the international community to protect the people of Darfur.

(3) Supports the strengthening of the African Union peacekeeping mission in Sudan so that it may improve its performance with regard to civilian protection as the African Union peacekeeping mission begins to transfer responsibility for protecting the people of Darfur to the United Nations–African Union peacekeeping force under the command and control of the United Nations, as laid out in the Addis Ababa Agreement.

(4) Calls upon the Government of Sudan to immediately:

(a) Allow the implementation of the united Nations light and heavy support packages as provided for in the Addis Ababa Agreement; and

(b) Work with the United Nations and the international community to deploy United Nations peacekeepers to Darfur in keeping with the United Nations Security Council Resolution 1706 passed on August 31, 2006.

(5) Calls upon all parties to the conflict to immediately:

(a) Adhere to the Joint Statement issued by Governor Bill Richardson and President Omar Hassan Al-Bashir on January 10, 2007;

(b) Observe the cease-fire contained therein; and

(c) Respect the impartiality and neutrality of humanitarian agencies so that relief workers can have unfettered access to their beneficiary populations and deliver desperately needed assistance.

(6) Urges the President to:

(a) Continue work with other members of the international community, including the permanent members of the United Nations Security Council, the African Union, the European Union, the Arab League, Sudan's trading partners, and the Government of Sudan to facilitate the implementation of the Addis Ababa Agreement and the subsequent Richardson-Bashir Joint Statement;

(b) Ensure the ability of any peacekeeping force deployed to Darfur to carry out its mandate by providing adequate funding and by working with our international partners to provide technical assistance, logistical support and intelligence-gathering capabilities, and military assets;

(c) Vigorously pursue, in cooperation with other members of the international community, strong punitive action against those persons responsible for crimes against humanity as previously authorized in the Darfur Peace and Accountability Act of 2006 (Public Law 109–344), United Nations Security Council Resolution 1591 (2005), and the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497, 118 Stat. 4012); and

(d) Make all necessary efforts to address the widespread incidents of gender-based violence in Darfur, including working with the Government of Sudan to help institute a zero-tolerance policy for gender-based violence as agreed to in the Richardson-Bashir Joint Statement.

(7) Calls upon the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, and the Florida delegation to the United States Congress to:

(a) Provide all necessary funding and support for United Nations and African Union peacekeeping operations in Darfur;

(b) Provide all necessary funding and support for humanitarian aid in Darfur and affected areas of Chad and the Central African Republic;

(c) Conduct sufficient oversight of actions by the United States administration to ensure that no opportunities for furthering the peace are missed; and

(d) Continue to monitor the conflict and political processes and, if necessary, examine imposing additional punitive sanctions against the Government of Sudan, officials within the Government of Sudan, rebel leaders, and any other individual or group obstructing the ongoing peace process or in violation of agreed-upon cease-fires and the Darfur Peace Agreement; and be it further

*Resolved*, That the Florida Legislature urges Congress to do all in its power to further the goals expressed in this memorial in order to bring lasting peace to the people of Darfur: and be it further

*Resolved*, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

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POM–127. A joint resolution adopted by the Legislature of the State of Montana repealing, rescinding, canceling, voiding, and superseding any and all extant application previously made by the Legislature to Congress to call a convention pursuant to the terms of Article V of the U.S. Constitution for proposing one or more amendments to it; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 38

Whereas, the Legislature of the State of Montana, acting with the best of intentions, has, at various times and during various sessions, previously made applications to the Congress of the United States of America to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V of the United States Constitution; and

Whereas, former Chief Justice of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for a convention or conventions to the contrary notwithstanding. thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times. without the need to resort to a constitutional convention, and has been interpreted for more than 200 years and has been found to be a sound document that protects the lives and liberties of the citizens; and

Whereas, there is no need for, and rather there is great danger in, a new Constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another 2 centuries of litigation over its meaning and interpretation. Now, therefore, be it

*Resolved by the Senate and the House of Representatives of the State of Montana,* That the Legislature does hereby repeal, rescind, cancel, nullify, and supersede to the same effect as if they had never been passed any and all extant applications by the Legislature of the State of Montana to the Congress of the United States of America to call a convention to propose amendments to the Constitution of the United States of America, pursuant to the terms of Article V of the Constitution, regardless of when or by which session or sessions of the Montana Legislature the applications were made and regardless of whether the applications were for a limited convention to propose one or more amendments regarding one or more specific subjects and purposes or for a general convention to propose an unlimited number of amendments upon an unlimited number of subjects; and be it further

*Resolved*, That the following resolutions and memorials are specifically repealed, rescinded, canceled, nullified, and superseded: Joint Concurrent Resolution No. 2, 1901; House Joint Resolution No. 1, 1905; Senate Joint Resolution No. 1, 1907; House Joint Memorial No. 7, 1911; House Joint Resolution No. 13, 1963; and Senate Joint Resolution No. 5, 1965; and be it further

*Resolved*, That the Legislature of the State of Montana urges the Legislatures of each and every state that has applied to Congress to call a convention for either a general or a limited constitutional convention to repeal and rescind the. applications; and be it further

*Resolved*, That the Secretary of State is directed to send copies of this resolution to the Secretary of State of each state in the Union, to the presiding officers of both houses of the Legislatures of each state in the Union, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the Montana Congressional Delegation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1610. An original bill to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes (Rept. No. 110–80).

S. 1611. An original bill to make technical corrections to SAFETEA-LU and other related laws relating to transit (Rept. No. 110–81).

S. 1612. An original bill to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes (Rept. No. 110–82).

## 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. MENENDEZ (for himself, Mr. ENSIGN, and Mr. LAUTENBERG):

S. 1603. A bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. CLINTON (for herself and Mr. SMITH):

S. 1604. A bill to increase the number of well-educated nurses, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD (for himself, Mr. ROBERTS, Mr. HARKIN, Mr. SALAZAR, Mr. DOMENICI, Mr. BINGAMAN, Mr. SMITH, Mr. NELSON of Nebraska, Ms. SNOWE, Mrs. MURRAY, Mr. THUNE, Mr. DORGAN, Ms. COLLINS, Mr. JOHNSON, Mr. ENZI, and Mrs. LINCOLN):

S. 1605. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. LEVIN (for himself, Mr. AKAKA, Mr. MCCAIN, Mr. WARNER, Mrs. MURRAY, Mr. GRAHAM, Mr. KENNEDY, Mr. SESSIONS, Mr. ROCKEFELLER, Ms. COLLINS, Mr. BYRD, Mr. CHAMBLISS, Mr. OBAMA, Mrs. DOLE, Mr. LIEBERMAN, Mr. CORNYN, Mr. SANDERS, Mr. THUNE, Mr. REED, Mr. MARTINEZ, Mr. BROWN, Mr. NELSON of Florida, Mr. TESTER, Mr. NELSON of Nebraska, Mr. BAYH, Mrs. CLINTON, Mr. PRYOR, Mr. WEBB, Mrs. MCCASKILL, Mr. DURBIN, and Ms. STABENOW):

S. 1606. A bill to provide for the establishment of a comprehensive policy on the care and management of wounded warriors in order to facilitate and enhance their care, rehabilitation, physical evaluation, transition from care by the Department of Defense to care by the Department of Veterans Affairs, and transition from military service to civilian life, and for other purposes; to the Committee on Armed Services.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. SCHUMER, and Mr. GRAHAM):

S. 1607. A bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; to the Committee on Finance.

By Mr. ENSIGN (for himself and Mr. REID):

S. 1608. A bill to provide for the conveyance of certain land in Clark County, Nevada, for use by the Nevada National Guard; to the Committee on Energy and Natural Resources.

By Mr. INOUYE (for himself and Mr. STEVENS) (by request):

S. 1609. A 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, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD:

S. 1610. An original bill to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. DODD:

S. 1611. An original bill to make technical corrections to SAFETEA-LU and other related laws relating to transit; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. DODD:

S. 1612. An original bill to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. WYDEN (for himself and Mr. CHAMBLISS):

S. 1613. A bill to require the Director of National Intelligence to submit to Congress an unclassified report on energy security and for other purposes; to the Select Committee on Intelligence.

By Mr. HARKIN (for himself, Mr. KENNEDY, and Mrs. MURRAY):

S. 1614. A bill to amend the Fair Labor Standards Act of 1938 to strengthen penalties for unlawful child labor; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself and Mr. BURR):

S. 1615. A bill to provide loans and grants for fire sprinkler retrofitting in nursing facilities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. CARPER, Mr. LUGAR, and Mr. OBAMA):

S. 1616. A bill to amend the Clean Air Act to promote and assure the quality of biodiesel fuel, and for other purposes; to the Committee on Environment and Public Works.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL:

S. Res. 233. A resolution making Minority party appointments for the Select Committee on Ethics for the 110th Congress; considered and agreed to.

By Mr. INHOFE (for himself and Mr. DODD):

S. Res. 234. A resolution designating June 15, 2007, as ''National Huntington's Disease Awareness Day''; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 65

At the request of Mr. INHOFE, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 116

At the request of Mr. OBAMA, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 116, a bill to authorize resources to provide students with opportunities for summer learning through summer learning grants.

S. 117

At the request of Mr. OBAMA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 117, a bill to amend titles 10 and 38, United States Code, to improve benefits and services for members of the Armed Forces, veterans of the Global War on Terrorism, and other veterans, to require reports on the effects of the Global War on Terrorism, and for other purposes.

S. 185

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 329

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) 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. 382

At the request of Ms. COLLINS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 382, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 430

At the request of Mr. LEAHY, the name of the Senator from New York

(Mrs. CLINTON) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 442

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 543

At the request of Mr. NELSON of Nebraska, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Mississippi (Mr. LOTT) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 755

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. SANDERS) 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. 790

At the request of Mr. LUGAR, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 790, a bill to amend the Richard B. Russell National School Lunch Act to permit the simplified summer food programs to be carried out in all States and by all service institutions.

S. 799

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 799, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 807

At the request of Mr. MARTINEZ, his name was added as a cosponsor of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 829

At the request of Ms. MIKULSKI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 829, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

S. 887

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 887, a bill to restore import and entry agricultural inspection functions to the Department of Agriculture.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 912

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 912, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 970

At the request of Mr. SMITH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1042

At the request of Mr. ENZI, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1042, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 1060

At the request of Mr. BIDEN, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1066

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1066, a bill to require the Secretary of Education to revise regulations regarding student loan repayment deferment with respect to borrowers who are in postgraduate medical or dental internship, residency, or fellowship programs.

S. 1099

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1099, a bill 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.

S. 1125

At the request of Mr. LOTT, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1125, a bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity.

S. 1146

At the request of Mr. SALAZAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1146, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 1173

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1173, a bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes.

S. 1205

At the request of Mr. SMITH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1205, a bill to require a pilot program on assisting veterans service organizations and other veterans groups in developing and promoting peer support programs that facilitate community reintegration of veterans returning from active duty, and for other purposes.

S. 1223

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1223, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes.

S. 1260

At the request of Mr. CARPER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1260, a bill to protect information relating to consumers, to require notice of security breaches, and for other purposes.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1335, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 1337

At the request of Mr. KERRY, the name of the Senator from New Jersey

(Mr. MENENDEZ) was added as a cosponsor of S. 1337, a bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

S. 1375

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1375, a bill to ensure that new mothers and their families are educated about postpartum depression, screened for symptoms, and provided with essential services, and to increase research at the National Institutes of Health on postpartum depression.

S. 1382

At the request of Mr. REID, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1416

At the request of Mr. SMITH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1416, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for mortgage insurance premiums.

S. 1426

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1426, a bill to amend the Agricultural Trade Act of 1978 to reauthorize the market access program, and for other purposes.

S. 1437

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1459

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1459, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 1469

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1469, a bill to require the closure of the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes.

S. 1500

At the request of Mrs. CLINTON, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1500, a bill to support democracy and human rights in Zimbabwe, and for other purposes.

S. 1514

At the request of Mr. DODD, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1551

At the request of Mr. BROWN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1551, a bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

S. 1555

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1555, a bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, and for other purposes.

S. 1577

At the request of Mr. KOHL, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1577, a bill to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

S. 1593

At the request of Mr. BAUCUS, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Mississippi (Mr. LOTT), the Senator from Idaho (Mr. CRAPO) and the Senator from Nevada (Mr. REID) were added as cosponsors 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. 1597

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1597, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

S. RES. 215

At the request of Mr. ALLARD, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. Res. 215, a resolution designating September 25, 2007, as ''National First Responder Appreciation Day''.

AMENDMENT NO. 1503

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 1503 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1505

At the request of Mr. INHOFE, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of amendment No. 1505 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1508

At the request of Mr. BAYH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 1508 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1510

At the request of Mr. LOTT, his name was added as a cosponsor of amendment No. 1510 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1514

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 1514 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1518

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 1518 intended to be proposed to H.R. 6, a bill

to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1523

At the request of Mr. THUNE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 1523 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1524

At the request of Mr. SALAZAR, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Florida (Mr. NELSON), the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 1524 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mrs. CLINTON (for herself and Mr. SMITH):

S. 1604. A bill to Increase the number of well-educated nurses, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am pleased to introduce the Nursing Education and Quality of Health Care Act of 2007. This legislation is essential for addressing our current and future nursing shortages.

I have been hearing from nurses and health care providers from every part of New York that we are facing an impending nursing crisis and their stories echo what nurses across the Nation tell me.

By 2014, the Bureau of Labor Statistics forecasts that there will be over 1 million job openings for registered nurses. In New York alone, we will need to produce over 80,000 new RNs to meet these projections. One of our greatest needs will be in rural areas where the pool of nurses is small and the loss of just one nurse from the workforce can have a profound impact on the health of the community.

I can proudly say we have made good progress in New York on one front. In 2006, 30 percent more registered nurses graduated than in 2004. I believe that we can credit this increase to the Nurse Reinvestment Act that was signed into law in 2002. Through this bipartisan legislation, we were able to make great strides in strengthening our Nation's nursing workforce.

The Nurse Reinvestment Act included a number of critical initiatives including one from the bipartisan bill I introduced with Senator SMITH to retain nurses who are already in the profession by encouraging hospitals to become magnet hospitals. Hospitals that have achieved magnet status report lower mortality rates, higher patient satisfaction, greater cost-efficiency, and patients experiencing shorter stays in hospitals and intensive care units underlining the importance of nursing in our health care system.

I am here today because nurses are still facing an urgent situation that requires our action. Even though we are making progress in graduating more nurses, in 2006 over 32,323 qualified applicants were turned away from nursing schools in the United States. In New York, it is estimated that nearly 3,000 nursing school applicants were denied entry. Put simply, we don't have the capacity in our nursing schools to train qualified potential students.

Not only are we facing a nursing shortage, we are setting ourselves up for a potential nursing crisis if we don't address the impending faculty shortage that will occur as baby boomer nurse faculty reach retirement age, leaving fewer and fewer faculty to teach the next generation of nurses.

We need to pave the way and recruit more people into the nursing profession. This shortage impacts not only nurses, but also patients since we know that the quality of care they receive is directly related to nurses.

The Nursing Education and Quality of Health Care Act supports recruitment, education, and training to help alleviate the nursing shortage in New York and in the rest of the Nation. This act will establish distance learning opportunities for peoplein rural communities who wish to pursue the nursing profession without leaving their home town. This legislation will also provide tuition assistance and loan forgiveness for those who choose to practice in rural communities.

To increase the number of nurses in the workforce we need to expand the nursing faculty so that thousands of qualified students are not turned away from the profession. This legislation will fund programs that enhance recruitment of faculty and allow for the expansion of nursing education programs by funding distance learning innovation, and by expanding the recruitment and training of community-based faculty for classroom and clinical education.

We also need nurses to participate and collaborate in patient-safety initiatives for the well-being of patients. The Nursing Education and Quality of Health Care Act will take the lead by supporting projects that integrate patient safety practices into nursing education programs and enhance the leadership of nurses in improving patients' outcomes within their health care settings.

We will all rely on nurses sometime in our life, and we need to make sure that this essential member of the health care team will always be present at our bedsides.

I am pleased to introduce legislation that supports nurses and that is supported by nursing organizations like the American Association of Colleges of Nursing, the American Nurses Association, the American Organization of Nurse Executives, the Brooklyn Nursing Partnership, and the New York State Area Health Education Center System. Nurses are critical to the successful operation of our hospitals and the quality of care patients receive and we must do everything we can to address the nursing shortage and make nursing an attractive and rewarding profession.

Mr. SMITH. Mr. President, I am pleased to join my colleague, Senator CLINTON, in introducing this important piece of legislation to help alleviate the nursing shortage in our Nation. This legislation will work to ensure that our nursing schools have increased capacity and the tools necessary to properly train nurses to enter into the workforce.

As many of my colleagues know, the shortage of nurses is a current and ever increasing problem in our Nation. As baby boomers age and demands for health care continue to increase, we will further see a shortage of nurses, which is not sustainable for the health needs of our Nation. While the number of graduates from nursing programs is increasing, we are still facing ongoing critical shortages and we must do better.

Incredibly, while we have an ever-increasing demand for nurses, we are also seeing our schools of nursing turn away scores of students each year who are viable candidates due to lack of capacity and lack of teaching staff. In fact, in my home State of Oregon, for each student position available in nursing programs, there are six applicants. This forces many young men and women who want to enter this field of work to give up on pursuing a nursing career. This is one of many reasons that we currently have 118,000 vacant positions for nurses nationwide, this translates to a national vacancy rate of 8.5 percent.

Our entire Nation is on an aging trajectory in all areas, and the nursing workforce is no exception. In Oregon, nearly half of our nurses are age 50 or older, and the proportion of nurses over the age of 50 has doubled in the last 20 years. We also know that according to a survey in 2006, 55 percent of surveyed

nurses reported their intention to retire between 2011 and 2020. Further, according to the Health Resources and Services Administration, HRSA, this will leave America with a deficit of more than 1 million nurses by the year 2020.

The bill that I am introducing today with Senator CLINTON will provide grants to enhance rural nurse training programs by improving the technology infrastructure. It also will provide grants for nurse faculty development so that schools of nursing can increase the number of nursing faculty in their programs, thereby increasing the number of students they can accept into their programs. This bill also will encourage pipeline programs to help increase the number of rural residents who pursue nursing in their communities. Lastly, it will provide grants for partnerships that advance the education, delivery and measurement of quality and patient safety in nursing practices. These important provisions will help in the recruitment and training of nurses as well as work towards enhanced quality and safety of nursing across the Nation.

I hope my colleagues will join me in support of this bill, and I look forward to working with Chairman KENNEDY and other members of the Health, Education, Labor, and Pensions Committee to secure its passage.

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By Mr. CONRAD (for himself, Mr. ROBERTS, Mr. HARKIN, Mr. SALAZAR, Mr. DOMENICI, Mr. BINGAMAN, Mr. SMITH, Mr. NELSON of Nebraska, Ms. SNOWE, Mrs. MURRAY, Mr. THUNE, Mr. DORGAN, Ms. COLLINS, Mr. JOHNSON, Mr. ENZI, and Mrs. LINCOLN):

S. 1605. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, it is with mixed emotions that I rise today to introduce the Rural Hospital and Provider Equity Act of 2007, or R-HoPE. This proposal is the result of months of work with my friend and colleague, Senator Craig Thomas, who just passed away. In fact, Senator Thomas and I were getting ready to introduce this bill the week we lost him.

This particular legislation is the product of work that Senator Thomas and I have done over many years as cochair of the rural health caucus. So it is a poignant moment for me to come to the floor to introduce this bill. I am asking my colleagues that we name this bill the Craig Thomas Rural Hospital and Provider Equity Act of 2007, as we pay tribute to the service of our colleague, Senator Thomas.

I can think of no better champion of rural health than Senator Craig Thomas, and there is not a more appropriate way to honor his Senate career than by enacting this legislation that will carry his name.

As Senator Thomas and I continually argued in this Chamber, Medicare shortchanges many rural hospitals and providers. Before the Medicare Modernization Act, rural providers received one-half the payments that urban areas received—one-half to provide exactly the same treatment for exactly the same illness. That was unfair.

Senator Thomas and I teamed up at the time to make changes that were in the Medicare prescription drug bill that began to level the playing field, but those provisions are about to run out.

I would be the first to admit that health care can be more expensive in urban areas than rural areas, but it is not twice as much. When I ask the doctors and hospital administrators of my State if they get a rural discount when they buy technology for hospitals, they laugh, they chuckle, they say, no, they don't get any rural discount. We know now it actually costs more to recruit doctors to rural parts of the country than it does more urban settings, and we know while there is some cost differential, it is not a 100-percent cost differential.

The Medicare bill, the prescription drug bill recognized this disparity in reimbursement and took steps to close the gap. Even with the additional funding, many rural hospitals and providers continue to experience negative margins.

If we are to maintain access to health care in rural areas, we cannot allow providers to lose 3 percent on nearly every patient they see. But that is what is occurring in rural America today.

Congress needs to take steps to fairly reimburse rural providers for the care they provide. The Craig Thomas R-HoPE bill will build on the progress made in the medicare Prescription Drug Act and add new provisions that would protect access to rural health care.

First, the bill will fulfill the promise made to those living and traveling in rural areas that they don't have to travel far for hospital care. The bill would also provide more reflective reimbursement for the cost of labor in rural areas. I should say reimbursement that more fairly reflects the costs in rural areas since they are often competing with more urban areas in the global health care marketplace.

In addition, our proposal would provide the resources currently lacking in rural hospitals to repair crumbling buildings. It also includes two changes to the Critical Access Hospital Program and will put these facilities on a sounder financial footing.

Second, R-HoPE will promise that rural Americans can see a doctor when they are sick. As is the case with most rural States, much of North Dakota is designated as a health professional shortage area. Recruiting doctors is extremely difficult. Our bill would extend the provision in current law that provides incentive payments for doctors who practice in rural areas.

Third, our bill would guarantee that when there is an emergency, there is an ambulance there to respond. Many rural ambulance services are closing because of lower Medicare reimbursement, resulting in response times far above the national average. R-HOPE would protect rural ambulance services and those living and traveling in these parts of the country by providing a 5-percent bonus payment for 2008 and 2009.

Finally, our bill takes a number of steps to help protect the availability of other health care providers, such as rural health clinics, home health agencies, and mental health professionals. This bill achieves the goal Senator Thomas and I have had for a number of years, that rural America enjoy the same level of health care access and affordability more urban areas enjoy. Rural America is the heart of our country. We cannot turn our backs on these areas and their health care needs.

Before I close, I also want to recognize Senator Thomas's staff member, Erin Tuggle, who has worked tirelessly on this legislation on behalf of rural health care and served Senator Craig Thomas so very well. She played a key role in developing this legislation, along with my staff, and I thank her for her efforts.

It is my hope this legislation, which will carry Senator Craig Thomas's name, will help strengthen our rural health care system. I can't think of a better tribute to my friend and our colleague, Senator Craig Thomas.

At this point, I wish to indicate that Senator ROBERTS is my leading cosponsor, Senator ROBERTS of Kansas, and we are joined by Senator HARKIN, Senator SALAZAR, Senator DOMENICI, Senator BINGAMAN, Senator SMITH, Senator NELSON of Nebraska, Senator SNOWE, Senator MURRAY, Senator THUNE, Senator DORGAN, Senator COLLINS, Senator JOHNSON, and Senator ENZI. I ask unanimous consent that they all appear as cosponsors of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I should also indicate before I close that this bill has now been endorsed by the National Rural Health Association, the American Hospital Association, the American Ambulance Association, the American Telemedicine Association, the National Association for Home Care & Hospice, the American Association for Marriage and Family Therapy, the National Association of Rural Health Clinics, the North Dakota Hospital Association, and the Federation of American Hospitals, all of them joining together to send a message that this legislation is needed and it is needed now.

This is one way we can pay a tangible tribute to the service of Senator Craig Thomas. I think all of us who knew him and worked with him knew him as

a quintessential gentleman, and I hope very much that others of our colleagues will join us in cosponsoring this legislation in this tribute to Senator Thomas.

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By Mr. LEVIN (for himself, Mr. AKAKA, Mr. MCCAIN, Mr. WARNER, Mrs. MURRAY, Mr. GRAHAM, Mr. KENNEDY, Mr. SESSIONS, Mr. ROCKEFELLER, Ms. COLLINS, Mr. BYRD, Mr. CHAMBLISS, Mr. OBAMA, Mrs. DOLE, Mr. LIEBERMAN, Mr. CORNYN, Mr. SANDERS, Mr. THUNE, Mr. REED, Mr. MARTINEZ, Mr. BROWN, Mr. NELSON of Florida, Mr. TESTER, Mr. NELSON of Nebraska, Mr. BAYH, Mrs. CLINTON, Mr. PRYOR, Mr. WEBB, Mrs. MCCASKILL, Mr. DURBIN, Ms. STABENOW):

S. 1606. A bill to provide for the establishment of a comprehensive policy on the care and management of wounded warriors in order to facilitate and enhance their care, rehabilitation, physical evaluation, transition from care by the Department of Defense to care by the Department of Veterans Affairs, and transition from military service to civilian life, and for other purposes; to the Committee on Armed Services.

Mr. LEVIN. Mr. President in February, a series of articles in the Washington Post highlighted shortfalls in the care and treatment of our wounded warriors at the Walter Reed Army Hospital. These articles described deplorable living conditions for some service members in an outpatient status; a bungled, bureaucratic process for assigning disability ratings that determine whether a service member will be medically retired with health and other benefits for himself and for his family; and a clumsy handoff between the Department of Defense and the Department of Veterans Affairs as the military member transitions from one department to the other. The Nation's shock and dismay reflected the American people's support, respect, and gratitude for the men and women who put on our Nation's uniform. They deserve the best, not shoddy medical care and bureaucratic snafus.

The Armed Services Committee and the Veterans' Affairs Committee held a rare joint hearing to identify the problems our wounded soldiers are facing. These committees continue to work together to address these issues, culminating in the bill we introduce today, the Dignified Treatment for Wounded Warriors Act. Our bill addresses the issues of substandard facilities, inconsistent disability ratings, lack of seamless transition from DOD to the VA, inadequacy of severance pay, care and treatment for traumatic brain injury and post-traumatic stress disorder, medical care for caregivers not eligible for TRICARE, and the sharing of medical records between the Department of Defense and the Department of Veterans Affairs.

The Dignified Treatment for Wounded Warriors Act requires the Secretary of Defense to establish standards for the treatment of and housing for military outpatients. These standards will require compliance with Federal and other standards for hospital facilities and operations and will be uniform and consistent throughout the Department of Defense.

Another shortfall identified in the aftermath of the Washington Post articles is the inconsistency in disability ratings for the same and similar disabilities. In many instances, disability ratings assigned by the Veterans' Administration are higher than the disability ratings assigned by the military services for the same injuries. The military services are not even consistent among themselves in assigning disabilities. The Dignified Treatment for Wounded Warriors Act addresses the issue of disparate disability ratings in several ways.

First, it requires the military departments to use VA standards for rating disabilities, allowing the military to deviate from these standards only when the deviation will result in a higher disability rating for the service member. In our view, requiring all of the military departments and the VA to use the same standards should result in identical disability ratings for the same or similar disabilities.

Second, the act will change the statutory presumption used by the military departments for determining whether a disability is incurred incident to military service or existed prior to military service to mirror the statutory presumption used by the VA. Currently, the military rule is that a disability is presumed to be incident to service if a member has been in the military for 8 or more years. That leaves out a high percentage of our troops. Under the revised rule, a disability will be presumed to be incident to service when the member has 6 months or more of active military service and the disability was not noted at the time the member entered active duty, unless compelling evidence or medical judgement warrant a finding that the disability existed before the member entered active duty. This should avoid the situation where the military assigns a disability rating of zero percent on the basis that a disability existed prior to service and the VA later awards a higher disability rating and disability compensation by using the VA presumption to conclude that the very same disability is service connected.

Third, the act will require two pilot programs to test the viability of using the VA to assess disability ratings for the Department of Defense. One pilot program will require the Veterans' Administration to assign the disability ratings for the Department of Defense, based on all medical conditions that render the service member medically unfit for military service. The other pilot program will require the military department and the VA to jointly assign the disability rating, also based on all medical conditions that render the service member medically unfit for military service.

Fourth, the act will require the Secretary of Defense to establish a board to review and, where appropriate, correct disability determinations of 20 percent or less for those service members separated from service because they were medically unfit for duty after September 11, 2001. This will give our service members an opportunity to correct unwarranted low disability ratings and ensure that disability ratings are uniform and equitable.

The Institute of Medicine has just completed a study for the Veterans' Disability Benefits Commission, concluding that current VA standards are out of step with modern medical advances in conditions such as traumatic brain injury and modern concepts of disability. The Disability Commission is due to report to Congress on its findings and recommendations in October. The Dignified Treatment for Wounded Warriors Act will require the Department of Defense to use any updated standards as soon as the Veterans' Administration adopts them.

Our bill addresses the lack of a seamless transition from the military to the Veterans' Administration by requiring the Secretary of Defense and the Secretary of Veterans Affairs to jointly develop a comprehensive policy on the care and management of service members who will transition from DOD to the VA. This policy will address the care and management of service members in a medical hold or medical holdover status, the medical evaluation and disability evaluation of disabled service members, the return of disabled service members to active duty when appropriate, and the transition of disabled service members from receipt of care and services from the Department of Defense to receipt of care and services from the VA.

Another problem identified by the committees is the inadequacy of separation pay for junior service members. Those separated with a disability rating of 30 percent or higher are medically retired with health care and additional benefits for the service members and their families. Those separated with a disability rating of less than 30 percent are discharged and given a severance pay that is based on how long they were in the military. For example, a service member with 2 years of service will receive the equivalent of only 4 months basic pay as severance pay. This bill increases the minimum severance pay to 1 year's basic pay for those separated for disabilities incurred in a combat zone and 6 months' basic pay for all others. Furthermore, under current law, severance pay is deducted from any VA disability compensation these service members receive. Our bill changes that by eliminating the requirement that severance

pay be deducted from disability compensation for disabilities incurred in a combat zone.

The signature injuries of the current conflicts are post-traumatic stress disorder, commonly referred to as PTSD, and traumatic brain injury, referred to as TBI. We still have a lot to do to adequately respond to these injuries. To address this, the Dignified Treatment of Wounded Warriors Act authorizes $50 million for improved diagnosis, treatment, and rehabilitation of members with TBI or PTSD. The act also requires the Secretary of Defense to establish Centers of Excellence for PTSD and for TBI. These centers will conduct research, train health care professionals, and provide guidance throughout the Department of Defense in the prevention, diagnosis, mitigation, treatment, and rehabilitation of these injuries. Finally, the act requires the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, to report to Congress with comprehensive plans to prevent, diagnose, mitigate, treat, and otherwise respond to TBI and PTSD. These plans will address improvements of personnel protective equipment in addition to addressing the medical aspects of diagnosing and treating TBI and PTSD.

We are also addressing the problem that exists because medically retired service members, who are eligible for TRICARE as retirees, do not have access to some of the cutting-edge treatments that are available to members still on active duty. To address this shortfall, the act authorizes medically retired service members with disability ratings of 50 percent or higher to receive the active duty medical benefit for 3 years after the member leaves active duty.

We are also beginning to address the problem created when parents, siblings, and others who are not normally authorized to receive military health care leave their homes to serve as caregivers to military personnel with severe injuries while the members are undergoing extensive medical treatment. In many cases, these family members leave their jobs and lose their job-related health care. Even though these family members are in a military hospital, they are not authorized to receive medical care from the doctors at that facility when they need it. To address this, the act authorizes military and VA health care providers to provide urgent and emergency medical care and counseling to family members on invitational travel orders.

One of the significant shortfalls in the smooth transition from military health care to VA health care is the inability to share health records between the two Departments. Our bill will establish a Department of Defense and Department of Veterans Affairs Interagency Program Office to develop and implement a joint electronic health record.

The Dignified Treatment of Wounded Warriors Act is a comprehensive bill that lays out a path for the Department of Defense and the Department of Veterans Affairs to address shortfalls in the care and management of our wounded warriors. They deserve the best care and support we can muster. The American people rightly insist on no less.

Mr. AKAKA Mr. President, as chairman of the Veterans' Affairs Committee and as a member of the Armed Services Committee, I was delighted to work with Senator LEVIN, chairman of the Armed Services Committee, and others on this important legislation, the Dignified Treatment of Wounded Warriors Act of 2007. I really appreciated the willingness of the Armed Services Committee staff to work in close cooperation with the Veterans' Affairs Committee staff on its drafting. This legislation would improve the policies which govern the care and management of all servicemembers with a serious illness or injury that might render them unfit for duty in order to facilitate and enhance their care, rehabilitation, and physical evaluation, as well as improve their transition from the Department of Defense to the Department of Veterans Affairs.

This measure is a direct outcome of an unprecedented joint hearing held on April 12, 2007, by the Senate Armed Services and Veterans' Affairs Committees during which we heard testimony on the transition of servicemembers from DoD to VA. This measure will go a long way toward addressing the problems that first gained public attention with the stories about Walter Reed Army Medical Center and will help achieve the goal of providing optimal care and a truly seamless transition for the nation's wounded warriors.

I view issues relating to those servicemembers who may be rendered unfit as a result of an illness or injury from two different perspectives, both as chairman of the Veterans' Affairs Committee and as a member of the Armed Services Committee. As I said at the joint hearing, this is not solely a DoD or a VA problem. While DoD and VA are separate organizations, they both deal with the same servicemembers. A key element of this proposed legislation is the requirement that DoD and VA develop a comprehensive policy for transitioning those with serious illnesses or injuries from Active Duty military status to veteran status. As part of this effort, the two Departments will be required to conduct a comprehensive review of all regulations, policies, and procedures that impact these servicemembers and to identify best practices when developing joint policy. If we are going to fix the problems identified at Walter Reed, there must be uniform standards for the transition process that are understood by all parties and that are consistently applied by the military services.

I am delighted that the Dignified Treatment of Wounded Warriors Act embraces the reforms to the DoD Disability Evaluation System contained in S. 1252, legislation I introduced on April 30, 2007. For the Disability Evaluation System to work fairly and consistently, there must be uniform use by the military services of VA's disability rating schedule. The services must take into account all conditions which render a servicemember unfit when making a disability rating, as well as develop a program for the uniform training of Medical Evaluation Board and Physical Evaluation Board personnel. It is also essential that DoD develop a system of accountability to ensure that the military services comply with disability rating regulations and policies.

I am pleased to note that on June 27 the Veterans' Affairs Committee will conduct a markup of legislation that will complement the efforts of the Armed Services Committee to make sure that VA appropriately addresses problems confronting seriously wounded and injured servicemembers once they become veterans.

I commend Chairman LEVIN and the staff of the Armed Services Committee for crafting this comprehensive legislation. It will go a long way toward providing DoD and VA with a roadmap for improving the transition processes and ensuring that seriously ill and injured servicemembers and veterans get the benefits and services they need and deserve, the benefits and services these courageous men and women have earned by their service.

I urge all of our colleagues to support this proposed legislation.

Mr. MCCAIN. Mr. President, as ranking member of the Senate Armed Services Committee I am pleased to cosponsor the Dignified Treatment of Wounded Warriors Act, which would ensure that wounded and injured members of the Armed Forces receive the care and benefits that they deserve.

We were all surprised and deeply disappointed by the conditions at Walter Reed and the problems that our wounded warriors faced after their inpatient care was complete, living in substandard conditions at Building 18, being treated poorly, battling a Cold War-era disability evaluation process, and for some, simply falling through the cracks.

Since February of 2007, many encouraging changes have been initiated by the Department of Defense. First and foremost, Secretary Gates established and enforced a culture of accountability for the leadership failures that lead to the tragedy at Walter Reed. Medical facilities have now been inspected by all three military departments, and improvements are underway. Additional counselors and support has been provided to families. On April 25, 2007, a new Warrior Transition Brigade stood up at Walter Reed to manage all the needs of wounded and ill soldiers, both Active and Reserve. DOD has begun to exert greater management responsibility for the disability

evaluation systems of the military departments. We are on the right track to address the problems at Walter Reed and at other hospitals. We need to ensure that the effort is sustained. This legislation will ensure that these efforts continue.

The legislation requires that the Secretaries of Defense and Veterans Affairs work together to develop new policy to better manage the care and transition of our wounded soldiers. This policy would address many of the concerns that have been raised by wounded soldiers and their families, conditions while in a medical hold status, the need to streamline and make more transparent the medical and physical evaluation board processes, policies that facilitate the return to duty for soldiers who are able, and a policy governing the smooth transition of separating service members from the Department of Defense to the Department of Veterans Affairs which focuses on the needs of patients.

This legislation would improve health care benefits to severely wounded soldiers by extending their health care benefits as if the member were on active duty for a period of up to 5 years. This approach ensures that our most severely wounded have as many health care options as possible, especially for treatment of traumatic brain injury and other long term serious conditions.

This legislation authorizes additional funding for traumatic brain injury and post-traumatic stress disorder and requires the establishment of two centers of excellence for the prevention, research and treatment on these consequences of war. This legislation would also require DOD to develop a comprehensive plan for research, prevention and treatment of traumatic brain injury, which is long overdue in addressing the so-called signature injury of this war.

The administration requested, and this bill would provide, additional authorities to the Department of Defense to hire health care professionals to care for our service members and their families. It would also require the Department of Defense and Department of Veterans Affairs to jointly develop an electronic health record that can easily be shared between the two departments.

With respect to disability determinations for wounded warriors who leave military service, this legislation would require the Secretary of Defense to establish a special review board to independently review the findings and decisions of the Physical Evaluation Boards of the military departments since 2001, in cases in which the disability rates of 20 percent or less were awarded and members were not medically retired. We must act, in light of data showing that some members, particularly junior enlisted soldiers, may have unfairly been denied medical retirement. This legislation empowers the special board to correct military records and, if appropriate, restore to a wounded soldier a higher disability rating or retired status.

The bill would also end the requirement that disabled service members pay back severance pay if they obtain a higher disability rating from the VA, and increase the amount of severance pay that separating members receive.

To address the need for fundamental change in the way that the DOD and VA disability evaluation systems are structured, a belief shared by many of my colleagues, this legislation would require the Secretary of Defense to immediately implement pilot projects to test new improvements to the disability evaluation system. Such pilot programs will help expedite implementation of needed changes to the disability evaluation system.

This legislation would also require the Secretary of Defense to establish uniform standards for medical treatment facilities and medical residential housing facilities, and a DOD investment strategy to remedy all medical facility deficiencies. It would also require the Secretary of Defense to study the feasibility of accelerated construction of state-of-the art facilities and consolidation of patient care services at the new National Medical Center at Bethesda. As a condition for the closure of Walter Reed Army Medical Center, it would require the Secretary of Defense to certify that health care services would remain available in their totality until the new facility and staff are in place to effect a seamless transfer of care. The current facilities at Walter Reed have served the Nation well, but we can and must do better.

This legislation is a start on the journey to restore trust for America's wounded and her veterans, but it is not our final destination. It will take time to understand fully the complexities of the DOD and VA disability systems and to reconcile them in the best interests of our wounded veterans.

We must also look to the Department of Veterans Affairs to improve access to care for wounded veterans and improvements in its handling of veterans claims for disabilities. We must ensure that the VA maintains a robust medical infrastructure for quality health care, teaching and research, but one that also supports veterans beyond the limits of bricks and mortar in communities throughout the nation. I am developing legislation which would require the Secretary of Veterans Affairs to establish health care access standards for veterans with a service-connected disability throughout the VA health care delivery system, and, similar to DOD's TRICARE system, when services cannot be provided by the VA, authorize that care to be purchased from civilian providers. Civilian health care specialists are eager to do their part for America's veterans. Given the strain on the veterans health system, and the limits to our resources, we should give them that chance, and make certain that our Nation's veterans get the care that they need, when they need it.

There is no more important responsibility than to act on our moral obligation as a Nation to those who are willing to give their blood for its freedom. Let us continue to be guided by the words of President George Washington in 1789, who said, ''the willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the Veterans of earlier wars were treated and appreciated by their country.''

I hope that my colleagues will join Senator Levin and me in a bipartisan effort to make a difference in the lives of our service members who have given so much in support of our Nation.

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By Mr. INOUYE (for himself and Mr. STEVENS) (by request):

S. 1609. A 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, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise today to introduce, by request of the administration, the National Offshore Aquaculture Act of 2007. I am joined by Senator STEVENS, the vice chairman of the Senate Commerce, Science and Transportation Committee. This bill would authorize the Secretary of Commerce to establish and implement a regulatory system for offshore aquaculture in the U.S. Exclusive Economic Zone. While Senator STEVENS and I understand this is a top priority for the administration, we continue to have concerns with the administration's bill as drafted, particularly with regard to the need for clearer safeguards for the environment and native fish stocks. Therefore, we are also filing several amendments that would address these concerns. The three amendments that I am filing, and which Senator STEVENS is cosponsoring, would strengthen requirements to address potential environmental risks from offshore aquaculture, including to native species; require a more comprehensive research and development program for offshore aquaculture; and ensure that offshore aquaculture permits could only be provided to citizens, residents, or business entities of the United States. Senator STEVENS is also filing an amendment, which I am cosponsoring, that would prohibit offshore aquaculture of finfish in the Exclusive Economic Zone off the coast of Alaska. I intend to introduce later this year a comprehensive bill that would address additional concerns with the administration's proposed legislation.

I ask unanimous consent that the text of this 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. 1609

*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 ''National Offshore Aquaculture Act of 2007''.

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) It is the policy of the United States—

(A) to support an offshore aquaculture industry that will produce food and other valuable products, protect wild stocks and the quality of marine ecosystems, and be compatible with other uses of the Exclusive Economic Zone;

(B) to encourage the development of environmentally responsible offshore aquaculture by authorizing offshore aquaculture operations and research;

(C) to establish a permitting process for offshore aquaculture that encourages private investment in aquaculture operations and research, provides opportunity for public comment, and addresses the potential risks to and impacts (including cumulative impacts) on marine ecosystems, human health and safety, other ocean uses, and coastal communities from offshore aquaculture; and

(D) to promote, through public-private partnerships, research and development in marine aquaculture science, technology, and related social, economic, legal, and environmental management disciplines that will enable marine aquaculture operations to achieve operational objectives while protecting marine ecosystem quality.

(2) Offshore aquaculture activities within the Exclusive Economic Zone of the United States constitute activities with respect to which the United States has proclaimed sovereign rights and jurisdiction under Presidential Proclamation 5030 of March 10, 1983.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) COASTAL STATE.—The term ''coastal State'' means—

(A) a State in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, or Long Island Sound; and

(B) Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, the Trust Territories of the Pacific Islands, and American Samoa.

(2) COASTLINE.—The term ''coastline'' means the line of ordinary low water along that portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters.

(3) EXCLUSIVE ECONOMIC ZONE.—The term ''Exclusive Economic Zone'' means, unless otherwise specified by the President in the public interest in a writing published in the Federal Register, a zone, the outer boundary of which is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured, except as established by a maritime boundary treaty in force, or being provisionally applied by the United States or, in the absence of such a treaty where the distance between the United States and another nation is less than 400 nautical miles, a line equidistant between the United States and the other nation. Without affecting any Presidential Proclamation with regard to the establishment of the United States territorial sea or Exclusive Economic Zone, the inner boundary of that zone is—

(A) a line coterminous with the seaward boundary (as defined in section 4 of the Outer Continental Shelf Lands Act (43 U.S.C. 1312)) of each of the several coastal States,;

(B) a line 3 marine leagues from the coastline of the Commonwealth of Puerto Rico;

(C) a line 3 geographical miles from the coastlines of American Samoa, the United States Virgin Islands, and Guam;

(D) for the Commonwealth of the Northern Mariana Islands—

(i) its coastline, until such time as the Commonwealth of the Northern Mariana Islands is granted authority by the United States to regulate all fishing to a line seaward of its coastline, and

(ii) upon the United States' grant of such authority, the line established by such grant of authority; and

(E) for any possession of the United States not described in subparagraph (B), (C), or (D), the coastline of such possession.

Nothing in this paragraph shall be construed as diminishing the authority of the Department of Defense, the Department of the Interior, or any other Federal department or agency.

(4) LESSEE.—The term ''lessee'' means any party to a lease, right-of-use and easement, or right-of-way, or an approved assignment thereof, issued pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(5) MARINE SPECIES.—The term ''marine species'' means finfish, mollusks, crustaceans, marine algae, and all other forms of marine life other than marine mammals and birds.

(6) OFFSHORE AQUACULTURE.—The term ''offshore aquaculture'' means all activities, including the operation of offshore aquaculture facilities, involved in the propagation and rearing, or attempted propagation and rearing, of marine species in the United States Exclusive Economic Zone.

(7) OFFSHORE AQUACULTURE FACILITY.—The term ''offshore aquaculture facility'' means—

(A) an installation or structure used, in whole or in part, for offshore aquaculture; or

(B) an area of the seabed or the subsoil used for offshore aquaculture of living organisms belonging to sedentary species.

(8) OFFSHORE AQUACULTURE PERMIT.—The term ''offshore aquaculture permit'' means an authorization issued under section 4(b) to raise specified marine species in a specific offshore aquaculture facility within a specified area of the Exclusive Economic Zone.

(9) PERSON.—The term ''person'' means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other nongovernmental entity (whether or not organized or existing under the laws of any State), and State, local or tribal government or entity thereof, and, except as otherwise specified by the President in writing, the Federal Government or an entity thereof, and, to the extent specified by the President in writing, a foreign government, or an entity thereof.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

**SEC. 4. OFFSHORE AQUACULTURE PERMITS.**

(a) IN GENERAL.—

(1) The Secretary shall establish, through rulemaking, in consultation as appropriate with other relevant Federal agencies, coastal States, and regional fishery management councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852), a process to make areas of the Exclusive Economic Zone available to eligible persons for the development and operation of offshore aquaculture facilities. The process shall include—

(A) procedures and criteria necessary to issue and modify permits under this Act;

(B) procedures to coordinate the offshore aquaculture permitting process, and related siting, operations, environmental protection, monitoring, enforcement, research, and economic and social activities, with similar activities administered by other Federal agencies and coastal States;

(C) consideration of the potential environmental, social, economic, and cultural impacts of offshore aquaculture and inclusion, where appropriate, of permit conditions to address negative impacts;

(D) public notice and opportunity for public comment prior to issuance of offshore aquaculture permits;

(E) procedures to monitor and evaluate compliance with the provisions of offshore aquaculture permits, including the collection of biological, chemical and physical oceanographic data, and social, production, and economic data; and

(F) procedures for transferring permits from the original permit holder to a person that—

(i) meets the eligibility criteria in subsection (b)(2)(A); and

(ii) satisfies the requirements for bonds or other guarantees prescribed under subsection (c)(3).

(2) The Secretary shall prepare an analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the process for issuing permits.

(3) The Secretary shall periodically review the procedures and criteria for issuance of offshore aquaculture permits and modify them as appropriate, in consultation as appropriate with other Federal agencies, the coastal States, and regional fishery management councils, based on the best available science.

(4) The Secretary shall consult as appropriate with other Federal agencies and coastal States to identify the environmental requirements that apply to offshore aquaculture under existing laws and regulations. The Secretary shall establish through rulemaking, in consultation with appropriate Federal agencies, coastal States, and regional fishery management councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852), additional environmental requirements to address environmental risks and impacts associated with offshore aquaculture, to the extent necessary. The environmental requirements shall address, at a minimum—

(A) risks to and impacts on natural fish stocks and fisheries, including safeguards needed to conserve genetic resources, to prevent or minimize the transmission of disease or parasites to wild stocks, and to prevent the escape of marine species that may cause significant environmental harm;

(B) risks to and impacts on marine ecosystems; biological, chemical and physical features of water quality and habitat; marine species, marine mammals and birds;

(C) cumulative effects of the aquaculture operation and other aquaculture operations in the vicinity of the proposed site;

(D) environmental monitoring, data archiving, and reporting by the permit holder;

(E) requirements that marine species propagated and reared through offshore aquaculture be species native to the geographic region unless a scientific risk analysis shows that the risk of harm to the marine environment from the offshore culture of non-indigenous or genetically modified marine species is negligible or can be effectively mitigated; and

(F) maintaining record systems to track inventory and movement of fish or other marine species in the offshore aquaculture facility or harvested from such facility, and, if necessary, tagging, marking, or otherwise identifying fish or other marine species in the offshore aquaculture facility or harvested from such facility.

(5) The Secretary, in cooperation with other Federal agencies, shall—

(A) collect information needed to evaluate the suitability of sites for offshore aquaculture; and

(B) monitor the effects of offshore aquaculture on marine ecosystems and implement such measures as may be necessary to protect the environment, including temporary or permanent relocation of offshore aquaculture sites, a moratorium on additional sites within a prescribed area, and other appropriate measures as determined by the Secretary.

(b) PERMITS.—Subject to the provisions of subsection (e), the Secretary may issue offshore aquaculture permits under such terms and conditions as the Secretary shall prescribe. Permits issued under this Act shall authorize the permit holder to conduct offshore aquaculture consistent with the provisions of this Act, regulations issued under this Act, any specific terms, conditions and restrictions applied to the permit by the Secretary, and other applicable law.

(1) PROCEDURE FOR ISSUANCE OF PERMITS.—

(A) An applicant for an offshore aquaculture permit shall submit an application to the Secretary specifying the proposed location and type of operation, the marine species to be propagated or reared, or both, at the offshore aquaculture facility, and other design, construction, and operational information, as specified by regulation.

(B) Within 120 days after determining that a permit application is complete and has satisfied all applicable statutory and regulatory requirements, as specified by regulation, the Secretary shall issue or deny the permit. If the Secretary is unable to issue or deny a permit within this time period, the Secretary shall provide written notice to the applicant indicating the reasons for the delay and establishing a reasonable timeline for issuing or denying the permit.

(2) PERMIT CONDITIONS.—

(A) An offshore aquaculture permit holder shall—

(i) be a resident of the United States;

(ii) be a corporation, partnership, or other entity organized and existing under the laws of a State or the United States; or

(iii) if the holder does not meet the requirements of clause (i) or (ii), to the extent required by the Secretary by regulation after coordination with the Secretary of State, waive any immunity, and consent to the jurisdiction of the United States and its courts, for matters arising in relation to such permit, and appoint and maintain agents within the United States who are authorized to receive and respond to any legal process issued in the United States with respect to such permit holder.

(B) Subject to the provisions of subsection (e), the Secretary shall establish the terms, conditions, and restrictions that apply to offshore aquaculture permits, and shall specify in the permits the duration, size, and location of the offshore aquaculture facility.

(C) Except for projects involving pilot-scale testing or farm-scale research on aquaculture science and technologies and offshore aquaculture permits requiring concurrence of the Secretary of the Interior under subsection (e)(1), the permit shall have a duration of 20 years, renewable thereafter at the discretion of the Secretary in up to 20-year increments. The duration of permits requiring concurrence of the Secretary of the Interior under subsection (e)(1) shall be developed in consultation as appropriate with the Secretary of the Interior, except that any such permit shall expire no later than the date that the lessee, or the lessee's operator, submits to the Secretary of the Interior a final application for the decommissioning and removal of an existing facility upon which an offshore aquaculture facility is located.

(D) At the expiration or termination of an offshore aquaculture permit for any reason, the permit holder shall remove all structures, gear, and other property from the site, and take other measures to restore the site as may be prescribed by the Secretary.

(E) The Secretary may revoke a permit for failure to begin offshore aquaculture operations within a reasonable period of time, or prolonged interruption of offshore aquaculture operations.

(3) NATIONAL INTEREST DETERMINATION.—If the Secretary determines that issuance of a permit is not in the national interest, the Secretary may decline to issue such a permit or may impose such conditions as necessary to address such concerns.

(c) FEES AND OTHER PAYMENTS.—

(1) The Secretary may establish, through regulations, application fees and annual permit fees. Such fees shall be deposited as offsetting collections in the Operations, Research, and Facilities account. Fees may be collected and made available only to the extent provided in advance in appropriation Acts.

(2) The Secretary may reduce or waive applicable fees or other payments established under this section for facilities used primarily for research.

(3) The Secretary shall require the permit holder to post a bond or other form of financial guarantee, in an amount to be determined by the Secretary as sufficient to cover any unpaid fees, the cost of removing an offshore aquaculture facility at the expiration or termination of an offshore aquaculture permit, and other financial risks as identified by the Secretary.

(d) COMPATIBILITY WITH OTHER USES.—

(1) The Secretary shall consult as appropriate with other Federal agencies, coastal States, and regional fishery management councils to ensure that offshore aquaculture for which a permit is issued under this section is compatible with the use of the Exclusive Economic Zone for navigation, fishing, resource protection, recreation, national defense (including military readiness), mineral exploration and development, and other activities.

(2) The Secretary shall not authorize permits for new offshore aquaculture facilities within 12 miles of the coastline of a coastal State if that coastal State has submitted a written notice to the Secretary that the coastal State opposes such activities. This paragraph does not apply to permit applications received by the Secretary prior to the date the notice is received from a coastal State. A coastal State that transmits such a notice to the Secretary may revoke that notice in writing at any time.

(3) Federal agencies implementing this Act, persons subject to this Act, and coastal States seeking to review permit applications under this Act shall comply with the applicable provisions of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) and regulations promulgated thereunder.

(4) Notwithstanding the definition of the term ''fishing'' in section 3(16) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(16)), the conduct of offshore aquaculture in accordance with permits issued under this Act shall not be considered ''fishing'' for purposes of that Act. The Secretary shall ensure, to the extent practicable, that offshore aquaculture does not interfere with conservation and management measures promulgated under the Magnuson-Stevens Fishery Conservation and Management Act.

(5) The Secretary may promulgate regulations that the Secretary finds to be reasonable and necessary to protect offshore aquaculture facilities, and, where appropriate, shall request that the Secretary of the department in which the Coast Guard is operating establish navigational safety zones around such facilities. In addition, in the case of any offshore aquaculture facility described in subsection (e)(1), the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of the Interior before designating such a zone.

(6) After consultation with the Secretary, the Secretary of State, and the Secretary of Defense, the Secretary of the department in which the Coast Guard is operating may designate a zone of appropriate size around and including any offshore aquaculture facility for the purpose of navigational safety. In such a zone, no installations, structures, or uses will be allowed that are incompatible with the operation of the offshore aquaculture facility. The Secretary of the department in which the Coast Guard is operating may define, by rulemaking, activities that are allowed within such a zone.

(7)(A) Subject to subparagraph (B), if the Secretary, after consultation with Federal agencies as appropriate and after affording the permit holder notice and an opportunity to be heard, determines that suspension, modification, or revocation of a permit is in the national interest, the Secretary may suspend, modify, or revoke such permit.

(B) If the Secretary determines that an emergency exists that poses a risk to the safety of humans, to the marine environment, to marine species, or to the security of the United States and that requires suspension, modification, or revocation of a permit, the Secretary may suspend, modify, or revoke the permit for such time as the Secretary may determine necessary to meet the emergency. The Secretary shall afford the permit holder a prompt post-suspension or post-modification opportunity to be heard regarding the suspension, modification, or revocation.

(8) Permits issued under this Act do not supersede or substitute for any other authorization required under applicable Federal or State law or regulation.

(e) ACTIONS AFFECTING THE OUTER CONTINENTAL SHELF.—

(1) CONCURRENCE OF SECRETARY OF INTERIOR REQUIRED.—The Secretary shall obtain the concurrence of the Secretary of the Interior for permits for offshore aquaculture facilities located—

(A) on leases, right-of-use and easements, or rights of way authorized or permitted under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), or

(B) within 1 mile of any other facility permitted or for which a plan has been approved under that Act.

(2) PRIOR CONSENT REQUIRED.— Offshore aquaculture may not be located on facilities described in paragraph (1)(A) without the prior consent of the lessee, its designated operator, and the owner of the facility.

(3) REVIEW FOR LEASE, ETC., COMPLIANCE.—The Secretary of the Interior shall review and approve any agreement between a lessee, designated operator, and owner of a facility described in paragraph (1) and a prospective aquaculture operator to ensure that it is consistent with the Federal lease terms, Department of the Interior regulations, and the Secretary of the Interior's role in the protection of the marine environment, property, or human life or health. An agreement under this subsection shall be part of the information reviewed pursuant to the Coastal Zone Management Act review process described in paragraph (4) and shall not be subject to a separate Coastal Zone Management Act review.

(4) COORDINATED COASTAL ZONE MANAGEMENT ACT REVIEW.—

(A) If the applicant for an offshore aquaculture facility that will utilize a facility described in paragraph (1) is required to submit to a coastal State a consistency certification for its aquaculture application under section 307(c)(3)(A) of the Coastal Zone Management Act (16 U.S.C. 1456(c)(3)(A)), the coastal State's review under the Coastal Zone Management Act and corresponding Federal regulations shall also include any modification to a lessee's approved plan or other document for which a consistency certification would otherwise be required under applicable Federal regulations, including changes to its plan for decommissioning any facilities, resulting from or necessary for the issuance of the offshore aquaculture permit, if information related to such modifications or changes is received by the coastal State at the time the coastal State receives the offshore aquaculture permit applicant's consistency certification. If the information related to such modifications or changes is received by the coastal State at the time the coastal State receives the offshore aquaculture permit applicant's consistency certification, a lessee is not required to submit a separate consistency certification for any such modification or change under section 307(c)(3)(B) of the Coastal Zone Management Act (16 U.S.C. 1456(c)(3)(B)) and the coastal State's concurrence or objection, or presumed concurrence, under section 307(c)(3)(A) of that Act (16 U.S.C. 1456(c)(3)(A)) in a consistency determination for the offshore aquaculture permit, shall apply to both the offshore aquaculture permit and to any related modifications or changes to a lessee's plan approved under the Outer Continental Shelf Lands Act.

(B) If a coastal State is not authorized by section 307(c)(3)(A) of the Coastal Zone Management Act (16 U.S.C. 1456(c)(3)(A)) and corresponding Federal regulations to review an offshore aquaculture application submitted under this Act, then any modifications or changes to a lessee's approved plan or other document requiring approval from the Department of the Interior, shall be subject to coastal State review pursuant to the requirements of section 307(c)(3)(B) of the Coastal Zone Management Act (16 U.S.C. 1456(c)(3)(B)), if a consistency certification for those modifications or changes is required under applicable Federal regulations.

(5) JOINT AND SEVERAL LIABILITY.—For offshore aquaculture located on facilities described in paragraph (1), the aquaculture permit holder and all parties that are or were lessees of the lease on which the facilities are located during the term of the offshore aquaculture permit shall be jointly and severally liable for the removal of any construction or modifications related to aquaculture operations if the aquaculture permit holder fails to do so and bonds established under this Act for aquaculture operations prove insufficient to cover those obligations. This paragraph does not affect obligations to decommission facilities under the Outer Continental Shelf Lands Act.

(6) ADDITIONAL AUTHORITY.—For aquaculture projects or operations described in paragraph (1), the Secretary of the Interior may—

(A) promulgate such rules and regulations as are necessary and appropriate to carry out the provisions of this subsection;

(B) require and enforce such additional terms or conditions as the Secretary of the Interior deems necessary to protect the marine environment, property, or human life or health to ensure the compatibility of aquaculture operations with all activities for which permits have been issued under the Outer Continental Shelf Lands Act;

(C) issue orders to the offshore aquaculture permit holder to take any action the Secretary of the Interior deems necessary to ensure safe operations on the facility to protect the marine environment, property, or human life or health. Failure to comply with the Secretary of the Interior's orders will be deemed to constitute a violation of the Outer Continental Shelf Lands Act; and

(D) enforce all requirements contained in such regulations, lease terms and conditions and orders pursuant to the Outer Continental Shelf Lands Act.

**SEC. 5. RESEARCH AND DEVELOPMENT.**

(a) IN GENERAL.— In consultation as appropriate with other Federal agencies, the Secretary may establish and conduct an integrated, multidisciplinary, scientific research and development program to further marine aquaculture technologies that are compatible with the protection of marine ecosystems.

(b) PARTNERSHIPS.—The Secretary may conduct research and development in partnership with offshore aquaculture permit holders.

(c) REDUCTION OF WILD FISH AS FOOD.—The Secretary, in collaboration with the Secretary of Agriculture, shall conduct research to reduce the use of wild fish in aquaculture feeds, including the substitution of seafood processing wastes, cultured marine algae, and microbial sources of nutrients important for human health and nutrition, agricultural crops, and other products.

**SEC. 6. ADMINISTRATION.**

(a) IN GENERAL.—The Secretary shall promulgate such regulations as are necessary and appropriate to carry out the provisions of this Act. The Secretary may at any time amend such regulations, and such regulations shall, as of their effective date, apply to all operations conducted pursuant to permits issued under this Act, regardless of the date of the issuance of such permit.

(b) CONTRACT, ETC., AUTHORITY.—The Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this Act and on such terms as the Administrator of the National Oceanic and Atmospheric Administration deems appropriate.

(c) USE OF CONTRIBUTED GOVERNMENTAL RESOURCES.— For purposes related to the enforcement of this Act, the Secretary may use, with their consent and with or without reimbursement, the land, services, equipment, personnel, and facilities of any department, agency or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory or possession, or of any political subdivision thereof, or of any foreign government or international organization.

(d) AUTHORITY TO UTILIZE GRANT FUNDS.—

(1) Except as provided in paragraph (2), the Secretary may apply for, accept, and obligate research grant funding from any Federal source operating competitive grant programs where such funding furthers the purpose of this Act.

(2) The Secretary may not apply for, accept, or obligate any grant funding under paragraph (1) for which the granting agency lacks authority to grant funds to Federal agencies, or for any purpose or subject to conditions that are prohibited by law or regulation.

(3) Appropriated funds may be used to satisfy a requirement to match grant funds with recipient agency funds, except that no grant may be accepted that requires a commitment in advance of appropriations.

(4) Funds received from grants shall be deposited in the National Oceanic and Atmospheric Administration account that serves to accomplish the purpose for which the grant was awarded.

(e) RESERVATION OF AUTHORITY.—Nothing in this Act shall be construed to displace, supersede, or limit the jurisdiction, responsibilities, or rights of any Federal or State agency, or Indian Tribe or Alaska Native organization, under any Federal law or treaty.

(f) APPLICATION OF LAWS TO FACILITIES IN THE EEZ.—The Constitution, laws, and treaties of the United States shall apply to an offshore aquaculture facility located in the Exclusive Economic Zone for which a permit has been issued or is required under this Act and to activities in the Exclusive Economic Zone connected, associated, or potentially interfering with the use or operation of such facility, in the same manner as if such facility were an area of exclusive Federal jurisdiction located within a State. Nothing in this Act shall be construed to relieve, exempt, or immunize any person from any other requirement imposed by an applicable Federal law, regulation, or treaty. Nothing in this Act shall be construed to confer citizenship to a person by birth or through naturalization or to entitle a person to avail himself of any law pertaining to immigration, naturalization, or nationality.

(g) APPLICATION OF CERTAIN STATE LAWS.—The law of the nearest adjacent coastal State, now in effect or hereafter adopted, amended, or repealed, is declared to be the law of the United States, and shall apply to any offshore aquaculture facility for which a permit has been issued pursuant to this Act, to the extent applicable and not inconsistent with any provision or regulation under this Act or other Federal laws and regulations now in effect or hereafter adopted, amended, or repealed. All such applicable laws shall be administered and enforced by the appropriate officers and courts of the United States. For purposes of this subsection, the nearest adjacent coastal State shall be that State whose seaward boundaries, if extended beyond 3 nautical miles, would encompass the site of the offshore aquaculture facility. State taxation laws shall not apply to offshore aquaculture facilities in the Exclusive Economic Zone.

**SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary $4,052,000 in fiscal year 2008 and thereafter such sums as may be necessary for purposes of carrying out the provisions of this Act.

**SEC. 8. UNLAWFUL ACTIVITIES.**

It is unlawful for any person—

(1) to falsify any information required to be reported, communicated, or recorded pursuant to this Act or any regulation or permit issued under this Act, or to fail to submit in a timely fashion any required information, or to fail to report to the Secretary immediately any change in circumstances that has the effect of rendering any such information false, incomplete, or misleading;

(2) to engage in offshore aquaculture within the Exclusive Economic Zone of the United States or operate an offshore aquaculture facility within the Exclusive Economic Zone of the United States, except pursuant to a valid permit issued under this Act;

(3) to refuse to permit an authorized officer to conduct any lawful search or lawful inspection in connection with the enforcement of this Act or any regulation or permit issued under this Act;

(4) to forcibly assault, resist, oppose, impede, intimidate, or interfere with an authorized officer in the conduct of any search or inspection in connection with the enforcement of this Act or any regulation or permit issued under this Act;

(5) to resist a lawful arrest or detention for any act prohibited by this section;

(6) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of another person, knowing that such

person has committed any act prohibited by this section;

(7) to import, export, sell, receive, acquire or purchase in interstate or foreign commerce any marine species in violation of this Act or any regulation or permit issued under this Act;

(8) upon the expiration or termination of any aquaculture permit for any reason, to fail to remove all structures, gear, and other property from the site, or take other measures, as prescribed by the Secretary, to restore the site;

(9) to violate any provision of this Act, any regulation promulgated under this Act, or any term or condition of any permit issued under this Act; or

(10) to attempt to commit any act described in paragraph (1), (2), (7), (8) or (9).

**SEC. 9. ENFORCEMENT PROVISIONS.**

(a) DUTIES OF SECRETARIES.—Subject to subparagraphs (B) and (D) of section 4(e)(6), this Act shall be enforced by the Secretary and the Secretary of the department in which the Coast Guard is operating.

(b) POWERS OF ENFORCEMENT.—

(1) Any officer who is authorized pursuant to subsection (a) of this section by the Secretary or the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this Act may—

(A) with or without a warrant or other process—

(i) arrest any person, if the officer has reasonable cause to believe that such person has committed or is committing an act prohibited by section 8 of this Act;

(ii) search or inspect any offshore aquaculture facility and any related land-based facility;

(iii) seize any offshore aquaculture facility (together with its equipment, records, furniture, appurtenances, stores, and cargo), and any vessel or vehicle, used or employed in aid of, or with respect to which it reasonably appears that such offshore aquaculture facility was used or employed in aid of, the violation of any provision of this Act or any regulation or permit issued under this Act;

(iv) seize any marine species (wherever found) retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 8 of this Act;

(v) seize any evidence related to any violation of any provision of this Act or any regulation or permit issued under this Act;

(B) execute any warrant or other process issued by any court of competent jurisdiction; and

(C) exercise any other lawful authority.

(2) Any officer who is authorized pursuant to subsection (a) of this section by the Secretary or the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this Act may make an arrest without a warrant for (A) an offense against the United States committed in his presence, or (B) for a felony cognizable under the laws of the United States, if he has reasonable grounds to believe that the person to be arrested has committed or is committing a felony. Any such authorized person may execute and serve a subpoena, arrest warrant or search warrant issued in accordance with Rule 41 of the Federal Rules of Criminal Procedure, or other warrant of civil or criminal process issued by any officer or court of competent jurisdiction for enforcement of the Act, or any regulation or permit issued under this Act.

(c) ISSUANCE OF CITATIONS.—If any authorized officer finds that a person is engaging in or has engaged in offshore aquaculture in violation of any provision of this Act, such officer may issue a citation to that person.

(d) LIABILITY FOR COSTS.—Any person who violates this Act, or a regulation or permit issued under this Act, shall be liable for the cost incurred in storage, care, and maintenance of any marine species or other property seized in connection with the violation.

**SEC. 10. CIVIL ENFORCEMENT AND PERMIT SANCTIONS.**

(a) CIVIL ADMINISTRATIVE PENALTIES.—

(1) Any person who is found by the Secretary, after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have violated this Act, or a regulation or permit issued under this Act, shall be liable to the United States for a civil penalty. The amount of the civil penalty under this paragraph shall not exceed $200,000 for each violation. Each day of a continuing violation shall constitute a separate violation.

(2) COMPROMISE OR OTHER ACTION BY THE SECRETARY.—The Secretary may compromise, modify, or remit, with or without conditions, any civil administrative penalty which is or may be imposed under this section and that has not been referred to the Attorney General for further enforcement action.

(b) CIVIL JUDICIAL PENALTIES.—Any person who violates any provision of this Act, or any regulation or permit issued thereunder, shall be subject to a civil penalty not to exceed $250,000 for each such violation. Each day of a continuing violation shall constitute a separate violation. The Attorney General, upon the request of the Secretary, may commence a civil action in an appropriate district court of the United States, and such court shall have jurisdiction to award civil penalties and such other relief as justice may require. In determining the amount of a civil penalty, the court shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior violations and such other matters as justice may require. In imposing such penalty, the district court may also consider information related to the ability of the violator to pay.

(c) PERMIT SANCTIONS.—

(1) In any case in which—

(A) an offshore aquaculture facility has been used in the commission of an act prohibited under section 8 of this Act;

(B) the owner or operator of an offshore aquaculture facility or any other person who has been issued or has applied for a permit under section 4 of this Act has acted in violation of section 8 of this Act; or

(C) any amount in settlement of a civil forfeiture imposed on an offshore aquaculture facility or other property, or any civil penalty or criminal fine imposed under this Act or imposed on any other person who has been issued or has applied for a permit under any fishery resource statute enforced by the Secretary, has not been paid and is overdue, the Secretary may—

(i) revoke any permit issued with respect to such offshore aquaculture facility or applied for by such a person under this Act, with or without prejudice to the issuance of subsequent permits;

(ii) suspend such permit for a period of time considered by the Secretary to be appropriate;

(iii) deny such permit; or

(iv) impose additional conditions and restrictions on such permit.

(2) In imposing a sanction under this subsection, the Secretary shall take into account—

(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

(B) with respect to the violator, the degree of culpability, any history of prior violations, and such other matters as justice may require.

(3) Transfer of ownership of an offshore aquaculture facility, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of an offshore aquaculture facility, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any permit sanction that will be in effect or pending with respect to the offshore aquaculture facility at the time of the transfer. The Secretary may waive or compromise a sanction in the case of a transfer pursuant to court order.

(4) In the case of any permit that is suspended under this subsection for nonpayment of a civil penalty or criminal fine, the Secretary shall reinstate the permit upon payment of the penalty or fine and interest thereon at the prevailing rate.

(5) No sanctions shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this section or otherwise.

(d) INJUNCTIVE RELIEF.—Upon the request of the Secretary, the Attorney General of the United States may commence a civil action for appropriate relief, including a permanent or temporary injunction, for any violation of any provision of this Act, or regulation or permit issued under this Act.

(e) HEARING.—For the purposes of conducting any investigation or hearing under this section or any other statute administered by the National Oceanic and Atmospheric Administration which is determined on the record in accordance with the procedures provided for under section 554 of title 5, United States Code, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof. Nothing in this Act shall be construed to grant jurisdiction to a district court to entertain an application for an order to enforce a subpoena issued by the Secretary of Commerce to the Federal Government or any entity thereof.

(f) JURISDICTION.—The United States district courts shall have original jurisdiction of any action under this section arising out of or in connection with the construction or operation of aquaculture facilities, and proceedings with respect to any such action may be instituted in the judicial district in which any defendant resides or may be found, or in the judicial district of the adjacent coastal State nearest the place where the cause of action arose. For the purpose of this section, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii. Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but

also in any other district as authorized by law.

(g) COLLECTION.—If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the matter may be referred to the Attorney General, who may recover the amount (plus interest at currently prevailing rates from the date of the final order). In such action the validity, amount and appropriateness of the final order imposing the civil penalty shall not be subject to review. Any person who fails to pay, on a timely basis, the amount of an assessment of a civil penalty shall be required to pay, in addition to such amount and interest, attorney's fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such persons penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

(h) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this Act, process may be served in any district where the defendant is found, resides, transacts business or has appointed an agent for the service of process, and for civil cases may also be served in a place not within the United States in accordance with Rule 4 of the Federal Rules of Civil Procedure.

**SEC. 11. CRIMINAL OFFENSES.**

(a) IN GENERAL.—Any person (other than a foreign government or any entity of such government) who knowingly commits an act prohibited by subsection (c), (d), (e), or (f) of section 8, shall be imprisoned for not more than 5 years or shall be fined not more than $500,000 for individuals or $1,000,000 for an organization, or both; except that if in the commission of any such offense the individual uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this Act, or places any such officer in fear of imminent bodily injury, the maximum term of imprisonment is not more than 10 years.

(b) OTHER OFFENSES.—Any person (other than a foreign government or any entity of such government) who knowingly violates any provision of section 8 other than subsection (c), (d), (e) or (f), any provision of any regulation promulgated pursuant to this Act, or any permit issued under this Act, shall be imprisoned for not more than 5 years, or shall be fined not more than $500,000 for an individual or $1,000,000 for an organization, or both.

(c) JURISDICTION OF DISTRICT COURTS.—The United States district courts shall have original jurisdiction of any action arising under this section out of or in connection with the construction or operation of aquaculture facilities, and proceedings with respect to any such action may be instituted in the judicial district in which any defendant resides or may be found. For the purpose of this section, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii. Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district as authorized under law.

**SEC. 12. FORFEITURES.**

(a) CRIMINAL FORFEITURE.—A person who is convicted of an offense under section 11 of this Act shall forfeit to the United States—

(1) any property, real or personal, constituting or traceable to the gross proceeds obtained, or retained, as a result of the offense including, without limitation, any marine species (or the fair market value thereof) taken or retained in connection with or as a result of the offense; and

(2) any property, real or personal, used or intended to be used to commit or to facilitate the commission of the offense, including, without limitation, any offshore aquaculture facility or vessel, including its structure, equipment, furniture, appurtenances, stores, and cargo, and any vehicle or aircraft.

Pursuant to section 2461(c) of title 28, United States Code, the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d), shall apply to criminal forfeitures under this section.

(b) CIVIL FORFEITURE.—The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(1) Any property, real or personal, constituting or traceable to the gross proceeds obtained, or retained, as a result of a violation of any provision of section 8 or section 4(b)(2)(D) of this Act, including, without limitation, any marine species (or the fair market value thereof) taken or retained in connection with or as a result of the violation.

(2) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any such violation, including, without limitation, any offshore aquaculture facility or vessel, including its structure, equipment, furniture, appurtenances, stores, and cargo, and any vehicle or aircraft.

Civil forfeitures under this section shall be governed by the procedures set forth in chapter 46 of title 18, United States Code.

(c) REBUTTABLE PRESUMPTION.—In any criminal or civil forfeiture proceeding under this section, there is a rebuttable presumption that all marine species found within an offshore aquaculture facility and seized in connection with a violation of section 8 of this Act were taken or retained in violation of this Act.

**SEC. 13. SEVERABILITY AND JUDICIAL REVIEW.**

(a) SEVERABILITY.—If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this chapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

(b) JUDICIAL REVIEW.—

(1) IN GENERAL.—Judicial review of any action taken by the Secretary under this chapter shall be in accordance with sections 701 through 706 of title 5, United States Code, except that—

(A) review of any final agency action of the Secretary taken pursuant to subsection (a) or (c) of section 11 may be had only by the filing of a complaint by an interested person in the United States District Court for the appropriate district; any such complaint must be filed within 30 days of the date such final agency action is taken; and

(B) review of all other final agency actions of the Secretary under this chapter may be had only by the filing of a petition for review by an interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts business which is directly affected by the action taken; such petition shall be filed within 120 days from the date such final action is taken.

(2) LIMITATION OF JUDICIAL REVIEW.—Final agency action with respect to which review could have been obtained under paragraph (1)(B) of this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

(3) AWARDS OF LITIGATION COSTS.—In any judicial proceeding under paragraph (1) of this subsection, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing party whenever it determines that such award is appropriate.

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By Mr. WYDEN (for himself and Mr. CHAMBLISS):

S. 1613. A bill to require the Director of National Intelligence to submit to Congress an unclassified report on energy security and for other purposes; to the Select Committee on Intelligence.

Mr. WYDEN. Mr. President, today Senator CHAMBLISS and I are introducing legislation that could have a far-reaching impact on the national security of the United States. As every American knows, one of the most important elements of our national security infrastructure is the collection of agencies that make up our national intelligence community. But when most Americans think about the CIA, the FBI, or the NSA, they tend to think of agencies that are focused on a small handful of James Bond-style issues, such as missile stockpiles, new weapons technologies, and coups in foreign lands. These issues are still important, but in the modem world it is essential to recognize that protecting national security is a lot more complicated than it was during the Cold War, and there are many other issues that require attention and action.

Thankfully, the men and women of the intelligence community already recognize this crucial fact, and are working hard to address the wide variety of threats and challenges that face America in the 21st century. Unfortunately, many policymakers still think of intelligence in 20th century terms, and as a result many of our national intelligence capabilities are underused and underappreciated.

The best example of this is unquestionably in the field of energy security. American dependence on foreign oil has made our Nation less safe. Oil revenues have provided income for dangerous rogue states, they have sparked bloody civil wars, and they have even provided funding for terrorism. In a sickening phenomenon that I call the terror tax, every time that Americans drive their cars down to the gas station and fill up at the pump, the reality is that a portion of that money is then turned over to foreign governments that ''backdoor'' it over to Islamist extremists, who use that money to perpetuate terrorism and hate. As the GAO has pointed out, while talking about the oil-rich nation of Saudi Arabia:

Saudi Arabia's multibillion-dollar petroleum industry, although largely owned by the government, has fostered the creation of large private fortunes, enabling many wealthy Saudis to sponsor charities and educational foundations whose operations extend to many countries. U.S. government and other expert reports have linked some Saudi donations to the global propagation of religious intolerance, hatred of Western values, and support to terrorist activities.

Furthermore, by allowing our national energy security to depend on foreign oil, we are leaving the American economy vulnerable to external shocks and disruptions. Recent American history is full of examples of events overseas jolting U.S. energy supplies, and just a couple decades ago the oil cartel known as OPEC declared an embargo which sent the U.S. economy into a tailspin.

There are many other challenges out there that have the potential to affect U.S. national security and energy security. For example, it seems clear that the Middle East will remain in turmoil for years to come, and policmakers will have to consider the potential impact of events such as a terrorist attack on a major oil facility, or a change in government in an oil-producing state, or the further deterioration of the situation in Iraq. Outside of the Middle East there are other challenges to face, including the continued growth of major energy consuming countries like India and China, the policies of less-predictable governments such as Russia and Venezuela, and the emergence of new energy producers in unstable areas of the world.

As policymakers attempt to grapple with these challenges, it is vital for them to be informed by the best thinking available, and as I said, the men and women of our national intelligence agencies are already performing quality analysis on many topics relevant to national security. This expertise is spread throughout the intelligence community, and includes professionals at the National Intelligence Council, the CIA's Office of Transnational Issues, and the Office of Intelligence and Counterintelligence at the Department of Energy.

Unfortunately, this expertise is rarely used to inform energy policy debates, primarily because these agencies generally use it to produce classified assessments. This means that I can discuss them in closed sessions of the Senate Select Committee on Intelligence, but not at hearings of the Committee on Energy and Natural Resources, even though I am a member of both committees. This legislation would address this problem by requiring the Director of National Intelligence to coordinate the production of an unclassified report on the intelligence community's assessments of key energy issues that have implications for the national security of the United States. It will be up to the intelligence agencies to determine what information can safely be discussed in public, but I am confident that the Director will be able to provide Congress with a report that includes thoughtful, insightful discussion of these issues, without revealing any sensitive information or compromising any sources and methods.

This legislation is entitled the Weighing Intelligence for Smarter Energy Act, or the WISE Act for short. I think that my colleagues and the American public would agree that when it comes to protecting our national energy security, it certainly wouldn't hurt for Congress to be a little bit wiser.

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. 1613

*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 ''Weighing Intelligence for Smarter Energy Act of 2007'' or the ''WISE Act of 2007''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) The members of the intelligence community in the United States, most notably the National Intelligence Council, the Office of Intelligence and Counterintelligence of the Department of Energy, and the Office of Transnational Issues of the Central Intelligence Agency, possess substantial analytic expertise with regard to global energy issues.

(2) Energy policy debates generally do not use, to the fullest extent possible, the expertise available in the intelligence community.

**SEC. 3. REPORT ON ENERGY SECURITY.**

(a) REQUIREMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the long-term energy security of the United States.

(2) FORM OF REPORT.—The report required by subsection (a) shall be submitted in an unclassified form and may include a classified annex.

(b) CONTENT.—The report submitted pursuant to subsection (a) shall include the following:

(1) An assessment of key energy issues that have national security or foreign policy implications for the United States.

(2) An assessment of the future of world energy supplies, including the impact likely and unlikely scenarios may have on world energy supply.

(3) A description of—

(A) the policies being pursued, or expected to be pursued, by the major energy producing countries or by the major energy consuming countries, including developing countries, to include policies that utilize renewable resources for electrical and biofuel production;

(B) an evaluation of the probable outcomes of carrying out such policy options, including—

(i) the economic and geopolitical impact of the energy policy strategies likely to be pursued by such countries;

(ii) the likely impact of such strategies on the decision-making processes on major energy cartels; and

(iii) the impact of policies that utilize renewable resources for electrical and biofuel production, including an assessment of the ability of energy consuming countries to reduce dependence on oil using renewable resources, the economic, environmental, and developmental impact of an increase in biofuels production in both developed and developing countries, and the impact of an increase in biofuels production on global food supplies; and

(C) the potential impact of such outcomes on the energy security and national security of the United States.

Mr. CHAMBLISS. Mr. President, I rise today in support of the Weighing Intelligence for Smarter Energy Act, or the WISE Act. I worked with Senator WYDEN to introduce this bill and am happy to be an original cosponsor.

As a member of the Senate Select Committee on Intelligence, I see some of the most sensitive products produced by our intelligence community. The intelligence community's analysts possess an extensive and wide range of expertise on all matters which could have national security implications for the United States. However, because of the secretive nature of the intelligence community and the sensitive work which it conducts, few policymakers are privy to many of its products. In most cases, this is essential in order to protect the sensitive sources and methods used by our intelligence agencies. In other areas, including matters related to global energy security, our intelligence analysts can provide some valuable analysis at an unclassified level.

Energy policy and energy security have far reaching implications for the United States. As the country recognizes the danger of relying on imported oil, we need to develop an energy policy that is aggressive while at the same time thoughtful. Renewable fuels like ethanol and biodiesel are not the solution to our problems, but they can help reduce our dependence on imported oil from unstable regions of the world during a time of rising crude oil prices. At the same time, we must understand and be prepared for the unintended consequences of pursuing alternative fuel policies and to be sensitive to their impact on other sectors of the U.S. and global economies. Already, incentives for ethanol and biodiesel in the United States, Europe, Brazil and other developed and developing countries are forcing changes in the agriculture economy not seen in over a generation. While rising demand for alternative fuels will increase prices for agriculture commodities and benefit farmers, will this increase strain development in developing countries, in regions such as sub-Saharan Africa? We don't know yet, but these are questions we should and must ask.

We already know the impact poverty and food insecurity has on populations around the world. However, policymakers, especially here in Congress, are not realizing the full extent of information available to them. Energy policy debates usually do not harness the full expertise of the intelligence community or consider the substantive analysis they may contribute to the debate. Experts in the intelligence community may examine the effects of energy policy around the globe and the impact those decisions may have on U.S. policy. In addition, the intelligence community can provide an analysis of the impact around the world of policies that utilize renewable resources. This legislation asks for just that type of analysis.

The WISE Act asks the intelligence community to provide an intelligence

assessment on the long-term energy security of the United States. The bill requests that as much of the assessment as possible be unclassified, while taking into consideration the need to protect valuable sources and methods by including a classified portion, it is my hope that this bill will better inform energy policy. In addition to informing policymakers of the energy security of the United States, the bill will also provide important analysis on the international impact of energy policies around the world.

The WISE Act will harness fully the expertise of our intelligence community and allow policymakers to formulate more informed energy policy. I urge my colleagues to join me in supporting the bill.

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By Mr. DODD (for himself and Mr. BURR):

S. 1615. A bill to provide loans and grants for fire sprinkler retrofitting in nursing facilities; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise to reintroduce bipartisan legislation with my colleague from North Carolina, Senator BURR, that seeks to protect nursing home residents, staff, and visitors from the dangers associated with fire.

In February, 2003, a multi-alarm fire at a nursing home in Hartford, CT, took the lives of 16 residents. It was the worst nursing home fire in Connecticut's history. The tragic loss of life was made worse by the fact that the nursing home lacked an automatic sprinkler system, a defect disturbingly common in many nursing homes across the country.

I believe many Americans, especially those with a loved one in a nursing home facility, would be shocked to learn that, according to the Government Accountability Office between 20 and 30 percent of the country's 17,000 nursing homes lack an automatic sprinkler system. In its 2004 report, the GAO found that ''the substantial loss of life in the [Hartford fire] could have been reduced or eliminated by the presence of properly functioning automatic sprinkler systems.'' Furthermore, the report concluded that ''the Federal oversight of nursing home compliance with fire safety standards is inadequate.''

Responding to the fire in Hartford and a similar tragedy in Nashville, TN, the Center for Medicare and Medicaid Services, CMS, required that nursing homes without automatic sprinkler systems install battery-operated smoke detectors. While this new requirement was viewed as a positive step, it was largely criticized by fire and patient-safety advocates because smoke detectors are often not wired to a central alarm system or a fire department.

I believe it is safe to assume that nursing home directors do not choose freely to operate their facilities without automatic sprinkler systems. According to the GAO and the American Health Care Association, most nursing homes simply cannot afford the costs incurred by installing an automatic sprinkler system. Today, many nursing homes, including many in Connecticut, are financially strained by inadequate reimbursement rates from Medicare and Medicaid, rising insurance premiums, rising energy costs, and the general cost of care for some of our country's most vulnerable patients.

That is why Senator BURR and I are reintroducing this legislation. The Nursing Home Fire Safety Act of 2007 provides low-interest loans and grants to nursing homes in proven need of financial assistance. The larger loan initiative assists nursing homes that cannot afford the upfront costs of installing automatic sprinkler systems but can afford to pay back a low-interest Government-issued loan. The smaller grant initiative would assist qualified nursing homes that lack any ability to pay for the installation of an automatic sprinkler system. Together, these initiatives would provide critical resources to prevent tragedies like those seen in Hartford and Nashville from occurring again.

I thank my colleague from North Carolina, Senator BURR, for reintroducing this bipartisan measure with me. I also thank Congressmen JOHN LARSON from Connecticut and PETER KING from New York for spearheading companion legislation in the House. I look forward to working with all of my colleagues to protect nursing home residents, staff, and visitors from the dangers associated with fire.

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. 1615

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

**SECTION 1. SHORT TITLE .**

This Act may be cited as the ''Nursing Home Fire Safety Act of 2007''.

**SEC. 2. FINDINGS AND SENSE OF CONGRESS.**

(a) FINDINGS.—Congress finds the following:

(1) An estimated 1,500,000 Americans reside in approximately 16,300 nursing facilities nationwide, an estimated 20 to 30 percent of which lack an automatic fire sprinkler system.

(2) In a July 2004 report, the Government Accountability Office found that ''the substantial loss of life in [recent nursing home] fires could have been reduced or eliminated by the presence of properly functioning automatic sprinkler systems'' and that ''Federal oversight of nursing home compliance with fire safety standards is inadequate''.

(3) Many nursing facilities lack the financial capital to install sprinklers on their own and must consider closure as an alternative to taking on large loans or other financing options in order to install sprinklers.

(4) Recognizing that automatic fire sprinkler systems greatly improve the chances of survival for older adults in the event of a fire, the National Fire Protection Association, with the support of the American Health Care Association, the fire safety community, and the nursing facility profession, recently adopted requirements for automatic sprinklers in all existing nursing facilities.

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

(1) within 5 years, every nursing facility in America should be equipped with automatic fire sprinklers in order to ensure patient, resident, and staff safety;

(2) the Centers for Medicare & Medicaid Services (CMS) should require all nursing homes to be fully sprinklered as recently required by the Life Safety Code of the National Fire Protection Association with the support of the nursing home industry, which includes the requirement that all nursing facilities be fully sprinklered; and

(3) the Centers for Medicare & Medicaid Services, in collaboration with Congress, should take into consideration the costs of retrofitting existing nursing home facilities and commit itself to providing facilities with the critical financial resources necessary to ensure the speedy and full installation of life saving sprinkler systems.

**SEC. 3. DIRECT LOANS FOR FIRE SPRINKLERS RETROFITS.**

(a) AUTHORITY.—Not later than 120 days after the date of enactment of this Act, the Secretary of Health and Human Services shall establish a program of direct loans to existing nursing facilities to finance retrofitting the facilities with an automatic fire sprinkler system. Such loans shall be made under terms and conditions specified by the Secretary.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

**SEC. 4. SPRINKLER RETROFIT ASSISTANCE GRANTS.**

(a) AUTHORITY.—Not later than 120 days after the date of enactment of this Act, the Secretary of Health and Human Services shall establish a program to award grants to nursing facilities for the purposes of retrofitting them with an automatic fire sprinkler system. Such grants shall be awarded under terms and conditions specified by the Secretary.

(b) PRIORITY.—In awarding grants under this section, the Secretary shall give a priority to applications that demonstrate a need or hardship. In determining hardship, the Secretary may take into account factors such as the number of residents who are entitled to or enrolled in the medicare program under title 18 of the Social Security Act (42 U.S.C. 1395 et seq.) or receiving assistance under the medicaid program under title 19 of such Act (42 U.S.C. 1396 et seq.), the age and condition of the facility, and the need for nursing facility beds in the community involved.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

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By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. CARPER, Mr. LUGAR, and Mr. OBAMA):

S. 1616. A bill to amend the Clean Air Act to promote and assure the quality of biodiesel fuel, and for other purposes; to the Committee on Environment and Public Works.

Mr. DURBIN. Mr. President, I rise today to introduce legislation that would create a Federal biodiesel mandate and improve the quality and labeling of this product.

Biodiesel fuel holds great promise to help move the United States toward energy independence. It is created by converting soybean oil, animal fats, and yellow grease and other feed stocks into transportation fuel.

Compared to petrol diesel, biodiesel burns much more cleanly. Production of biodiesel creates jobs in rural areas and makes farming more profitable. The carbon footprint of biodiesel also is superior to petrol diesel. Cars and trucks fueled by biodiesel produce fewer unburned hydrocarbons, carbon monoxide, carbon dioxide, and particulate matter.

The biodiesel industry is young but growing, and its growth is driven by the rising cost of oil and a growing awareness of the need to move toward energy independence. In 2005, the United States produced 75 million gallons of biodiesel. That number more than tripled in 2006, when the United States produced 250 million gallons of biodiesel.

By the end of this year, we expect capacity to increase to more than 1 billion gallons. More than 140 plants already produce biodiesel, and more are moving to production soon. Biodiesel fuel plants can be found all across the country, from the Corn Belt and Great Plains to the Pacific Northwest and the Mid-Atlantic.

The bipartisan bill I am introducing today with Senators GRASSLEY, CARPER, LUGAR, and OBAMA is a modest attempt to take advantage of this potential capacity and to reduce the amount of petroleum used in the 60-billion-gallon diesel fuel pool. Under this bill, over the next 5 years, the United States would blend 450 million gallons of biodiesel into diesel fuel in 2008, 625 million gallons in 2009, 800 million gallons in 2010, 1 billion gallons in 2011, and 1.25 billion gallons in 2012.

This mandate would create an incentive for the production and consumption of biodiesel and give this infant industry some market guarantees to help it achieve stability and maturity.

Many States already are moving in the direction of biodiesel mandates. My home State of Illinois has offered a biodiesel tax incentive since 2003 that has increased demand for the product, and Minnesota has had a 2-percent biodiesel mandate since 2005.

This is an environmentally friendly, home-grown fuel, and we should embrace its use. I thank Senators GRASSLEY, CARPER, LUGAR, and OBAMA for their early support and urge others in the Senate to cosponsor our legislation.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 233—MAKING MINORITY PARTY APPOINTMENTS FOR THE SELECT COMMITTEE ON ETHICS FOR THE 110TH CONGRESS

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 233

*Resolved,* That the following be the minority membership on the Select Committee on Ethics for the remainder of the 110th Congress, or until their successors are appointed; Mr. Cornyn, Mr. Roberts, and Mr. Isakson.

### SENATE RESOLUTION 234—DESIGNATING JUNE 15, 2007, AS ''NATIONAL HUNTINGTON'S DISEASE AWARENESS DAY''

Mr. INHOFE (for himself and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 234

Whereas Huntington's Disease is a progressive degenerative neurological disease that causes total physical and mental deterioration over a 12 to 15 year period;

Whereas each child of a parent with Huntington's Disease has a 50 percent chance of inheriting the Huntington's Disease gene;

Whereas Huntington's Disease typically begins in mid-life, between the ages of 30 and 45, though onset may occur as early as the age of 2;

Whereas children who develop the juvenile form of the disease rarely live to adulthood;

Whereas the average lifespan after onset of Huntington's Disease is 10 to 20 years, and the younger the age of onset, the more rapid the progression of the disease;

Whereas Huntington's Disease affects 30,000 patients and 200,000 genetically ''at risk'' individuals in the United States;

Whereas since the discovery of the gene that causes Huntington's Disease in 1993, the pace of Huntington's Disease research has accelerated;

Whereas, although no effective treatment or cure currently exists, scientists and researchers are hopeful that breakthroughs will be forthcoming;

Whereas researchers across the Nation are conducting important research projects involving Huntington's Disease; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of Huntington's Disease: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates June 15, 2007, as ''National Huntington's Disease Awareness Day'';

(2) recognizes that all people of the United States should become more informed and aware of Huntington's Disease; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Huntington's Disease Society of America.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1528. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investigating clean, renewable, and alternative energy resources, promoting newemerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1529. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1530. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1531. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1532. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1533. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1534. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1535. Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. DODD, Mr. KERRY, Mr. REED, Mr. KENNEDY, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1536. Mr. KERRY (for himself, Mr. SANDERS, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1537. Mr. REID (for Mr. BINGAMAN (for himself, Mr. REID, Mr. CARDIN, Mr. SALAZAR, Ms. SNOWE, and Mr. DURBIN)) proposed an amendment to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra.

SA 1538. Mr. MCCONNELL (for Mr. DOMENICI (for himself, Mr. CRAIG, Mr. BENNETT, Mr. CRAPO, Mr. GRAHAM, and Ms. MURKOWSKI)) proposed an amendment to amendment SA 1537 proposed by Mr. REID (for Mr. BINGAMAN (for himself, Mr. REID, Mr. CARDIN, Mr. SALAZAR, Ms. SNOWE, and Mr. DURBIN)) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra.

SA 1539. Mr. AKAKA (for himself, Ms. MURKOWSKI, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1540. Mr. CARPER (for himself and Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1541. Mr. SMITH (for himself, Ms. CANTWELL, Ms. MURKOWSKI, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1542. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1543. Mr. BAYH (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1544. Mr. CASEY (for himself and Mr. WEBB) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1545. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1546. Mr. DEMINT submitted an amendment intended to be proposed to amendment

SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1547. Mr. TESTER (for himself, Mr. BINGAMAN, Mr. REID, Ms. MURKOWSKI, Mr. STEVENS, Mr. SALAZAR, Mr. AKAKA, Mr. SANDERS, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1548. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1549. Mr. KOHL (for himself, Mr. FEINGOLD, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1550. Mr. WYDEN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1551. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1552. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1609, 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, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation.

SA 1553. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1609, supra; which was referred to the Committee on Commerce, Science, and Transportation.

SA 1554. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1609, supra; which was referred to the Committee on Commerce, Science, and Transportation.

SA 1555. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 1609, supra; which was referred to the Committee on Commerce, Science, and Transportation.

SA 1556. Mrs. LINCOLN (for herself, Mr. DOMENICI, Mr. PRYOR, Mr. CRAIG, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investigating clean, renewable, and alternative energy resources, promoting newemerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1557. Ms. KLOBUCHAR (for herself, Ms. SNOWE, and Mr. BINGAMAN) submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1558. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1559. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1560. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1561. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 1528.** Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, line 12, strike ''and''.

On page 126, line 13, strike the period and insert ''; and''.

On page 126, between lines 13 and 14, insert the following:

(vi) thermal behavior and life degradation mechanisms.

On page 126, strike lines 14 through 21, and insert the following:

(B) NANOSCIENCE CENTERS.—The Secretary, in cooperation with the Council, shall coordinate the activities of the nanoscience centers of the Department to help the nanoscience centers of the Department maintain a globally competitive posture in energy storage systems for motor transportation and electricity transmission and distribution.

On page 127, line 5, insert ''and battery systems'' after ''batteries''.

On page 127, line 7, strike ''and''.

On page 127, line 9, strike the period and insert ''; and''.

On page 127, between lines 9 and 10, insert the following:

(G) thermal management systems.

On page 127, line 12, insert ''not more than'' before ''4''.

On page 127, lines 21 and 22, strike ''and the Under Secretary of Energy''.

Beginning on page 128, strike line 22, and all that follows through page 129, line 2 and insert the following:

(7) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) may apply to any project carried out through a grant, contract, or cooperative agreement under this section.

(8) INTELLECTUAL PROPERTY.—In accordance with section 202(a)(ii) of title 35, United States Code, section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), and section 9 of the Federal Nonnuclear Research and Development Act of 1974 (42 U.S.C. 5908), the Secretary may require, for any new invention developed under paragraph (6)—

(A) that any industrial participant that is active in a Energy Storage Research Center established under paragraph (6) related to the advancement of energy storage technologies carried out, in whole or in part, with Federal funding, be granted the first option to negotiate with the invention owner, at least in the field of energy storage technologies, nonexclusive licenses and royalties on terms that are reasonable, as determined by the Secretary;

(B) that, during a 2-year period beginning on the date on which an invention is made, the patent holder shall not negotiate any license or royalty agreement with any entity that is not an industrial participant under paragraph (6);

(C) that, during the 2-year period described in subparagraph (B), the patent holder shall negotiate nonexclusive licenses and royalties in good faith with any interested industrial participant under paragraph (6); and

(D) such other terms as the Secretary determines to be necessary to promote the accelerated commercialization of inventions made under paragraph (6) to advance the capability of the United States to successfully compete in global energy storage markets.

On page 129, line 3, strike ''(7)'' and insert ''(9)''.

On page 129, line 4, strike ''5 years'' and insert ''3 years''.

On page 129, line 8, strike ''in making'' and all that follows through the end of the paragraph and insert ''in carrying out this section.''.

On page 129, line 12, strike ''(8)'' and insert ''(10)''.

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**SA 1529.** Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, between lines 4 and 5, insert the following:

(h) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Administrator of General Services shall submit to the Energy Information Agency a report describing the quantity, type, and cost of each lighting product purchased by the Federal Government.

On page 73, line 5, strike ''(h)'' and insert ''(i)''.

On page 73, line 16, strike ''(i)'' and insert ''(j)''.

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**SA 1530.** Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting newemerging energy technologies, develop greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

**SEC. 269. PROMOTION OF ENERGY SAVINGS PERFORMANCE CONTRACTS.**

Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (D), by inserting ''beginning on the date of the delivery order'' after ''25 years''; and

(B) by adding at the end the following:

''(E) PROMOTION OF CONTRACTS.—In carrying out this section, a Federal agency shall not—

''(i) establish a Federal agency policy that limits the maximum contract term under subparagraph (D) to a period shorter than 25 years; or

''(ii) limit the total amount of obligations under energy savings performance contracts or other private financing of energy savings measures.

''(F) MEASUREMENT AND VERIFICATION REQUIREMENTS FOR PRIVATE FINANCING.—

''(i) IN GENERAL.—The evaluations and savings measurement and verification required under paragraphs (1) and (3) of section 543(f) shall be used by a Federal agency to meet the requirements for—

''(I) in the case of energy savings performance contracts, the need for energy audits, calculation of energy savings, and any other evaluation of costs and savings needed to implement the guarantee of savings under this section; and

''(II) in the case of utility energy service contracts, needs that are similar to the purposes described in subclause (I).

''(ii) MODIFICATION OF EXISTING CONTRACTS.—Not later than 180 days after the date of enactment of this subparagraph, each Federal agency shall, to the maximum extent practicable, modify any indefinite delivery and indefinite quantity energy savings performance contracts, and other indefinite delivery and indefinite quantity contracts using private financing, to conform to the amendments made by the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.''; and

(2) by striking subsection (c).

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**SA 1531.** Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting newemerging energy technologies, develop greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 153, strike line 24 and insert the following:

''under subsection (a)(1).

''(g) USE OF ENERGY AND WATER EFFICIENCY MEASURES IN FEDERAL BUILDINGS.—

''(1) ENERGY AND WATER EVALUATIONS.—Not later than 1 year after the date of enactment of this subsection, and every 3 years thereafter, each Federal agency shall complete a comprehensive energy and water evaluation for—

''(A) each building and other facility of the Federal agency that is larger than a minimum size established by the Secretary; and

''(B) any other building or other facility of the Federal agency that meets any other criteria established by the Secretary.

''(2) IMPLEMENTATION OF IDENTIFIED ENERGY AND WATER EFFICIENCY MEASURES.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, and every 3 years thereafter, each Federal agency—

''(i) shall fully implement each energy and water-saving measure that the Federal agency identified in the evaluation conducted under paragraph (1) that has a 15-year simple payback period; and

''(ii) may implement any energy or water-saving measure that the Federal agency identified in the evaluation conducted under paragraph (1) that has longer than a 15-year simple payback period.

''(B) PAYBACK PERIOD.—

''(i) IN GENERAL.—For the purpose of subparagraph (A), a measure shall be considered to have a 15-year simple payback if the quotient obtained under clause (ii) is less than or equal to 15.

''(ii) QUOTIENT.—The quotient for a measure shall be obtained by dividing—

''(I) the estimated initial implementation cost of the measure (other than financing costs); by

''(II) the annual cost savings from the measure.

''(C) COST SAVINGS.—For the purpose of subparagraph (B), cost savings shall include net savings in estimated—

''(i) energy and water costs; and

''(ii) operations, maintenance, repair, replacement, and other direct costs.

''(D) EXCEPTIONS.—The Secretary may modify or make exceptions to the calculation of a 15-year simple payback under this paragraph in the guidelines issued by the Secretary under paragraph (4).

''(3) FOLLOW-UP ON IMPLEMENTED MEASURES.—For each measure implemented under paragraph (2), each Federal agency shall carry out—

''(A) commissioning;

''(B) operations, maintenance, and repair; and

''(C) measurement and verification of energy and water savings.

''(4) GUIDELINES.—

''(A) IN GENERAL.—The Secretary shall issue guidelines and necessary criteria that each Federal agency shall follow for implementation of—

''(i) paragraph (1) not later than 90 days after the date of enactment of this subsection; and

''(ii) paragraphs (2) and (3) not later than 180 days after the date of enactment of this subsection.

''(B) RELATIONSHIP TO FUNDING SOURCE.—The guidelines issued by the Secretary under subparagraph (A) shall be appropriate and uniform for measures funded with each type of funding made available under paragraph (8).

''(5) WEB-BASED CERTIFICATION.—

''(A) IN GENERAL.—For each building and other facility that meets the criteria established by the Secretary under paragraph (1), each Federal agency shall use a web-based tracking system to certify compliance with the requirements for—

''(i) energy and water evaluations under paragraph (1);

''(ii) implementation of identified energy and water measures under paragraph (2); and

''(iii) follow-up on implemented measures under paragraph (3).

''(B) DEPLOYMENT.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall deploy the web-based tracking system required under this paragraph in a manner that tracks, at a minimum—

''(i) the covered buildings and other facilities;

''(ii) the status of evaluations;

''(iii) the identified measures, with estimated costs and savings;

''(iv) the status of implementing the measures;

''(v) the measured savings; and

''(vi) the persistence of savings.

''(C) AVAILABILITY.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary shall make the web-based tracking system required under this paragraph available to Congress, other Federal agencies, and the public through the Internet.

''(ii) EXEMPTIONS.—At the request of a Federal agency, the Secretary may exempt specific data for specific buildings from disclosure under clause (i) for national security purposes.

''(6) BENCHMARKING OF FEDERAL FACILITIES.—

''(A) IN GENERAL.—Each Federal agency shall enter energy use data for each building and other facility of the Federal agency into a building energy use benchmarking system, such as the Energy Star Portfolio Manager.

''(B) SYSTEM AND GUIDANCE.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall—

''(i) select or develop the building energy use benchmarking system required under this paragraph for each type of building; and

''(ii) issue guidance for use of the system.

''(7) FEDERAL AGENCY SCORECARDS.—

''(A) IN GENERAL.—The Director of the Office of Management and Budget shall issue quarterly scorecards for energy management activities carried out by each Federal agency that includes—

''(i) summaries of the status of—

''(I) energy and water evaluations under paragraph (1);

''(II) implementation of identified energy and water measures under paragraph (2); and

''(III) follow-up on implemented measures under paragraph (3); and

''(ii) any other means of measuring performance that the Director considers appropriate.

''(B) AVAILABILITY.—The Director shall make the scorecards required under this paragraph available to Congress, other Federal agencies, and the public through the Internet.

''(8) FUNDING.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

''(B) FUNDING OPTIONS.—

''(i) IN GENERAL.—To carry out paragraphs (1) through (3), a Federal agency may use any combination of—

''(I) appropriated funds made available under subparagraph (A); and

''(II) private financing, including financing available through energy savings performance contracts or utility energy savings contracts.

''(ii) COMBINED FUNDING FOR SAME MEASURE.—A Federal agency may use any combination of appropriated funds and private financing described in clause (i) to carry out the same measure under this subsection, with proportional allocation for any energy and water savings.

''(iii) LACK OF APPROPRIATED FUNDS.—Since measures may be carried out using private financing described in clause (i), a lack of available appropriations shall not be considered a sufficient reason for the failure of a Federal agency to comply with paragraphs (1) through (3).''.

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**SA 1532.** Mr. THUNE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting newemerging energy technologies, develop greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 50, between lines 16 and 17, insert the following:

(d) APPROVAL OF HIGHER BLENDS OF ETHANOL.—Not later than 180 days after the date on which the report is submitted under subsection (c), the Administrator of the Environmental Protection Agency shall approve

the use of higher blends of ethanol fuel for use in non-flex fuel automotive vehicles that received a satisfactory review based on the components of the study under subsection (a) addressing the emissions, materials compatibility, and durability and performance of the approved higher blends of ethanol fuel in on-road and off-road engines.

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**SA 1533.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting newemerging energy technologies, develop greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title II, insert the following:

**SEC. 2___. DEFINITION OF STATE.**

Section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862) is amended by striking paragraph (8) and inserting the following:

''(8) STATE.—The term 'State' means—

''(A) a State;

''(B) the District of Columbia; and

''(C) the Commonwealth of Puerto Rico.''.

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**SA 1534.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting newemerging energy technologies, develop greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, line 17, strike ''Section'' and insert the following:

(a) IN GENERAL.—Section

On page 36, after line 22, add the following:

(b) BIOFUELS INVESTMENT TRUST FUND.—Section 932(d) of the Energy Policy Act of 2005 (42 U.S.C. 16232(d)) is amended by adding at the end the following:

''(3) BIOFUELS INVESTMENT TRUST FUND.—

''(A) ESTABLISHMENT.—

''(i) IN GENERAL.—There is established in the Treasury of the United States a trust fund, to be known as the 'Biofuels Investment Trust Fund' (referred to in this paragraph as the 'trust fund'), consisting of such amounts as are transferred to the trust fund under clause (ii).

''(ii) TRANSFER.—As soon as practicable after the date of enactment of this paragraph, the Secretary of the Treasury shall transfer to the trust fund, from amounts in the general fund of the Treasury, such amounts as the Secretary of the Treasury determines to be equivalent to the amounts received in the general fund as of January 1, 2007, that are attributable to duties received on articles entered under heading 9901.00.50 of the Harmonized Tariff Schedule of the United States.

''(B) INVESTMENT OF AMOUNTS.—

''(i) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the trust fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

''(ii) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

''(iii) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under clause (i), obligations may be acquired—

''(I) on original issue at the issue price; or

''(II) by purchase of outstanding obligations at the market price.

''(iv) SALE OF OBLIGATIONS.—Any obligation acquired by the trust fund may be sold by the Secretary of the Treasury at the market price.

''(v) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the trust fund shall be credited to and form a part of the trust fund.

''(C) TRANSFERS OF AMOUNTS.—

''(i) IN GENERAL.—The amounts required to be transferred to the trust fund under subparagraph (A)(ii) shall be transferred at least quarterly from the general fund of the Treasury to the trust fund on the basis of estimates made by the Secretary of the Treasury.

''(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

''(D) USE OF FUNDS.—

''(i) IN GENERAL.—Amounts in the trust fund shall be used to carry out the program under paragraph (1).

''(ii) TREATMENT.—Amounts in the trust fund used under clause (i) shall be in addition to, and shall not be considered to be provided in lieu of, any other funds made available to carry out this subsection.''.

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**SA 1535.** Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. DODD, Mr. KERRY, Mr. REED, Mr. KENNEDY, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, develop greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. SITING, CONSTRUCTION, EXPANSION, AND OPERATION OF LNG TERMINALS.**

Section 10 of the Act of March 3, 1899 (33 U.S.C. 403), is amended—

(1) by striking the section heading and designation and all that follows through ''creation'' and inserting the following:

**''SEC. 10. OBSTRUCTION OF NAVIGABLE WATERS; WHARVES AND PIERS; EXCAVATIONS AND FILLING IN.**

''(a) IN GENERAL.—The creation''; and

(2) by adding at the end the following:

''(b) SITING, CONSTRUCTION, EXPANSION, AND OPERATION OF LNG TERMINALS.—The Secretary shall not approve or disapprove an application for the siting, construction, expansion, or operation of a liquefied natural gas terminal pursuant to this section without the express concurrence of each State affected by the application.''.

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**SA 1536.** Mr. KERRY (for himself, Mr. SANDERS, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike the table between lines 7 and 8 and insert the following:

| **Calendar year:** | **Minimum annual percentage:** |
|---|---|
| 2009 through 2012 | 5 |
| 2013 through 2016 | 10 |
| 2017 through 2019 | 15 |
| 2020 through 2030 | 20 |

On page 3, line 2, strike ''2009'' and insert ''2008''.

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**SA 1537.** Mr. REID (for Mr. BINGAMAN (for himself, Mr. REID, Mr. CARDIN, Mr. SALAZAR, Ms. SNOWE, and Mr. DURBIN)) proposed an amendment to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting newemerging energy technologies, develop greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

At the end, add the following:

**TITLE VIII—RENEWABLE PORTFOLIO STANDARD**

**SEC. 801. RENEWABLE PORTFOLIO STANDARD.**

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

**''SEC. 610. FEDERAL RENEWABLE PORTFOLIO STANDARD.**

''(a) RENEWABLE ENERGY REQUIREMENT.—

''(1) IN GENERAL.—Each electric utility that sells electricity to electric consumers shall obtain a percentage of the base amount of electricity it sells to electric consumers in any calendar year from new renewable energy or existing renewable energy. The percentage obtained in a calendar year shall not be less than the amount specified in the following table:

| **''Calendar year:** | **Minimum annual percentage:** |
|---|---|
| 2010 through 2012 | 3.75 |
| 2013 through 2016 | 7.50 |
| 2017 through 2019 | 11.25 |
| 2020 through 2030 | 15.0 |

''(2) MEANS OF COMPLIANCE.—An electric utility shall meet the requirements of paragraph (1) by—

''(A) submitting to the Secretary renewable energy credits issued under subsection (b);

''(B) making alternative compliance payments to the Secretary at the rate of 2 cents per kilowatt hour (as adjusted for inflation under subsection (g)); or

''(C) a combination of activities described in subparagraphs (A) and (B).

''(3) SPECIAL RULE.—Nothing in this section authorizes or requires the Tennessee Valley Authority to make any capital expenditure on new generating capacity, except to the extent that budget authority for the expenditure is provided in advance in an appropriations Act.

''(b) FEDERAL RENEWABLE ENERGY CREDIT TRADING PROGRAM.—

''(1) IN GENERAL.—Not later than July 1, 2009, the Secretary shall establish a Federal renewable energy credit trading program under which electric utilities shall submit to the Secretary renewable energy credits to certify the compliance of the electric utilities with respect to obligations under subsection (a)(1).

''(2) ADMINISTRATION.—As part of the program, the Secretary shall—

''(A) issue tradeable renewable energy credits to generators of electric energy from new renewable energy;

''(B) issue nontradeable renewable energy credits to generators of electric energy from existing renewable energy;

''(C) issue renewable energy credits to electric utilities associated with State renewable portfolio standard compliance mechanisms pursuant to subsection (h);

''(D) ensure that a kilowatt hour, including the associated renewable energy credit, shall be used only once for purposes of compliance with this Act;

''(E) allow double credits for generation from facilities on Indian land, and triple credits for generation from small renewable distributed generators (meaning those no larger than 1 megawatt); and

''(F) ensure that, with respect to a purchaser that, as of the date of enactment of this section, has a purchase agreement from a renewable energy facility placed in service before that date, the credit associated with the generation of renewable energy under the contract is issued to the purchaser of the electric energy to the extent that the contract does not already provide for the allocation of the Federal credit.

''(3) DURATION.—A credit described in subparagraph (A), (B), or (C) of paragraph (2) may only be used for compliance with this section during the 3-year period beginning on the date of issuance of the credit.

''(4) TRANSFERS.—An electric utility that holds credits in excess of the quantity of credits needed to comply with subsection (a) may transfer the credits to another electric utility in the same utility holding company system.

''(5) DELEGATION OF MARKET FUNCTION.—The Secretary may delegate to an appropriate market-making entity the administration of a national tradeable renewable energy credit market for purposes of creating a transparent national market for the sale or trade of renewable energy credits.

''(c) ENFORCEMENT.—

''(1) CIVIL PENALTIES.—Any electric utility that fails to meet the compliance requirements of subsection (a) shall be subject to a civil penalty.

''(2) AMOUNT OF PENALTY.—The amount of the civil penalty shall be determined by multiplying the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (a) by the greater of—

''(A) the value of the alternative compliance payment, as adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor; or

''(B) 200 percent of the average market value of renewable energy credits during the year in which the violation occurred.

''(3) MITIGATION OR WAIVER.—

''(A) PENALTY.—

''(i) IN GENERAL.—The Secretary may mitigate or waive a civil penalty under this subsection if the electric utility is unable to comply with subsection (a) for a reason outside of the reasonable control of the utility.

''(ii) AMOUNT.—The Secretary shall reduce the amount of any penalty determined under paragraph (2) by the amount paid by the electric utility to a State for failure to comply with the requirement of a State renewable energy program if the State requirement is greater than the applicable requirement of subsection (a).

''(B) REQUIREMENT.—The Secretary may waive the requirements of subsection (a) for a period of up to 5 years with respect to an electric utility if the Secretary determines that the electric utility cannot meet the requirements because of a hurricane, tornado, fire, flood, earthquake, ice storm, or other natural disaster or act of God beyond the reasonable control of the utility.

''(4) PROCEDURE FOR ASSESSING PENALTY.—The Secretary shall assess a civil penalty under this subsection in accordance with the procedures prescribed by section 333(d) of the Energy Policy and Conservation Act of 1954 (42 U.S.C. 6303).

''(d) STATE RENEWABLE ENERGY ACCOUNT PROGRAM.—

''(1) IN GENERAL.—There is established in the Treasury a State renewable energy account program.

''(2) DEPOSITS.—All money collected by the Secretary from alternative compliance payments and the assessment of civil penalties under this section shall be deposited into the renewable energy account established pursuant to this subsection.

''(3) USE.—Proceeds deposited in the State renewable energy account shall be used by the Secretary, subject to appropriations, for a program to provide grants to the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) for the purposes of promoting renewable energy production, including programs that promote technologies that reduce the use of electricity at customer sites such as solar water heating.

''(4) ADMINISTRATION.—The Secretary may issue guidelines and criteria for grants awarded under this subsection. State energy offices receiving grants under this section shall maintain such records and evidence of compliance as the Secretary may require.

''(5) PREFERENCE.—In allocating funds under this program, the Secretary shall give preference—

''(A) to States in regions which have a disproportionately small share of economically sustainable renewable energy generation capacity; and

''(B) to State programs to stimulate or enhance innovative renewable energy technologies.

''(e) RULES.—The Secretary shall issue rules implementing this section not later than 1 year after the date of enactment of this section.

''(f) EXEMPTIONS.—This section shall not apply in any calendar year to an electric utility—

''(1) that sold less than 4,000,000 megawatt-hours of electric energy to electric consumers during the preceding calendar year; or

''(2) in Hawaii.

''(g) INFLATION ADJUSTMENT.—Not later than December 31 of each year beginning in 2008, the Secretary shall adjust for inflation the rate of the alternative compliance payment under subsection (a)(2)(B) and the amount of the civil penalty per kilowatt-hour under subsection (c)(2).

''(h) STATE PROGRAMS.—

''(1) IN GENERAL.—Nothing in this section diminishes any authority of a State or political subdivision of a State to adopt or enforce any law or regulation respecting renewable energy or the regulation of electric utilities, but, except as provided in subsection (c)(3), no such law or regulation shall relieve any person of any requirement otherwise applicable under this section. The Secretary, in consultation with States having such renewable energy programs, shall, to the maximum extent practicable, facilitate coordination between the Federal program and State programs.

''(2) REGULATIONS.—

''(A) IN GENERAL.—The Secretary, in consultation with States, shall promulgate regulations to ensure that an electric utility that is subject to the requirements of this section and is subject to a State renewable energy standard receives renewable energy credits if—

''(i) the electric utility complies with State standard by generating or purchasing renewable electric energy or renewable energy certificates or credits; or

''(ii) the State imposes or allows other mechanisms for achieving the State standard, including the payment of taxes, fees, surcharges, or other financial obligations.

''(B) AMOUNT OF CREDITS.—The amount of credits received by an electric utility under this subsection shall equal—

''(i) in the case of subparagraph (A)(i), the renewable energy resulting from the generation or purchase by the electric utility of existing renewable energy or new renewable energy; and

''(ii) in the case of subparagraph (A)(ii), the pro rata share of the electric utility, based on the contributions to the mechanism made by the electric utility or customers of the electric utility, in the State, of the renewable energy resulting from those mechanisms.

''(C) PROHIBITION ON DOUBLE COUNTING.—The regulations promulgated under this paragraph shall ensure that a kilowatt-hour associated with a renewable energy credit issued pursuant to this subsection shall not be used for compliance with this section more than once.

''(i) DEFINITIONS.—In this section:

''(1) BASE AMOUNT OF ELECTRICITY.—The term 'base amount of electricity' means the total amount of electricity sold by an electric utility to electric consumers in a calendar year, excluding—

''(A) electricity generated by a hydroelectric facility (including a pumped storage facility but excluding incremental hydropower); and

''(B) electricity generated through the incineration of municipal solid waste.

''(2) DISTRIBUTED GENERATION FACILITY.—The term 'distributed generation facility' means a facility at a customer site.

''(3) EXISTING RENEWABLE ENERGY.—The term 'existing renewable energy' means, except as provided in paragraph (7)(B), electric energy generated at a facility (including a distributed generation facility) placed in service prior to January 1, 2001, from solar, wind, or geothermal energy, ocean energy, biomass (as defined in section 203(a) of the Energy Policy Act of 2005), or landfill gas.

''(4) GEOTHERMAL ENERGY.—The term 'geothermal energy' means energy derived from a geothermal deposit (within the meaning of section 613(e)(2) of the Internal Revenue Code of 1986).

''(5) INCREMENTAL GEOTHERMAL PRODUCTION.—

''(A) IN GENERAL.—The term 'incremental geothermal production' means for any year the excess of—

''(i) the total kilowatt hours of electricity produced from a facility (including a distributed generation facility) using geothermal energy; over

''(ii) the average annual kilowatt hours produced at such facility for 5 of the previous 7 calendar years before the date of enactment of this section after eliminating the highest and the lowest kilowatt hour production years in such 7-year period.

''(B) SPECIAL RULE.—A facility described in subparagraph (A) that was placed in service

at least 7 years before the date of enactment of this section shall, commencing with the year in which such date of enactment occurs, reduce the amount calculated under subparagraph (A)(ii) each year, on a cumulative basis, by the average percentage decrease in the annual kilowatt hour production for the 7-year period described in subparagraph (A)(ii) with such cumulative sum not to exceed 30 percent.

''(6) INCREMENTAL HYDROPOWER.—The term 'incremental hydropower' means additional energy generated as a result of efficiency improvements or capacity additions made on or after January 1, 2001, or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date. The term does not include additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions. Efficiency improvements and capacity additions shall be measured on the basis of the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission.

''(7) NEW RENEWABLE ENERGY.—The term 'new renewable energy' means—

''(A) electric energy generated at a facility (including a distributed generation facility) placed in service on or after January 1, 2001, from—

''(i) solar, wind, or geothermal energy or ocean energy;

''(ii) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

''(iii) landfill gas; or

''(iv) incremental hydropower; and

''(B) for electric energy generated at a facility (including a distributed generation facility) placed in service before January 1, 2001—

''(i) the additional energy above the average generation during the period beginning on January 1, 1998, and ending on January 1, 2001, at the facility from—

''(I) solar or wind energy or ocean energy;

''(II) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

''(III) landfill gas; or

''(IV) incremental hydropower; and

''(ii) incremental geothermal production.

''(8) OCEAN ENERGY.—The term 'ocean energy' includes current, wave, tidal, and thermal energy.

''(j) SUNSET.—This section expires on December 31, 2030.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

''Sec. 610. Federal renewable part folio standard.''.

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**SA 1538.** Mr. MCCONNELL (for Mr. DOMENICI (for himself, Mr. CRAIG, Mr. BENNETT, Mr. CRAPO, Mr. GRAHAM, and Ms. MURKOWSKI)) proposed an amendment to be proposed to amendment SA 1537 proposed by Mr. REID (for Mr. BINGAMAN (for himself, Mr. REID, Mr. CARDIN, Mr. SALAZAR, Ms. SNOWE, and Mr. DURBIN)) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

Beginning on page 1 of the amendment, line 2, strike everything after ''**TITLE**'' and insert the following:

**VIII—FEDERAL CLEAN PORTFOLIO STANDARD**

**SEC. 801. FEDERAL CLEAN PORTFOLIO STANDARD.**

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

**''SEC. 610. FEDERAL CLEAN PORTFOLIO STANDARD.**

''(a) CLEAN ENERGY REQUIREMENT.—

''(1) IN GENERAL.—Each electric utility that sells electricity to electric consumers shall obtain a percentage of the base amount of electricity it sells to electric consumers in any calendar year from new clean energy or existing clean energy. The percentage obtained in a calendar year shall not be less than the amount specified in the following table:

| ''Calendar year: | Minimum annual percentage: |
|---|---|
| 2010 through 2012 | 5 |
| 2013 through 2016 | 10 |
| 2017 through 2019 | 15 |
| 2020 through 2030 | 20 |

''(2) MEANS OF COMPLIANCE.—An electric utility shall meet the requirements of paragraph (1) by—

''(A) submitting to the Secretary clean energy credits issued under subsection (b);

''(B) making alternative compliance payments to the Secretary at the rate of 2 cents per kilowatt hour (as adjusted for inflation under subsection (g)); or

''(C) a combination of activities described in subparagraphs (A) and (B).

''(3) SPECIAL RULE.—Nothing in this section authorizes or requires the Tennessee Valley Authority to make ''any capital expenditure on new generating capacity, except to the extent that budget authority for the expenditure is provided in advance in an appropriations Act''.

''(b) CLEAN ENERGY CREDIT TRADING PROGRAM.—

''(1) IN GENERAL.—Not later than July 1, 2009, the Secretary shall establish a clean energy credit trading program under which electric utilities shall submit to the Secretary clean energy credits to certify the compliance of the electric utilities with respect to obligations under subsection (a)(1).

''(2) ADMINISTRATION.—As part of the program, the Secretary shall—

''(A) issue tradeable clean energy credits to generators of electric energy from new clean energy;

''(B) issue nontradeable clean energy credits to generators of electric energy from existing clean energy;

''(C) issue clean energy credits to electric utilities associated with State portfolio standard compliance mechanisms pursuant to paragraph (6);

''(D) ensure that a kilowatt hour, including the associated clean energy credit, shall be used only once for purposes of compliance with this Act;

''(E) allow double credits for generation from facilities on Indian land, and triple credits for generation from small renewable distributed generators (meaning those no larger than 1 megawatt); and

''(F) ensure that, with respect to a purchaser that, as of the date of enactment of this section, has a purchase agreement from a clean energy facility placed in service before that date, the credit associated with the generation of clean energy under the contract is issued to the purchaser of the electric energy, to the extent that the contract does not already provide for the allocation of the credit.

''(3) DURATION.—A credit described in subparagraph (A), (B), or (C) of paragraph (2) may only be used for compliance with this section during the 3-year period beginning on the date of issuance of the credit.

''(4) TRANSFERS.—An electric utility that holds credits in excess of the quantity of credits needed to comply with subsection (a) may transfer the credits to another electric utility in the same utility holding company system.

''(5) DELEGATION OF MARKET FUNCTION.—The Secretary may delegate to an appropriate market-making entity the administration of a national tradeable clean energy credit market for purposes of creating a transparent national market for the sale or trade of clean energy credits.

''(6) CREDIT FOR STATE ALTERNATIVE COMPLIANCE PAYMENTS AND OTHER FINANCIAL COMPLIANCE MECHANISMS.—

''(A) IN GENERAL.—In the case of an electric utility subject to a State portfolio standard program that requires the generation of electricity from clean energy and makes alternative compliance payments under the program in satisfaction of applicable State requirements or complies by other financial mechanisms, the Secretary shall issue clean energy credits to the electric utility in an amount that corresponds to the amount of the State alternative compliance payment or other financial compliance mechanism as though that payment or mechanism had been made to the Secretary under this subsection.

''(B) APPLICATION.—A clean energy credit issued under subparagraph (A) may be—

''(i) applied against the required annual percentage of an electric utility; or

''(ii) transferred for use only by an associate company of the electric utility.

''(c) ENFORCEMENT.—

''(1) CIVIL PENALTIES.—Any electric utility that fails to meet the compliance requirements of subsection (a) shall be subject to a civil penalty.

''(2) AMOUNT OF PENALTY.—The amount of the civil penalty shall be determined by multiplying the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (a) by the greater of—

''(A) the value of the alternative compliance payment, as adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor; or

''(B) 200 percent of the average market value of clean energy credits during the year in which the violation occurred.

''(3) PROCEDURE FOR ASSESSING PENALTY.—Subject to subsection (h)(2), the Secretary shall assess a civil penalty under this subsection in accordance with the procedures prescribed by section 333(d) of the Energy Policy and Conservation Act of 1954 (42 U.S.C. 6303).

''(d) STATE CLEAN ENERGY ACCOUNT PROGRAM.—

''(1) IN GENERAL.—There is established in the Treasury a State clean energy account program.

''(2) DEPOSITS.—All money collected by the Secretary from the sale of clean energy credits, the provision of alternative compliance payments, and the assessment of civil penalties under this section shall be deposited into the clean energy account established pursuant to this subsection.

''(3) TRANSFER.—Amounts deposited in the State clean energy account shall be transferred, subject to appropriations, to the State in which the amounts were collected.

''(4) USE.—Amounts transferred to a State under paragraph (3) shall be used by the State for the purposes of promoting clean energy production, including programs that promote technologies that reduce the use of electricity at customer sites.

''(e) RULES.—The Secretary shall issue rules implementing this section not later than 1 year after the date of enactment of this section.

''(f) EXEMPTIONS.—This section shall not apply in any calendar year to an electric utility—

''(1) that sold less than 4,000,000 megawatt-hours of electric energy to electric consumers during the preceding calendar year; or

''(2) in Hawaii.

''(g) INFLATION ADJUSTMENT.—Not later than December 31 of each year beginning in 2008, the Secretary shall adjust for inflation the rate of alternative compliance payments under subsection (a)(2)(B) and the amount of the civil penalty per kilowatt-hour under subsection (c)(2).

''(h) WAIVER.—

''(1) IN GENERAL.—The Secretary may waive the compliance requirements of subsection (a) with respect to an electric utility if the Secretary determines that the electric utility cannot meet the requirements for reason of force majeure in effect on any date after the date that is 5 years before the date of enactment of this section.

''(2) CIVIL PENALTIES.—

''(A) IN GENERAL.—The Secretary may mitigate or waive a civil penalty under subsection (c) if the electric utility was unable to comply with subsection (a) for reasons outside of the reasonable control of the utility in effect after the date of enactment of this section.

''(B) AMOUNT OF REDUCTION.—The Secretary shall reduce the amount of any penalty determined under subsection (c)(2) by an amount paid by the electric utility to a State for failure to comply with the requirement of a State clean energy program.

''(i) GOVERNOR CERTIFICATION.—On submission by the Governor of a State to the Secretary of a notification that the State has in effect, and is enforcing, a State portfolio standard that substantially contributes to the overall goals of the Federal clean portfolio standard under this section, the State may elect not to participate in the program under this section.

''(j) DEFINITIONS.—In this section:

''(1) BASE AMOUNT OF ELECTRICITY.—The term 'base amount of electricity' means the total amount of electricity sold by an electric utility to electric consumers in a calendar year, excluding—

''(A) electricity generated by a hydroelectric facility (including a pumped storage facility but excluding incremental hydropower);

''(B) electricity generated through the incineration of municipal solid waste; and

''(C) except as provided in paragraph (9), electricity generated from nuclear power.

''(2) DEMAND RESPONSE.—The term 'demand response' means a reduction in electricity usage by end-use customers as compared to the normal consumption patterns of the customers, or shifts in electric usage by end-use customers from on-peak hours of an electric utility to off-peak hours of an electric utility that do not result in increased usage, in response to an incentive payment or a program to reduce electricity use at any time at which—

''(A) wholesale market prices are high; or

''(B) system reliability is jeopardized.

''(3) DISTRIBUTED GENERATION FACILITY.—The term 'distributed generation facility' means a facility at a customer site.

''(4) ENERGY EFFICIENCY.—The term 'energy efficiency' means—

''(A) demand response; or

''(B) the use of less energy in homes, buildings, or industry through methods such as the installation of more efficient equipment, appliances, or other technologies to achieve the same level of function or economic activity achieved on the date of enactment of this section.

''(5) EXISTING CLEAN ENERGY.—The term 'existing clean energy' means, except as provided in paragraph (9)(B), electric energy generated at a facility (including a distributed generation facility) placed in service prior to January 1, 2001, from solar, wind, or geothermal energy, ocean energy, biomass (as defined in section 203(a) of the Energy Policy Act of 2005 (42 U.S.C. 15852(a))), or landfill gas.

''(6) GEOTHERMAL ENERGY.—The term 'geothermal energy' means energy derived from a geothermal deposit (within the meaning of section 613(e)(2) of the Internal Revenue Code of 1986).

''(7) INCREMENTAL GEOTHERMAL PRODUCTION.—

''(A) IN GENERAL.—The term 'incremental geothermal production' means for any year the excess of—

''(i) the total kilowatt hours of electricity produced from a facility (including a distributed generation facility) using geothermal energy; over

''(ii) the average annual kilowatt hours produced at such facility for 5 of the previous 7 calendar years before the date of enactment of this section after eliminating the highest and the lowest kilowatt hour production years in such 7-year period.

''(B) SPECIAL RULE.—A facility described in subparagraph (A) that was placed in service at least 7 years before the date of enactment of this section shall commencing with the year in which such date of enactment occurs, reduce the amount calculated under subparagraph (A)(ii) each year, on a cumulative basis, by the average percentage decrease in the annual kilowatt hour production for the 7-year period described in subparagraph (A)(ii) with such cumulative sum not to exceed 30 percent.

''(8) INCREMENTAL HYDROPOWER.—The term 'incremental hydropower' means additional energy generated as a result of efficiency improvements or capacity additions made on or after January 1, 2001, or the effective date of an existing applicable State clean portfolio standard program at a hydroelectric facility that was placed in service before that date. The term does not include additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions. Efficiency improvements and capacity additions shall be measured on the basis of the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission.

''(9) NEW CLEAN ENERGY.—The term 'new clean energy' means—

''(A) electric energy generated at a facility (including a distributed generation facility) placed in service on or after January 1, 2001, from—

''(i) solar, wind, or geothermal energy or ocean energy;

''(ii) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

''(iii) landfill gas;

''(iv) new hydropower that does not require the construction of any dam;

''(v) new nuclear generation;

''(vi) a fuel cell;

''(vii) energy efficiency or demand response as result of programs conducted by the electric utility, as measured and verified by a method acceptable to the Secretary;

''(viii) an inherently low-emission technology that captures and stores carbon; or

''(ix) such other clean energy sources as the Secretary determines, by regulation, will advance the goals of this section; and

''(B) for electric energy generated at a facility (including a distributed generation facility) placed in service before January 1, 2001—

''(i) the additional energy above the average generation during the period beginning on January 1, 1998, and ending on January 1, 2001, at the facility from—

''(I) solar or wind energy or ocean energy;

''(II) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

''(III) landfill gas;

''(IV) incremental hydropower; or

''(V) nuclear generation; or

''(ii) incremental geothermal production.

''(10) OCEAN ENERGY.—The term 'ocean energy' includes current, wave, tidal, and thermal energy.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

''Sec. 610. Federal clean portfolio standard.''.

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**SA 1539.** Mr. AKAKA (for himself, Ms. MURKOWSKI, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE __—MARINE AND HYDROKINETIC RENEWABLE ENERGY PROMOTION**

**SEC. __01. DEFINITION.**

For purposes of this title, the term ''marine and hydrokinetic renewable energy'' means electrical energy from—

(1) waves, tides, and currents in oceans, estuaries, and tidal areas;

(2) free flowing water in rivers, lakes, and streams;

(3) free flowing water in man-made channels, including projects that utilize non-mechanical structures to accelerate the flow of water for electric power production purposes; and

(4) differentials in ocean temperature (ocean thermal energy conversion).

The term shall not include energy from any source that utilizes a dam, diversionary structure, or impoundment for electric power purposes, except as provided in paragraph (3).

**SEC. __02. RESEARCH AND DEVELOPMENT.**

(a) PROGRAM.—The Secretary of Energy, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall establish a program of marine and hydrokinetic renewable energy research focused on—

(1) developing and demonstrating marine and hydrokinetic renewable energy technologies;

(2) reducing the manufacturing and operation costs of marine and hydrokinetic renewable energy technologies;

(3) increasing the reliability and survivability of marine and hydrokinetic renewable energy facilities;

(4) integrating marine and hydrokinetic renewable energy into electric grids;

(5) identifying opportunities for cross fertilization and development of economies of scale between offshore wind and marine and hydrokinetic renewable energy sources;

(6) identifying, in consultation with the Secretary of Commerce and the Secretary of the Interior, the environmental impacts of marine and hydrokinetic renewable energy technologies and ways to address adverse impacts, and providing public information concerning technologies and other means available for monitoring and determining environmental impacts; and

(7) standards development, demonstration, and technology transfer for advanced systems engineering and system integration methods to identify critical interfaces.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy for carrying out this section $50,000,000 for each of the fiscal years 2008 through 2017.

**SEC. __03. ADAPTIVE MANAGEMENT AND ENVIRONMENTAL FUND.**

(a) FINDINGS.—The Congress finds that—

(1) the use of marine and hydrokinetic renewable energy technologies can avoid contributions to global warming gases, and such technologies can be produced domestically;

(2) marine and hydrokinetic renewable energy is a nascent industry; and

(3) the United States must work to promote new renewable energy technologies that reduce contributions to global warming gases and improve our country's domestic energy production in a manner that is consistent with environmental protection, recreation, and other public values.

(b) ESTABLISHMENT.—The Secretary of Energy shall establish an Adaptive Management and Environmental Fund, and shall lend amounts from that fund to entities described in subsection (f) to cover the costs of projects that produce marine and hydrokinetic renewable energy. Such costs include design, fabrication, deployment, operation, monitoring, and decommissioning costs. Loans under this section may be subordinate to project-related loans provided by commercial lending institutions to the extent the Secretary of Energy considers appropriate.

(c) REASONABLE ACCESS.—As a condition of receiving a loan under this section, a recipient shall provide reasonable access, to Federal or State agencies and other research institutions as the Secretary considers appropriate, to the project area and facilities for the purposes of independent environmental research.

(d) PUBLIC AVAILABILITY.—The results of any assessment or demonstration paid for, in whole or in part, with funds provided under this section shall be made available to the public, except to the extent that they contain information that is protected from disclosure under section 552(b) of title 5, United States Code.

(e) REPAYMENT OF LOANS.—

(1) IN GENERAL.—The Secretary of Energy shall require a recipient of a loan under this section to repay the loan, plus interest at a rate of 2.1 percent per year, over a period not to exceed 20 years, beginning after the commercial generation of electric power from the project commences. Such repayment shall be required at a rate that takes into account the economic viability of the loan recipient and ensures regular and timely repayment of the loan.

(2) BEGINNING OF REPAYMENT PERIOD.—No repayments shall be required under this subsection until after the project generates net proceeds. For purposes of this paragraph, the term ''net proceeds'' means proceeds from the commercial sale of electricity after payment of project-related costs, including taxes and regulatory fees that have not been paid using funds from a loan provided for the project under this section.

(3) TERMINATION.—Repayment of a loan made under this section shall terminate as of the date that the project for which the loan was provided ceases commercial generation of electricity if a governmental permitting authority has ordered the closure of the facility because of a finding that the project has unacceptable adverse environmental impacts, except that the Secretary shall require a loan recipient to continue making loan repayments for the cost of equipment, obtained using funds from the loan that have not otherwise been repaid under rules established by the Secretary, that is utilized in a subsequent project for the commercial generation of electricity.

(f) ADAPTIVE MANAGEMENT PLAN.—In order to receive a loan under this section, an applicant for a Federal license or permit to construct, operate, or maintain a marine or hydrokinetic renewable energy project shall provide to the Federal agency with primary jurisdiction to issue such license or permit an adaptive management plan for the proposed project. Such plan shall—

(1) be prepared in consultation with other parties to the permitting or licensing proceeding, including all Federal, State, municipal, and tribal agencies with authority under applicable Federal law to require or recommend design or operating conditions, for protection, mitigation, and enhancement of fish and wildlife resources, water quality, navigation, public safety, land reservations, or recreation, for incorporation into the permit or license;

(2) set forth specific and measurable objectives for the protection, mitigation, and enhancement of fish and wildlife resources, water quality, navigation, public safety, land reservations, or recreation, as required or recommended by governmental agencies described in paragraph (1), and shall require monitoring to ensure that these objectives are met;

(3) provide specifically for the modification or, if necessary, removal of the marine or hydrokinetic renewable energy project based on findings by the licensing or permitting agency that the marine or hydrokinetic renewable energy project has not attained or will not attain the specific and measurable objectives set forth in paragraph (2); and

(4) be approved and incorporated in the Federal license or permit.

(g) SUNSET.—The Secretary of Energy shall transmit a report to the Congress when the Secretary of Energy determines that the technologies supported under this title have achieved a level of maturity sufficient to enable the expiration of the programs under this title. The Secretary of Energy shall not make any new loans under this section after the report is transmitted under this subsection.

**SEC. __04. PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.**

The Secretary of Commerce and the Secretary of the Interior shall, in cooperation with the Federal Energy Regulatory Commission and the Secretary of Energy, and in consultation with appropriate State agencies, jointly prepare programmatic environmental impact statements which contain all the elements of an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), regarding the impacts of the deployment of marine and hydrokinetic renewable energy technologies in the navigable waters of the United States. One programmatic environmental impact statement shall be prepared under this section for each of the Environmental Protection Agency regions of the United States. The agencies shall issue the programmatic environmental impact statements under this section not later than 18 months after the date of enactment of this Act. The programmatic environmental impact statements shall evaluate among other things the potential impacts of site selection on fish and wildlife and related habitat. Nothing in this section shall operate to delay consideration of any application for a license or permit for a marine and hydrokinetic renewable energy technology project.

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**SA 1540.** Mr. CARPER (for himself and Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, after line 21, add the following:

**SEC. 151. STUDY OF OFFSHORE WIND RESOURCES.**

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Minerals Management Service.

(2) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means a college or university that—

(A) as of the date of enactment of this Act, has an offshore wind power research program; and

(B) is located in a region of the United States that is in reasonable proximity to the eastern outer Continental Shelf, as determined by the Director.

(b) STUDY.—The Director, in cooperation with an eligible institution, as selected by the Director, shall conduct a study to assess each offshore wind resource located in the region of the eastern outer Continental Shelf.

(c) REPORT.—Upon completion of the study under subsection (b), the Director shall submit to Congress a report that includes—

(1) a description of—

(A) the locations and total power generation resources of the best offshore wind resources located in the region of the eastern outer Continental Shelf, as determined by the Director;

(B) based on conflicting zones relating to any infrastructure that, as of the date of enactment of this Act, is located in close proximity to any offshore wind resource, the likely exclusion zones of each offshore wind resource described in subparagraph (A);

(C) the relationship of the temporal variation of each offshore wind resource described in subparagraph (A) with—

(i) any other offshore wind resource; and

(ii) with loads and corresponding system operator markets;

(D) the geological compatibility of each offshore wind resource described in subparagraph (A) with any potential technology relating to sea floor towers; and

(E) with respect to each area in which an offshore wind resource described in subparagraph (A) is located, the relationship of the authority under any coastal management plan of the State in which the area is located with the Federal Government; and

(2) recommendations on the manner by which to handle offshore wind intermittence.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

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**SA 1541.** Mr. SMITH (for himself, Ms. CANTWELL, Ms. MURKOWSKI, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, after line 23, insert the following:

**SEC. 131. NATIONAL OCEAN ENERGY RESEARCH CENTERS.**

(a) IN GENERAL.—Subject to the availability of appropriations under subsection (d), the Secretary shall establish not less than 1, and not more than 6, national ocean energy research centers at institutions of higher education for the purpose of conducting research, development, demonstration, and testing of ocean energy technologies and associated equipment.

(b) EVALUATIONS.—Each Center shall (in consultation with developers, utilities, and manufacturers) conduct evaluations of technologies and equipment described in subsection (a).

(c) LOCATION.—In establishing centers under this section, the Secretary shall locate the centers in coastal regions of the United State in a manner that, to the maximum extent practicable, is geographically dispersed.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriate such sums as are necessary to carry out this section.

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**SA 1542.** Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

**SEC. 269. AGRICULTURAL BYPRODUCT USE EXPOSITION.**

The Secretary of Agriculture shall establish a program under which the Secretary of Agriculture shall develop, solicit applications for participation in, advertise, and host, at such location as the Secretary determines to be appropriate, an exposition at which entities can demonstrate new products, such as plastics, carpets, disposable dishes, and cosmetics, produced by the entities from agricultural byproducts.

**SA 1543.** Mr. BAYH (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 262, line 16, strike ''(8)'' and insert ''(16)''.

On page 262, strike lines 17 and 18, and insert the following:

''(17) 'E85' means a fuel blend containing 85 percent ethanol and 15 percent gasoline by volume.

''(18) 'flexible fuel automobile' means—

''(A) a GEM flex fuel vehicle; or

''(B) a vehicle warranted by the manufacturer to operate on biodiesel.

''(19) 'GEM flex fuel vehicle' means a motor vehicle warranted by the manufacturer to operate on gasoline and E85 and M85.

''(20) 'M85' means a fuel blend containing 85 percent methanol and 15 percent gasoline by volume.''.

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**SA 1544.** Mr. CASEY (for himself and Mr. WEBB) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE VIII—ENERGY SECURITY AND CORPORATE ACCOUNTABILITY**

**SEC. 801. SHORT TITLE; AMENDMENT OF 1986 CODE.**

(a) SHORT TITLE.—This title may be cited as the ''Energy Security and Corporate Accountability Act of 2007''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title 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.

**SEC. 802. REVALUATION OF LIFO INVENTORIES OF MAJOR INTEGRATED OIL COMPANIES.**

(a) GENERAL RULE.—Notwithstanding any other provision of law, if a taxpayer is a major integrated oil company (as defined in section 167(h)(5)(B)) for its last taxable year ending in calendar year 2006, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term ''layer adjustment amount'' means, with respect to any historic LIFO layer, the product of—

(A) $18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) BARREL-OF-OIL EQUIVALENT.—The term ''barrel-of-oil equivalent'' has the meaning given such term by section 45K.

(c) APPLICATION OF REQUIREMENT.—

(1) NO CHANGE IN METHOD OF ACCOUNTING.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) UNDERPAYMENTS OF ESTIMATED TAX.—No addition to the tax shall be made under section 6655 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

**SEC. 803. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.**

(a) IN GENERAL.—Section 901 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) SPECIAL RULES RELATING TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a major integrated oil company (as defined in section 167(h)(5)(B)) to a foreign country or possession of the United States for any period shall not be considered a tax—

''(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

''(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

''(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

''(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

''(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign

country or possession on income derived from the conduct of a trade or business within such country or possession.

''(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

''(i) persons who are not dual capacity taxpayers, and

''(ii) persons who are citizens or residents of the foreign country or possession.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

**SEC. 804. 7-YEAR AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR CERTAIN MAJOR INTEGRATED OIL COMPANIES.**

(a) IN GENERAL.—Subparagraph (A) of section 167(h)(5) (relating to special rule for major integrated oil companies) is amended by striking ''5-year'' and inserting ''7-year''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

**SEC. 805. SUSPENSION OF ROYALTY RELIEF.**

(a) REPEALS.—Sections 344 and 345 of the Energy Policy Act of 2005 (42 U.S.C. 15904, 15905) are repealed.

(b) TERMINATION OF ALASKA OFFSHORE ROYALTY SUSPENSION.—Section 8(a)(3)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(B)) is amended by striking ''and in the Planning Areas offshore Alaska''.

**SEC. 806. NATIONAL ENERGY SECURITY RESEARCH AND INVESTMENT RESERVE.**

(a) ESTABLISHMENT.—For budgetary purposes, for each fiscal year, an amount equal to the total net amount of savings to the Federal Government for the fiscal year resulting from the amendments made by sections 802, 803, 804, and 805, as determined by the Secretary of the Treasury, shall be held in a separate account in the Treasury of the United States, to be known as the ''National Energy Security Research and Investment Reserve'' (referred to in this section as the ''Reserve'').

(b) USE.—Of the amounts in the Reserve—

(1) 50 percent shall be available to offset the cost of legislation enacted after the date of enactment of this Act to carry out energy research in the United States, including research relating to—

(A) ethanol, and

(B) biodiesel, and

(2) 50 percent shall be available to offset the cost of legislation enacted after the date of enactment of this Act to carry out the development, purchase, and installation of infrastructure (including new fueling pumps, retrofitting of existing fueling pumps, and equipment necessary for the transportation of biofuels) necessary to deliver new fuels to consumers.

(c) PROCEDURE FOR ADJUSTMENTS.—

(1) BUDGET COMMITTEE CHAIRMAN.—After the reporting of a bill or joint resolution, or the offering of an amendment to the bill or joint resolution or the submission of a conference report for the bill or joint resolution, providing funding for the purposes described in subsection (b) in excess of the amounts provided for those purposes for fiscal year 2007, the chairman of the Committee on the Budget of the applicable House of Congress shall make the adjustments required under paragraph (2) for the amount of new budget authority and outlays in the measure and the outlays flowing from that budget authority.

(2) MATTERS TO BE ADJUSTED.—The adjustments referred to in paragraph (1) are to be made to—

(A) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget,

(B) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), and

(C) the budget aggregates contained in the appropriate concurrent resolution on the budget as required by section 301(a) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)).

(3) AMOUNTS OF ADJUSTMENTS.—The adjustments referred to in paragraphs (1) and (2) shall not exceed the receipts estimated by the Congressional Budget Office that are attributable to sections 802, 803, 804, and 805 (and the amendments made by such sections) for the fiscal year in which the adjustments are made.

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**SA 1545.** Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, strike lines 7 through 11 and insert the following:

(B) implementation of the requirement would significantly increase the price of agricultural food products or livestock feed products;

(C) implementation of the requirement would have a significantly detrimental impact on the deliverability of materials, goods, and products (other than renewable fuel), by rail or truck; or

(D) extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically-produced renewable fuel to consumers in the United States.

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**SA 1546.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. LIMITATIONS ON LEGISLATION THAT WOULD INCREASE NATIONAL AVERAGE FUEL PRICES FOR AUTOMOBILES.**

(a) POINT OF ORDER.—

(1) IN GENERAL.—If the Senate is considering legislation, upon a point of order being made by any Senator against legislation, or any part of the legislation, that it has been determined in accordance with paragraph (2) that the legislation, if enacted, would result in an increase in the national average fuel price for automobiles, and the point of order is sustained by the Presiding Officer, the Senate shall cease consideration of the legislation.

(2) DETERMINATION.—The determination described in this paragraph means a determination by the Director of the Congressional Budget Office, in consultation with the Energy Information Administration and other appropriate Government agencies, that is made upon the request of a Senator for review of legislation, that the legislation, or part of the legislation, would, if enacted, result in an increase in the national average fuel price for automobiles.

(3) LEGISLATION.—In this section the term ''legislation'' means a bill, joint resolution, amendment, motion, or conference report.

(b) WAIVERS AND APPEALS.—

(1) WAIVERS.—Before the Presiding Officer rules on a point of order described in subsection (a)(1), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in subsection (a)(1) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) APPEALS.—After the Presiding Officer rules on a point of order described in subsection (a)(1), any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in subsection (a)(1) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) DEBATE.—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the Majority leader and the Minority Leader of the Senate, or their designees.

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**SA 1547.** Mr. TESTER (for himself, Mr. BINGAMAN, Mr. REID, Ms. MURKOWSKI, Mr. STEVENS, Mr. SALAZAR, Mr. AKAKA, Mr. SANDERS, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE VIII—GEOTHERMAL ENERGY**

**SEC. 801. SHORT TITLE.**

This title may be cited as the ''National Geothermal Initiative Act of 2007''.

**SEC. 802. FINDINGS.**

Congress finds that—

(1) domestic geothermal resources have the potential to provide vast amounts of clean, renewable, and reliable energy to the United States;

(2) Federal policies and programs are critical to achieving the potential of those resources;

(3) Federal tax policies should be modified to appropriately support the longer lead-times of geothermal facilities and address the high risks of geothermal exploration and development;

(4) sustained and expanded research programs are needed—

(A) to support the goal of increased energy production from geothermal resources;

(B) to develop and demonstrate the potential for geothermal heat exchange technologies for heating, cooling, and energy efficiency; and

(C) to develop the technologies that will enable commercial production of energy from more geothermal resources;

(5) a comprehensive national resource assessment is needed to support policymakers and industry needs;

(6) a national exploration and development technology and information center should be established to support the achievement of increased geothermal energy production; and

(7) implementation and completion of geothermal and other renewable initiatives on public land in the United States is critical, consistent with the principles and requirements of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law.

**SEC. 803. NATIONAL GOAL.**

Congress declares that it shall be a national goal to achieve at least 15 percent of total electrical energy production in the United States from geothermal resources by not later than 2030.

**SEC. 804. DEFINITIONS.**

In this title:

(1) INITIATIVE.—The term ''Initiative'' means the national geothermal initiative established by section 805(a).

(2) NATIONAL GOAL.—The term ''national goal'' means the national goal of increased energy production from geothermal resources described in section 803.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

**SEC. 805. NATIONAL GEOTHERMAL INITIATIVE.**

(a) ESTABLISHMENT.—There is established a national geothermal initiative under which the Federal Government shall seek to achieve the national goal.

(b) FEDERAL SUPPORT AND COORDINATION.—In carrying out the Initiative, each Federal agency shall give priority to programs and efforts necessary to support achievement of the national goal to the extent consistent with applicable law.

(c) ENERGY AND INTERIOR GOALS.—

(1) IN GENERAL.—In carrying out the Initiative, the Secretary and the Secretary of the Interior shall establish and carry out policies and programs—

(A) to characterize the complete geothermal resource base (including engineered geothermal systems) of the United States by not later than 2010;

(B) to sustain an annual growth rate in the use of geothermal power, heat, and heat pump applications of at least 10 percent;

(C) to demonstrate state-of-the-art energy production from the full range of geothermal resources in the United States;

(D) to achieve new power or commercial heat production from geothermal resources in at least 25 States;

(E) to develop the tools and techniques to construct an engineered geothermal system power plant; and

(F) to deploy geothermal heat exchange technologies in Federal buildings for heating, cooling, and energy efficiency.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Secretary and the Secretary of the Interior shall jointly submit to the appropriate Committees of Congress a report that describes—

(A) the proposed plan to achieve the goals described in paragraph (1); and

(B) a description of the progress during the period covered by the report toward achieving those goals.

(d) GEOTHERMAL RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION.—

(1) IN GENERAL.—The Secretary shall carry out a program of geothermal research, development, demonstration, outreach and education, and commercial application to support the achievement of the national goal.

(2) REQUIREMENTS OF PROGRAM.—In carrying out the geothermal research program described in paragraph (1), the Secretary shall—

(A) prioritize funding for the discovery and characterization of geothermal resources;

(B) expand funding for cost-shared drilling;

(C)(i) establish, at a national laboratory or university research center selected by the Secretary, a national geothermal exploration research and information center;

(ii) support development and application of new exploration and development technologies through the center; and

(iii) in cooperation with the Secretary of the Interior, disseminate geological and geophysical data to support geothermal exploration activities through the center;

(D) support cooperative programs with and among States, including with the Great Basin Center for Geothermal Energy, the Intermountain West Geothermal Consortium, and other similar State and regional initiatives, to expand knowledge of the geothermal resource base of the United States and potential applications of that resource base;

(E) improve and advance high-temperature and high-pressure drilling, completion, and instrumentation technologies benefiting geothermal well construction;

(F) demonstrate geothermal applications in settings that, as of the date of enactment of this Act, are noncommercial;

(G) research, develop, and demonstrate engineered geothermal systems techniques for commercial application of the technologies, including advances in—

(i) reservoir stimulation;

(ii) reservoir characterization, monitoring, and modeling;

(iii) stress mapping;

(iv) tracer development;

(v) 3-dimensional tomography; and

(vi) understanding seismic effects of deep drilling and reservoir engineering;

(H) support the development and application of the full range of geothermal technologies and applications; and

(I)(i) study the potential to apply geothermal heat exchange technologies to new and existing Federal buildings; and

(ii) in cooperation with the Administrator of General Services, develop and carry out 2 demonstration projects with geothermal heat exchange technologies, of which—

(I) 1 project shall involve the construction of a new Federal building; and

(II) 1 project shall involve the renovation of an existing Federal building.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this subsection—

(A) $75,000,000 for fiscal year 2008;

(B) $110,000,000 for each of fiscal years 2009 through 2012; and

(C) for fiscal year 2013 and each fiscal year thereafter through fiscal year 2030, such sums as are necessary.

(e) GEOTHERMAL ASSESSMENT, EXPLORATION INFORMATION, AND PRIORITY ACTIVITIES.—

(1) INTERIOR.—In carrying out the Initiative, the Secretary of the Interior—

(A) acting through the Director of the United States Geological Survey, shall, not later than 2010—

(i) conduct and complete a comprehensive nationwide geothermal resource assessment that examines the full range of geothermal resources in the United States; and

(ii) submit to the appropriate committees of Congress a report describing the results of the assessment; and

(B) in planning and leasing, shall consider the national goal established under this title.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior to carry out this subsection—

(A) $15,000,000 for fiscal year 2008;

(B) $25,000,000 for each of fiscal years 2009 to 2012; and

(C) for fiscal year 2013 and each fiscal year thereafter through fiscal year 2030, such sums as are necessary.

**SEC. 806. INTERMOUNTAIN WEST GEOTHERMAL CONSORTIUM.**

Section 237 of the Energy Policy Act of 2005 (42 U.S.C. 15874) is amended by adding at the end the following:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $5,000,000 for each of fiscal years 2008 through 2013; and

''(2) such sums as are necessary for each of fiscal years 2014 through 2020.''.

**SEC. 807. INTERNATIONAL MARKET SUPPORT FOR GEOTHERMAL ENERGY DEVELOPMENT.**

(a) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—The United States Agency for International Development, in coordination with other appropriate Federal and multilateral agencies, shall support international and regional development to promote the use of geothermal resources, including (as appropriate) the African Rift Geothermal Development Facility.

(b) UNITED STATES TRADE AND DEVELOPMENT AGENCY.—The United States Trade and Development Agency shall support the Initiative by—

(1) encouraging participation by United States firms in actions taken to carry out subsection (a); and

(2) providing grants and other financial support for feasibility and resource assessment studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 808. ALASKA GEOTHERMAL CENTER.**

(a) IN GENERAL.—The Secretary may participate in a consortium described in subsection (b) to address science and science policy issues relating to the expanded discovery and use of geothermal energy, including geothermal energy generated from geothermal resources on public land.

(b) ADMINISTRATION.—The consortium referred to in subsection (a) shall—

(1) be known as the ''Alaska Geothermal Center'';

(2) be a regional consortium of institutions and government agencies that focuses on building collaborative efforts among—

(A) institutions of higher education in the State of Alaska;

(B) other regional institutions of higher education; and

(C) State agencies;

(3) include—

(A) the Energy Authority of the State of Alaska;

(B) the Denali Commission established by section 303 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105-277); and

(C) the University of Alaska-Fairbanks;

(4) be hosted and managed by the University of Alaska-Fairbanks; and

(5) have—

(A) a director appointed by the head of the Energy Authority of the State of Alaska; and

(B) associate directors appointed by each participating institution.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2013.

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**SA 1548.** Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, after line 23, insert the following:

''(3) LEGISLATIVE BRANCH FLEET.—The Architect of the Capitol shall comply with the requirements of paragraph (1) with respect to the fleet of vehicles under the control of the legislative branch, subject to a waiver for security reasons which shall be submitted in writing to the appropriate oversight committees of Congress.

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**SA 1549.** Mr. KOHL (for himself, Mr. FEINGOLD, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

**SEC. 269. USE OF HIGHLY ENERGY EFFICIENT COMMERCIAL WATER HEATING EQUIPMENT IN FEDERAL BUILDINGS.**

(a) IN GENERAL.—Title 40, United States Code is amended—

(1) by redesignating sections 3313 through 3315 as sections 3314 through 3316, respectively; and

(2) by inserting after section 3312 the following:

**''SEC. 3313. USE OF HIGHLY ENERGY-EFFICIENT COMMERCIAL WATER HEATING EQUIPMENT IN FEDERAL BUILDINGS.**

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of General Services.

''(2) HIGHLY ENERGY-EFFICIENT COMMERCIAL WATER HEATER.—The term 'highly energy-efficient commercial water heater' means a commercial water heater that—

''(A) meets applicable standards for water heaters under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a);

''(B) if installed in a public building, would (as determined by the Administrator) enable the public building to achieve the Leadership in Energy and Environmental Design green building rating standard identified as silver by the United States Green Building Council; or

''(C) has thermal efficiencies of not less than—

''(i) 90 percent for gas units with inputs of a rate that is not higher than 500,000 British thermal units per hour; or

''(ii) 87 percent for gas units with inputs of a rate that is higher than 500,000 British thermal units per hour.

''(b) MAINTENANCE OF PUBLIC BUILDINGS.—Each commercial water heater that is replaced by the Administrator in the normal course of maintenance, or determined by the Administrator to be replaceable to generate substantial energy savings, shall be replaced, to the maximum extent feasible (as determined by the Administrator) with a highly energy-efficient commercial water heater.

''(c) CONSIDERATIONS.—In making a determination under this section relating to the installation of a highly energy-efficient commercial water heater, the Administrator shall consider—

''(1) the life-cycle cost effectiveness of the highly energy-efficient commercial water heater;

''(2) the compatibility of the highly energy-efficient commercial water heater with equipment that, on the date on which the Administrator makes the determination, is installed in the public building; and

''(3) whether the use of the highly energy-efficient commercial water heater could interfere with the productivity of any activity carried out in the public building.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date that is 180 days after the date of enactment of this Act.

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**SA 1550.** Mr. WYDEN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE VIII—WISE ACT OF 2007**

**SEC. 801. SHORT TITLE.**

This title may be cited as the ''Weighing Intelligence for Smarter Energy Act of 2007'' or the ''WISE Act of 2007''.

**SEC. 802. FINDINGS.**

Congress makes the following findings:

(1) The members of the intelligence community in the United States, most notably the National Intelligence Council, the Office of Intelligence and Counterintelligence of the Department of Energy, and the Office of Transnational Issues of the Central Intelligence Agency, possess substantial analytic expertise with regard to global energy issues.

(2) Energy policy debates generally do not use, to the fullest extent possible, the expertise available in the intelligence community.

**SEC. 803. REPORT ON ENERGY SECURITY.**

(a) REQUIREMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the long-term energy security of the United States.

(2) FORM OF REPORT.—The report required by subsection (a) shall be submitted in an unclassified form and may include a classified annex.

(b) CONTENT.—The report submitted pursuant to subsection (a) shall include the following:

(1) An assessment of key energy issues that have national security or foreign policy implications for the United States.

(2) An assessment of the future of world energy supplies, including the impact likely and unlikely scenarios may have on world energy supply.

(3) A description of—

(A) the policies being pursued, or expected to be pursued, by the major energy producing countries or by the major energy consuming countries, including developing countries, to include policies that utilize renewable resources for electrical and biofuel production;

(B) an evaluation of the probable outcomes of carrying out such policy options, including—

(i) the economic and geopolitical impact of the energy policy strategies likely to be pursued by such countries;

(ii) the likely impact of such strategies on the decision-making processes on major energy cartels; and

(iii) the impact of policies that utilize renewable resources for electrical and biofuel production, including an assessment of the ability of energy consuming countries to reduce dependence on oil using renewable resources, the economic, environmental, and developmental impact of an increase in biofuels production in both developed and developing countries, and the impact of an increase in biofuels production on global food supplies; and

(C) the potential impact of such outcomes on the energy security and national security of the United States.

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**SA 1551.** Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

**SEC. 269. FEDERAL STANDBY POWER STANDARD.**

(a) DEFINITIONS.—In this section:

(1) AGENCY.—

(A) IN GENERAL.—The term ''Agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code.

(B) INCLUSIONS.—The term ''Agency'' includes military departments, as the term is defined in section 102 of title 5, United States Code.

(2) ELIGIBLE PRODUCT.—The term ''eligible product'' means a commercially available, off-the-shelf product that—

(A)(i) uses external standby power devices; or

(ii) contains an internal standby power function; and

(B) is included on the list compiled under subsection (d).

(b) FEDERAL PURCHASING REQUIREMENT.—Subject to subsection (c), if an Agency purchases an eligible product, the Agency shall purchase—

(1) an eligible product that uses not more than 1 watt in the standby power consuming mode of the eligible product; or

(2) if an eligible product described in paragraph (1) is not available, the eligible product with the lowest available standby power

wattage in the standby power consuming mode of the eligible product.

(c) LIMITATION.—The requirements of subsection (b) shall apply to a purchase by an Agency only if—

(1) the lower-wattage eligible product is—

(A) lifecycle cost-effective; and

(B) practicable; and

(2) the utility and performance of the eligible product is not compromised by the lower wattage requirement.

(d) ELIGIBLE PRODUCTS.—The Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of General Services, shall compile a publicly accessible list of cost-effective eligible products that shall be subject to the purchasing requirements of subsection (b).

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**SA 1552.** Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1609, 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, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation; as follows:

Strike paragraph (2)(A) of section 4(b) and insert the following:

(A) An offshore aquaculture permit holder shall be—

(i) a citizen or resident of the United States; or

(ii a corporation, partnership, or other entity organized and existing under the laws of a State or the United States.

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**SA 1553.** Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1609, 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, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation; as follows:

Strike subparagraph (C) of section 4(a)(1) and insert the following:

(C) procedures for evaluating and minimizing the potential adverse environmental, socio-economic, and cultural impacts of offshore aquaculture, including the establishment of permit conditions;

Strike paragraph (2) of section 4(a) and insert the following:

(2) The Secretary shall prepare a programmatic environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the development and operation of offshore aquaculture facilities. The environmental impact statement required by this paragraph shall be in addition to, and not to the exclusion of, the application of that Act to other aspects of any offshore aquaculture program established under this Act, including with respect to the issuance of individual permits.

In section 4(A)(4) strike ''aquaculture, to the extent necessary.'' and insert ''aquaculture.''.

Strike subparagraphs (E) and (F) of section 4(a)(4) and insert the following:

(E) requirements that marine species propagated and reared through offshore aquaculture be species of the local genotype native to the geographic regions; and

(F) maintaining record systems to track inventory and movement of fish or other marine species propagated and reared through offshore aquaculture, and, to the maximum extent practicable, tagging, marking or otherwise identifying such fish or other species.

Strike ''Subject to the provisions of subsection (e),'' in section 4(b) and insert ''Subject to the other provisions of this Act and rulemaking under this Act,''.

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**SA 1554.** Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1609, 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, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation; as follows:

Strike section 5 and insert the following:

**SEC. 5. RESEARCH AND DEVELOPMENT.**

(a) IN GENERAL.—The Secretary, in consultation with other Federal agencies, coastal States, regional fishery management councils, academic institutions and other interested stakeholders shall establish and conduct a research and development program to further marine aquaculture technologies that are compatible with the protection of marine ecosystems.

(b) COMPONENTS.—The program shall include research to reduce the use of wild fish in offshore aquaculture feeds, engineering innovations to reduce the environmental impacts of offshore aquaculture facilities, nonharmful measures for avoiding interactions with marine mammals, methods for minimizing the use of antibiotics, and improvements in environmental monitoring techniques.

(c) ELIGIBLE ENTITIES.—The Secretary may conduct research and development in partnership with offshore aquaculture permit holders.

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**SA 1555.** Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 1609, 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, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation; as follows:

At the appropriate place, insert the following:

**SEC. ___. NO FINFISH AQUACULTURE SEAWARD OF ALASKA.**

(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may not issue a permit for finfish acquaculture in Alaska's seaward portion of the Exclusive Economic Zone offshore of Alaska.

(b) ALASKA'S SEAWARD PORTION OF THE EXCLUSIVE ECONOMIC ZONE.—

(1) IN GENERAL.—In this section, the term ''Alaska's seaward portion of the Exclusive Economic Zone'' shall be determined by extending the seaward boundary (as defined in section 2(b) of the Submerged Lands Act (43 U.S.C. 1301(b))) of Alaska seaward to the edge of the Exclusive Economic Zone.

(B) LIMITATION.—Nothing in paragraph (1) shall be construed to give Alaska any right, title, authority, or jurisdiction over that portion of the Exclusive Economic Zone described in paragraph (1).

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**SA 1556.** Mrs. LINCOLN (for herself Mr. DOMENICI, Mr. PRYOR, Mr. CRAIG, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. ANIMAL WASTE.**

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) a purpose of this Act is to promote, through consistent policy incentives, the increased commercial use of renewable energy technologies;

(B) the underlying technologies promoted by those policies include biomass, and specifically animal manure as important renewable energy supplies;

(C) stores of that useful animal agriculture byproduct—

(i) are available in all regions of the United States; and

(ii) could be used to help diversify the energy generation needs of the United States;

(D) expanded commercial adoption of the technologies described in subparagraph (B) could contribute to the essential reduction over time of United States reliance on fossil fuels for the predominant supply of our energy generation needs;

(E) the marketplace has been affected by regulatory uncertainty stemming from misinterpretations of punitive, strict, joint, and severable liability regulatory schemes originally formed for purposes of environmental regulation and recovery of damages from industrial pollutants and toxic waste;

(F) those regulatory schemes specifically exclude from punitive liability petroleum and petroleum byproducts;

(G) the uncertainty regarding livestock and poultry manure threatens to undermine Federal policy objectives and taxpayer-backed incentives to promote renewable energy production from those sources; and

(H) misapplication of punitive regulatory schemes threatens to erode commercial and financial market investment to implement the objectives and incentives described in subparagraph (G).

(2) PURPOSE.—The purpose of this section is to provide policy and market certainty by clarifying that the regulatory scheme under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is not intended to cover the application, transportation, or storage of livestock manure or poultry litter.

(b) AMENDMENT OF SUPERFUND.—Title III of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9651 et seq.) is amended by adding at the end the following:

**''SEC. 313. EXCEPTION FOR MANURE.**

''(a) DEFINITION OF MANURE.—In this section, the term 'manure' means—

''(1) digestive emissions, feces, urine, urea, and other excrement from livestock (as defined in section 10403 of the Farm Security

and Rural Investment Act of 2002 (7 U.S.C. 8302));

''(2) any associated bedding, compost, raw materials, or other materials commingled with such excrement from livestock (as so defined);

''(3) any process water associated with any item referred to in paragraph (1) or (2); and

''(4) any byproduct, constituent, or substance contained in or originating from, or any emission relating to, an item described in paragraph (1), (2), or (3).

''(b) EXEMPTION.—Upon the date of enactment of this section, manure shall not be included in the meaning of—

''(1) the term 'hazardous substance', as defined in section 101(14); or

''(2) the term 'pollutant or contaminant', as defined in section 101(33).

''(c) EFFECT ON OTHER LAW.—Nothing with respect to the enactment of this subsection shall—

''(1) impose any liability under the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.) with respect to manure;

''(2) abrogate or otherwise affect any provision of the Air Quality Agreement entered into between the Administrator and operators of animal feeding operations (70 Fed. Reg. 4958 (January 31, 2005)); or

''(3) affect the applicability of any other environmental law as such a law relates to—

''(A) the definition of manure; or

''(B) the responsibilities or liabilities of any person regarding the treatment, storage, or disposal of manure.''.

(c) AMENDMENT OF SARA.—Section 304(a)(4) of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11004(a)(4)) is amended—

(1) by striking ''This section'' and inserting the following:

''(A) IN GENERAL.—This section''; and

(2) by adding at the end the following:

''(B) MANURE.—The notification requirements under this subsection do not apply to releases associated with manure (as defined in section 313 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980).''.

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**SA 1557.** Ms. KLOBUCHAR (for herself, Ms. SNOWE, and Mr. BINGAMAN) submitted an amendment intended to be proposed by her to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting, new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

**Subtitle D—National Greenhouse Gas Registry**

**SEC. 161. PURPOSE.**

The purpose of this subtitle is to establish a national greenhouse gas registry that—

(1) is complete, consistent, transparent, and accurate; and

(2) will provide reliable and accurate data that can be used by public and private entities to design efficient and effective energy security initiatives and greenhouse gas emission reduction strategies.

**SEC. 162. DEFINITIONS.**

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) AFFECTED FACILITY.—

(A) IN GENERAL.—The term ''affected facility'' means—

(i) a major emitting facility (as listed in section 169 of the Clean Air Act (42 U.S.C. 7479));

(ii) a petroleum refinery;

(iii) a coal mine that produces more than 10,000 short tons of coal during calendar year 2004 or any subsequent calendar year;

(iv) a natural gas processing plant;

(v) an importer of refined petroleum products, residual fuel oil, petroleum coke, liquefied petroleum gas, coal, coke, or natural gas (including liquefied natural gas);

(vi) a facility that imports or manufactures a greenhouse gas, including a facility that—

(I) imports or manufactures hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, or nitrous oxide, or a product containing any of those gases;

(II) emits nitrous oxide associated with the manufacture of adipic acid or nitric acid; or

(III) emits hydrofluorocarbon-23 as a byproduct of hydrochlorofluorocarbon-22; and

(vii) any other facility that emits a greenhouse gas, as determined by the Administrator.

(B) EXCLUSIONS.—The term ''affected facility'' does not include any small business (as described in part 121 of title 13, Code of Federal Regulations (or a successor regulation)) that generates fewer than 10,000 metric tons of greenhouse gas emissions during a calendar year, or a facility below the thresholds established by the Administrator under section 165(b)(9), unless that small business or facility elects to voluntarily report to the registry under section 163 as an affected facility.

(3) CARBON CONTENT.—The term ''carbon content'' means the quantity of carbon (in carbon dioxide equivalent) contained in a fuel.

(4) FEEDSTOCK FOSSIL FUEL.—The term ''feedstock fossil fuel'' means fossil fuel used as raw material in a manufacturing process.

(5) GREENHOUSE GAS.—The term ''greenhouse gas'' means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons;

(F) sulfur hexafluoride; and

(G) any other anthropogenically-emitted gas that the Administrator, after notice and comment, determines to contribute to climate change.

(6) PROCESS EMISSIONS.—The term ''process emissions'' means emissions generated during a manufacturing process.

**SEC. 163. REPORTING REQUIREMENTS.**

(a) IN GENERAL.—An affected facility shall—

(1) report the quantity and type of fossil fuels and non-carbon dioxide greenhouse gases produced, refined, imported, exported, and consumed;

(2) report greenhouse gas emissions (in accordance with section 164(a)(1)(C)), in metric tons of each greenhouse gas emitted and in metric tons of carbon dioxide equivalent of each greenhouse gas emitted, measured using monitoring systems for fuel flow or emissions that use—

(A) continuous emission monitoring; or

(B) an equivalent system of comparable rigor, accuracy, and quality;

(3) report the quantity and type of—

(A) feedstock fossil fuel consumption; and

(B) process emissions;

(4) report other data necessary for accurate accounting of greenhouse gas emissions, as determined by the Administrator;

(5) include an appropriate certification, as determined by the Administrator; and

(6) report the information required under this section electronically to the Administrator in such form and to such extent as may be required by the Administrator.

(b) VERIFICATION OF REPORT REQUIRED.—Before including the information from a report required under this section in the registry, the Administrator shall verify the completeness and accuracy of the report using information provided under this section or under other provisions of law.

(c) TIMING.—

(1) CALENDAR YEARS 2004 THROUGH 2007.—For a baseline period of calendar years 2004 through 2007, each affected facility shall submit required annual data described in this section to the Administrator not later than March 31, 2009.

(2) SUBSEQUENT CALENDAR YEARS.—For subsequent calendar years, each affected facility shall submit quarterly data described in this section to the Administrator not later than 30 days after the end of the applicable quarter.

(d) NO EFFECT ON OTHER REQUIREMENTS.—Nothing in this title affects any requirement in effect as of the date of enactment of this Act relating to reporting of—

(1) fossil fuel production, refining, importation, exportation, or consumption data;

(2) greenhouse gas emission data; or

(3) other relevant data.

**SEC. 164. DATA QUALITY AND VERIFICATION.**

(a) PROTOCOLS AND METHODS.—

(1) IN GENERAL.—The Administrator shall establish protocols and methods to ensure completeness, consistency, transparency, and accuracy of data on fossil fuel production, refining, importation, exportation, and consumption, and greenhouse gas emissions submitted to the registry that include—

(A) accounting and reporting standards for fossil fuel production, refining, importation, exportation, and consumption;

(B) standardized methods for calculating carbon content or greenhouse gas emissions in specific industries from other readily available and reliable information, such as fuel consumption, materials consumption, production data, or other relevant activity data;

(C) standardized methods of monitoring greenhouse gas emissions (along with information on the accuracy of the data) for cases in which the Administrator determines that rigorous and accurate monitoring is feasible;

(D) methods to avoid double-counting of greenhouse gas emissions;

(E) protocols to prevent an affected facility from avoiding the reporting requirements of this title; and

(F) protocols for verification of data submitted by affected facilities.

(2) BEST PRACTICES.—The protocols and methods developed under paragraph (1) shall conform, to the maximum extent practicable, to the best practices available to ensure accuracy and consistency of the data.

(b) VERIFICATION; INFORMATION BY REPORTING ENTITIES.—Each affected facility shall—

(1) provide information sufficient for the Administrator to verify, in accordance with the protocols and methods developed under subsection (a), that the fossil fuel data and greenhouse gas emission data of the affected facility have been completely and accurately reported; and

(2) ensure the submission or retention, for the 5-year period beginning on the date of provision of the information, of data sources, information on internal control activities, information on assumptions used in reporting emissions and fuels, uncertainty analyses, and other relevant data and information to facilitate the verification of reports submitted to the registry.

(c) WAIVER OF REPORTING REQUIREMENTS.—The Administrator may waive reporting requirements for specific facilities if sufficient data are available under other provisions of law.

(d) MISSING DATA.—If information, satisfactory to the Administrator, is not provided for an affected facility, the Administrator shall prescribe methods that create incentives for accurate reporting to estimate emissions for the facility for each quarter for which data are missing.

**SEC. 165. NATIONAL GREENHOUSE GAS REGISTRY.**

(a) ESTABLISHMENT.—The Administrator (in consultation with the Secretary of Energy, the Secretary of Commerce, States, the private sector, and nongovernmental organizations) shall establish a mandatory national greenhouse gas registry.

(b) ADMINISTRATION.—The Administrator shall—

(1) design and operate the registry;

(2) establish an advisory body with that is broadly representative of industry, agriculture, environmental groups, and State and local governments to guide the development and management of the registry;

(3) provide coordination and technical assistance for the development of proposed protocols and methods to be published by the Administrator;

(4) develop forms for reporting under guidelines established under section 164(a)(1), and make the forms available to reporting entities;

(5) verify and audit the data submitted by reporting entities;

(6) establish consistent policies for calculating carbon content, expressed in units of carbon dioxide equivalent, for each type of fossil fuel reported under section 163;

(7) calculate carbon content, in units of carbon dioxide equivalent, of fossil fuel data reported by reporting entities;

(8) ensure coordination, to the maximum extent practicable, between the national greenhouse gas registry and greenhouse gas registries in existence as of the date of the coordination;

(9) establish, as soon as practicable after the date of enactment of this Act, threshold levels of greenhouse gas emissions from a facility, or sector-specific production levels at a facility, that require reporting under section 163 such that, at a minimum, the registry shall cover 80 percent of the human-induced greenhouse gas emissions in the United States; and

(10) publish on the Internet all information contained in the registry, except in any case in which publishing the information would result in a disclosure of—

(A) information vital to national security, as determined by the Administrator; or

(B) confidential business information that cannot be derived from information that is otherwise publicly available and that would cause significant calculable competitive harm if published.

(c) THIRD-PARTY VERIFICATION.—The Administrator may ensure that reports required under section 163 are certified by a third-party entity.

(d) REGULATIONS.—The Administrator shall—

(1) propose regulations to carry out this title not later than 180 days after the date of enactment of this Act; and

(2) promulgate final regulations to carry out this title not later than December 31, 2008.

(e) REPORT TO CONGRESS.—Not later than 180 days after the date on which reporting is required under this title, the Administrator shall submit to Congress a report that describes the need for harmonization of legal requirements within the United States relating to greenhouse gas reporting.

**SEC. 166. ENFORCEMENT.**

(a) CIVIL ACTIONS.—The Administrator may bring a civil action in United States district court against the owner or operator of an affected facility that fails to comply with this title.

(b) PENALTY.—Any person that violates this title shall be subject to a civil penalty of not more than $25,000 for each day the violation continues.

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**SA 1558.** Mr. OBAMA submitted an amendment intended to be proposed to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE __—HEALTH CARE FOR HYBRIDS**

**SEC. __00. FINDINGS.**

Congress makes the following findings:

(1) More than 50 percent of the oil consumed in the United States is imported.

(2) If present trends continue, foreign oil will represent 68 percent of the oil consumed in the United States by 2025.

(3) The United States has only 3 percent of the world's known oil reserves and the Nation's economic health is dependent on world oil prices.

(4) World oil prices are overwhelmingly dictated by other countries, which endangers the economic and national security of the United States.

(5) A major portion of the world's oil supply is controlled by unstable governments and countries that are known to finance, harbor, or otherwise support terrorists and terrorist activities.

(6) American automakers have lagged behind their foreign competitors in producing hybrid and other energy-efficient automobiles.

(7) Legacy health care costs associated with retiree workers are an increasing burden on the global competitiveness of American industries.

(8) Innovative uses of new technology in automobiles manufactured in the United States will—

(A) help retain American jobs;

(B) support health care obligations for retiring workers in the automotive sector;

(C) decrease our Nation's dependence on foreign oil; and

(D) address pressing environmental concerns.

**Subtitle A—Retired Employee Health Benefits Reimbursement Program**

**SEC. __01. COORDINATING TASK FORCE.**

(a) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Transportation, and the Secretary of the Treasury shall establish a task force (referred to in this title as the ''task force'') to administer the program established under section __02 (referred to in this title as the ''program'').

(b) MEMBERSHIP.—The task force shall be composed representatives of the departments headed by the officials referred to in subsection (a), who shall be appointed by such officials in equal numbers.

**SEC. __02. ESTABLISHMENT OF PROGRAM.**

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the task force shall establish a program to reimburse eligible domestic automobile manufacturers for the costs incurred in providing health benefits to their retired employees. The task force shall determine compliance with the assurances under subsection (c)(4) through accepted measurements of fuel savings.

(b) CONSULTATION.—In establishing the program, the task force shall consult with representatives from—

(1) eligible domestic automobile manufacturers;

(2) unions representing employees of such manufacturers; and

(3) consumer and environmental groups.

(c) ELIGIBILITY REQUIREMENTS.—A domestic automobile manufacturer seeking reimbursement under the program shall—

(1) submit an application to the task force at such time, in such manner, and containing such information as the task force shall require;

(2) certify that such manufacturer is providing full health care coverage to all of its employees;

(3) provide assurances to the task force that the manufacturer will invest, in an amount equal to not less than 50 percent of the amount saved by the manufacturer through the reimbursement of its retiree health care costs under the program, in—

(A) the domestic manufacture and commercialization of petroleum fuel reduction technologies, including alternative or flexible fuel vehicles, hybrids, and other state-of-the-art fuel saving technologies;

(B) retraining workers and retooling assembly lines for the activities described in subparagraph (A);

(C) researching, developing, designing, and commercializing high-performance, fuel-efficient vehicles, and other activities related to diversifying the domestic production of automobiles; and

(D) assisting domestic automobile component suppliers to retool their domestic manufacturing plants to produce components for petroleum fuel reduction technologies, including alternative or flexible fuel vehicles and hybrid, advanced diesel, and other state-of-the-art fuel saving technologies; and

(4) provide assurances to the task force that average adjusted fuel economy savings achieved under paragraph (3) will not result in fuel economy decreases in other automobiles manufactured in the United States; and

(5) provide additional assurances and information as the task force may require, including information needed by the task force to audit the manufacturer's compliance with the requirements of the program.

(d) LIMITATION.—Not more than 10 percent of the annual retiree health care costs of any domestic automobile manufacturer may be reimbursed under the program in any year.

(e) TERMINATION OF PROGRAM.—The program shall terminate on December 31, 2017.

**SEC. __03. REPORTING.**

(a) REIMBURSEMENT REPORTS.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the task force shall submit a report to Congress that—

(1) identifies the reimbursements paid under the program; and

(2) describes the changes in the manufacture and commercialization of fuel saving technologies implemented by automobile manufacturers as a result of such reimbursements.

(b) CONSUMER INCENTIVES.—Not later than 1 year after the date of the enactment of this Act, the task force shall submit a report to Congress that—

(1) indicates the effectiveness of financial incentives available to consumers for the

purchase of hybrid vehicles in encouraging such purchases; and

(2) recommends whether such incentives should be expanded.

**SEC. _04. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary in each of fiscal years 2008 through 2018 to carry out this subtitle.

**Subtitle B—Tax Provisions**

**SEC. _11. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.**

(a) IN GENERAL.—Section 7701 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating subsection (p) as subsection (q); and

(2) by inserting after subsection (o) the following:

''(p) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.—

''(1) GENERAL RULES.—

''(A) IN GENERAL.—In any case in which a court determines that the economic substance doctrine is relevant for purposes of this title to a transaction (or series of transactions), such transaction (or series of transactions) shall have economic substance only if the requirements of this paragraph are met.

''(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A):

''(i) IN GENERAL.—A transaction has economic substance only if—

''(I) the transaction changes in a meaningful way (apart from Federal tax effects) the taxpayer's economic position, and

''(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

In applying subclause (II), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

''(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

''(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

''(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

''(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

''(2) SPECIAL RULES FOR TRANSACTION WITH TAX-INDIFFERENT PARTIES.—

''(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

''(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

''(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

''(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection:

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

''(C) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(D) TREATMENT OF LESSORS.—In applying paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease—

''(i) the expected net tax benefits with respect to the leased property shall not include the benefits of—

''(I) depreciation,

''(II) any tax credit, or

''(III) any other deduction as provided in guidance by the Secretary, and

''(ii) subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

''(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

**SEC. _12. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE.**

(a) IN GENERAL.—Subchapter A of chapter 68 of the Internal Revenue Code of 1986 is amended by inserting after section 6662A the following:

**''SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE.**

''(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

''(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

''(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

''(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

''(A) there is a lack of economic substance (within the meaning of section 7701(p)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701(p)(2), or

''(B) the transaction fails to meet the requirements of any similar rule of law.

''(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

''(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(2) APPLICABLE RULES.—The rules of paragraphs (2) and (3) of section 6707A(d) shall apply for purposes of paragraph (1).

''(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

''(f) CROSS REFERENCES.—

''(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

''(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).''.

(b) COORDINATION WITH OTHER UNDERSTATEMENTS AND PENALTIES.—

(1) The second sentence of section 6662(d)(2)(A) of the Internal Revenue Code of 1986 is amended by inserting ''and without regard to items with respect to which a penalty is imposed by section 6662B'' before the period at the end.

(2) Subsection (e) of section 6662A of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (1), by inserting ''and noneconomic substance transaction understatements'' after ''reportable transaction understatements'' both places it appears,

(B) in paragraph (2)(A), by inserting ''and a noneconomic substance transaction understatement'' after ''reportable transaction understatement'',

(C) in paragraph (2)(B), by inserting ''6662B or'' before ''6663'',

(D) in paragraph (2)(C)(i), by inserting ''or section 6662B'' before the period at the end,

(E) in paragraph (2)(C)(ii), by inserting ''and section 6662B'' after ''This section'',

(F) in paragraph (3), by inserting ''or noneconomic substance transaction understatement'' after ''reportable transaction understatement'', and

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

''(3) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).''.

(3) Paragraph (2) of section 6707A(e) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''or'' at the end of subparagraph (B), and

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

''(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction, or

''(D) is required to pay a penalty under section 6662(h) with respect to any transaction and would (but for section 6662A(e)(2)(C)) have been subject to penalty under section 6662A at a rate prescribed under section 6662A(c) or under section 6662B,''.

(c) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6662A the following:

''Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

**SEC. _13. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.**

(a) IN GENERAL.—Section 163(m) of the Internal Revenue Code of 1986 (relating to interest on unpaid taxes attributable to nondisclosed reportable transactions) is amended—

(1) by striking ''attributable'' and all that follows and inserting the following: ''attributable to—

''(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

''(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).''; and

(2) by inserting ''and noneconomic substance transactions'' after ''transactions''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

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**SA 1559.** Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, develop greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**Subtitle F—Energy-Related Regulatory Reform**

**SEC. 281. PROCESS COORDINATION AND RULES OF PROCEDURE.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) CHAIRPERSON.—The term ''Chairperson'' means the Chairperson of the Nuclear Regulatory Commission.

(3) FEDERAL ENERGY AUTHORIZATION.—

(A) IN GENERAL.—The term ''Federal energy authorization'' means any authorization required under Federal law (including regulations), regardless of whether the law is administered by a Federal or State administrative agency or official, with respect to the siting, construction, expansion, or operation of an energy facility, including—

(i) a coal-fired electric generating plant;

(ii) a nuclear power electric generating plant;

(iii) a natural gas-fired electric generating plant;

(iv) a waste-to-energy facility;

(v) a geothermal electric generating facility;

(vi) a wind or solar electric generating facility;

(vii) a petroleum refinery;

(viii) a biorefinery;

(ix) a biogas conversion unit;

(x) a shale-oil production site; or

(xi) an oil or gas exploration and production lease.

(B) INCLUSIONS.—The term ''Federal energy authorization'' includes any permit, special use authorization, certification, opinion, or other approval required under Federal law (including regulations) with respect to the siting, construction, expansion, or operation of an energy facility referred to in subparagraph (A).

(b) DESIGNATION AS LEAD AGENCY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Environmental Protection Agency shall act as the lead agency for the purposes of coordinating all Federal energy authorizations and related environmental reviews.

(2) EXCEPTION.—In the case of a nuclear power electric generating facility, the Nuclear Regulatory Commission shall act as the lead agency for purposes of coordinating all Federal nuclear energy authorizations.

(3) OTHER AGENCIES.—Each Federal or State agency or official required to provide a Federal energy authorization shall cooperate with the Administrator or the Chairperson, as applicable, including by complying with any applicable deadline relating to the Federal energy authorization established by the Administrator or Chairperson under subsection (c).

(c) SCHEDULE.—

(1) AUTHORITY OF ADMINISTRATOR.—The Administrator shall establish a schedule for all Federal energy authorizations as the Administrator determines to be appropriate—

(A) to ensure expeditious completion of all proceedings relating to Federal energy authorizations; and

(B) to accommodate any applicable related schedules established by Federal law (including regulations).

(2) AUTHORITY OF CHAIRPERSON.—The Chairperson shall collaborate with the Administrator to establish an appropriate schedule for all environmental authorizations required with respect to facilities described in subsection (b)(2) that—

(A) takes into consideration the longer lead time required by the permitting process for nuclear power electric generating facilities; and

(B) allows for simultaneous environmental and security reviews of potential sites to provide for joint authorization of the sites by the Administrator and the Chairperson.

(3) FAILURE TO MEET SCHEDULE.—If a Federal or State administrative agency or official fails to complete a proceeding for any approval required for a Federal energy authorization in accordance with the schedule established under paragraph (1) or (2), any affected applicant for the Federal energy authorization may seek judicial review of the failure under subsection (e).

(d) CONSOLIDATED RECORD.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator, in cooperation with Federal and State administrative agencies and officials, shall maintain a complete consolidated record of all decisions made and all actions carried out by the Administrator or a Federal or State administrative agency or officer with respect to any Federal energy authorization.

(2) EXCEPTION.—The Chairperson, in cooperation with the Administrator and other Federal and State administrative agencies and officials, shall maintain a complete consolidated record of all decisions made and all actions carried out by the Commissioner or a Federal or State administrative agency or officer with respect to any Federal authorization of a nuclear power electric generating facility.

(3) TREATMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the records under paragraphs (1) and (2) shall serve as the record for a decision or action for purposes of judicial review of the decision or action under subsection (e).

(B) EXCEPTION.—If the United States Court of Appeals for the District of Columbia determines that a record under paragraph (1) or (2) contains insufficient information, the court may remand the proceeding to the Administrator for development of the record.

(e) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States Court of Appeals for the District of Columbia shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order or action by a Federal or State administrative agency or official relating to a Federal energy authorization; or

(B) an alleged failure to act by a Federal or State administrative agency or official with respect to a Federal energy authorization.

(2) REMAND.—

(A) IN GENERAL.—The court shall remand a proceeding to the applicable agency or official in any case in which the court determines under paragraph (1) that—

(i)(I) an order or action described in paragraph (1)(A) is inconsistent with the Federal law applicable to the Federal energy authorization;

(II) a failure to act described in paragraph (1)(B) has occurred; or

(III) a Federal or State administrative agency or official failed to meet an applicable deadline under subsection (c) with respect to a Federal energy authorization; and

(ii) the order, action, or failure to act would prevent the siting, construction, expansion, or operation of an energy facility referred to in subsection (a)(2)(A).

(B) SCHEDULE.—On remand of an order, action, or failure to act under subparagraph (A), the court shall establish a reasonable schedule and deadline for the agency or official to act with respect to the remand.

(3) ACTION BY LEAD AGENCY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), for any civil action brought under this subsection, the Administrator shall promptly file with the court the consolidated record compiled by the Administrator pursuant to subsection (d)(1).

(B) EXCEPTION.—For any civil action brought under this subsection with respect to a nuclear power electric generating facility, the Chairperson shall promptly file with the court the consolidated record compiled by the Chairperson pursuant to subsection (d)(2).

(4) EXPEDITED CONSIDERATION.—The Court shall provide expedited consideration of any civil action brought under this subsection.

(5) ATTORNEY'S FEES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in any action challenging a Federal energy authorization that has been granted, reasonable attorney's fees and other expenses of the litigation shall be awarded to the prevailing party.

(B) EXCEPTION.—Subparagraph (A) shall not apply to any action seeking a remedy for—

(i) denial of a Federal energy authorization; or

(ii) failure to act on an application for a Federal energy authorization.

**SEC. 282. ENERGY SECURITY AND REGULATORY REFORM.**

(a) ENERGY-RELATED REGULATORY REFORM.—Title V of the National Energy Conservation Policy Act (42 U.S.C. 8241 et seq.) is amended by adding at the end the following:

**"PART 5—ENERGY-RELATED REGULATORY REFORM**

**"SEC. 571. DEFINITIONS.**

''In this part:

''(1) ADVISORY COMMITTEE.—The term 'advisory committee' means an advisory committee established under section 572(a).

''(2) APPLICABLE AGENCY.—The term 'applicable agency' means any Federal department or agency that, during the 10-year period ending on the date on which an advisory committee is established, promulgated a major rule.

''(3) BENEFIT.—The term 'benefit', with respect to a rule, means any reasonably identifiable, significant, and favorable effect (whether quantifiable or unquantifiable), including a social, health, safety, environmental, economic, energy, or distributional effect, that is expected to result, directly or indirectly, from the implementation of, or compliance with, the rule.

''(4) COST.—The term 'cost', with respect to a rule, means any reasonably identifiable and significant adverse effect (whether quantifiable or unquantifiable), including a social, health, safety, environmental, economic, energy, or distributional effect, that is expected to result, directly or indirectly, from the implementation of, or compliance with, the rule.

''(5) ENERGY RULE.—The term 'energy rule' means a major rule that has a direct impact on the production, distribution, or consumption of energy, as determined by the Secretary of Energy.

''(6) FLEXIBLE REGULATORY OPTION.—

''(A) IN GENERAL.—The term 'flexible regulatory option' means an option at a point in the regulatory process that provides flexibility to any person subject to an applicable rule with respect to complying with the rule.

''(B) INCLUSION.—The term 'flexible regulatory option' includes any option described in subparagraph (A) that uses—

''(i) a market-based mechanism;

''(ii) an outcome-oriented, performance-based standard; or

''(iii) any other option that promotes flexibility, as determined by the head of the applicable agency.

''(7) MAJOR RULE.—The term 'major rule' means a rule or group of closely related rules—

''(A) the reasonably quantifiable increased direct and indirect costs of which are likely to have a gross annual effect on the United States economy of at least $100,000,000, or that has a significant impact on a sector of the economy, as determined by—

''(i) the head of the agency proposing the rule; or

''(ii) the President (or a designee); or

''(B) that is otherwise designated as a major rule by the head of the agency proposing the rule or the President (or a designee), based on a determination that the rule is likely to result in—

''(i) a substantial increase in costs for—

''(I) consumers;

''(II) an industrial sector;

''(III) nonprofit organizations;

''(IV) any Federal, State, or local governmental agency; or

''(V) a geographical region;

''(ii) a significant adverse effect on—

''(I) competition, employment, investment, productivity, innovation, health, safety, or the environment; or

''(II) the ability of enterprises with principal places of business in the United States to compete in domestic or international markets;

''(iii) a serious inconsistency or interference with an action carried out or planned to be carried out by another Federal agency;

''(iv) the material alteration of the budgetary impact of—

''(I) entitlements, grants, user fees, or loan programs; or

''(II) the rights and obligations of recipients of such a program; or

''(v) disproportionate costs to a class of regulated persons, including relatively severe economic consequences for that class.

''(8) RULE.—

''(A) IN GENERAL.—The term 'rule' has the meaning given the term in section 551 of title 5, United States Code.

''(B) INCLUSION.—The term 'rule' includes any statement of general applicability that alters or creates a right or obligation of a person not employed by the applicable regulatory agency.

''(C) EXCLUSIONS.—The term 'rule' does not include—

''(i) a rule of particular applicability that approves or prescribes—

''(I) future rates, wages, prices, services, corporate or financial structures, reorganizations, mergers, acquisitions, or accounting practices; or

''(II) any disclosure relating to an item described in subclause (I);

''(ii) a rule relating to monetary policy or to the safety or soundness of an institution (including any affiliate, branch, agency, commercial lending company, or representative office of the institution (within the meaning of the International Banking Act of 1956 (12 U.S.C. 1841 et seq.)) that is—

''(I) a federally-insured depository institution or any affiliate of such an institution (as defined in section 2(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(k));

''(II) a credit union;

''(III) a Federal home loan bank;

''(IV) a government-sponsored housing enterprise;

''(V) a farm credit institution; or

''(VI) a foreign bank that operates in the United States; or

''(iii) a rule relating to—

''(I) the payment system; or

''(II) the protection of—

''(aa) deposit insurance funds; or

''(bb) the farm credit insurance fund.

**"SEC. 572. ADVISORY COMMITTEES FOR ENERGY RULES.**

''(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this part, and every 5 years thereafter, the head of each applicable agency shall establish an advisory committee to review all energy rules promulgated by the applicable agency during the 10-calendar-year period ending on the date on which the advisory committee is established.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The head of an applicable agency shall appoint not more than 15 members to serve on an advisory committee.

''(2) REQUIREMENT.—In appointing members to serve on an advisory committee under paragraph (1), the head of the applicable agency shall ensure that the membership of the advisory committee reflects a balanced cross-section of public and private parties affected by energy rules issued by the applicable agency, including—

''(A) small businesses;

''(B) units of State and local government; and

''(C) public interest groups.

''(3) PROHIBITION ON FEDERAL GOVERNMENT EMPLOYMENT.—A member of an advisory committee appointed under paragraph (1) shall not be an employee of the applicable agency for which the advisory committee is established.

''(c) TERM; VACANCIES.—

''(1) TERM.—A member shall be appointed for the life of an advisory committee.

''(2) VACANCIES.—A vacancy on an advisory committee—

''(A) shall not affect the powers of the advisory committee; and

''(B) shall be filled in the same manner as the original appointment was made.

''(d) CHAIRPERSON; PANELS.—The head of an applicable agency—

''(1) shall select a Chairperson from among the members of an advisory committee; and

''(2) may establish such panels as the head determines to be necessary to assist an advisory committee in carrying out duties of the advisory committee.

''(e) DUTIES.—

''(1) IN GENERAL.—An advisory committee shall review all energy rules promulgated by the applicable agency for which the advisory committee is established during the 10-calendar-year period ending on the date on which the advisory committee is established, in accordance with section 573.

''(2) PUBLIC PARTICIPATION.—An advisory committee shall solicit public comment with respect to energy rules reviewed by the advisory committee through appropriate means, including—

''(A) hearings;

''(B) written comments;

''(C) public meetings; and

''(D) electronic mail.

''(f) TRAVEL EXPENSES.—A member of an advisory committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the advisory committee.

''(g) TERMINATION.—An advisory committee shall terminate on the date that is 5 years after the date on which the advisory committee is established.

**"SEC. 573. REVIEW OF ENERGY RULES.**

''(a) LIST.—

''(1) IN GENERAL.—An advisory committee shall develop a list describing each energy rule promulgated during the preceding 10-year period by the applicable agency for which the advisory committee is established that, as determined by the advisory committee—

''(A) should be reviewed by the head of the applicable agency; and

''(B) reasonably could be subject to such a review during the 5-calendar-year period beginning on the date on which the energy rule is included on the list.

''(2) FACTORS FOR CONSIDERATION.—In developing a list under paragraph (1), an advisory committee shall take into consideration—

''(A) the cost of an energy rule with respect to energy production or energy efficiency of any individual or entity subject to the energy rule;

''(B) the extent to which an energy rule could be revised to substantially increase net benefits of the energy rule, including through flexible regulatory options;

''(C) the relative importance of an energy rule, as compared to other energy rules considered for inclusion on the list; and

''(D) the discretion of the applicable agency under an applicable authorizing law or regulation to modify or repeal the energy rule.

''(3) SUBMISSION.—Not later than 1 year after the date on which an advisory committee is established and annually thereafter, the advisory committee shall submit

to the head of the applicable agency for which the advisory committee is established the list developed under paragraph (1), with each energy rule represented on the list in descending order of importance, in accordance with the priority assigned to review of the energy rule by the advisory committee.

''(4) ACTION BY APPLICABLE AGENCY.—As soon as practicable after receipt of a list under paragraph (3), the head of an applicable agency shall—

''(A) publish the list in the Federal Register; and

''(B) submit to Congress a copy of the list.

''(b) SCHEDULES FOR REVIEW.—

''(1) PRELIMINARY SCHEDULE.—

''(A) IN GENERAL.—Not later than 60 days after the date of receipt of a list under subsection (a)(3), the head of an applicable agency shall develop and publish in the Federal Register a preliminary schedule for review by the applicable agency of the energy rules included on the list, including an explanation for each modification of the list by the applicable agency.

''(B) NOTICE AND COMMENT.—The head of an applicable agency shall provide notice and an opportunity for public comment on a preliminary schedule for a period of not less than 60 days after the date of publication of the preliminary schedule under subparagraph (A).

''(2) FINAL SCHEDULE.—

''(A) IN GENERAL.—Not later than 60 days after the date of expiration of the applicable comment period under paragraph (1)(B), the head of the applicable agency shall develop and publish in the Federal Register a final schedule for review of the energy rules by the applicable agency.

''(B) CONTENTS.—

''(i) IN GENERAL.—A final schedule under subparagraph (A) shall include a deadline by which the applicable agency shall review each energy rule included on the list.

''(ii) REQUIREMENT.—A deadline described in clause (i) shall be not later than 5 years after the date of publication of the final schedule.

''(3) REQUIREMENT.—In developing a preliminary or final schedule under this subsection, the head of an applicable agency—

''(A) shall defer, to the maximum extent practicable, to the recommendations of the advisory committee; but

''(B) may modify the list of the advisory committee, taking into consideration—

''(i) the factors described in subsection (a)(2); and

''(ii) any limitation on resources or authority of the applicable agency.

''(c) REVIEW.—

''(1) REQUIRED PUBLICATIONS.—For each energy rule included on the final schedule of an applicable agency under subsection (b)(2), the head of the applicable agency shall publish in the Federal Register—

''(A) not later than the date that is 2 years before the deadline applicable to the energy rule under the final schedule, a notice that solicits public comment regarding whether the energy rule should be continued in effect, modified, or repealed;

''(B) not later than the date that is 1 year before the deadline applicable to the energy rule under the final schedule, a notice that—

''(i) addresses public comments received as a result of the notice under subparagraph (A);

''(ii) contains a preliminary analysis by the applicable agency relating to the energy rule;

''(iii) contains a preliminary determination of the applicable agency regarding whether the energy rule should be continued in effect, modified, or repealed; and

''(iv) solicits public comment on that preliminary determination; and

''(C) not later than the date that is 60 days before the deadline applicable to the energy rule under the final schedule, a final notice relating to the energy rule that—

''(i) addresses public comments received as a result of the notice under subparagraph (B);

''(ii) contains—

''(I) a determination of the applicable agency regarding whether to continue in effect, modify, or repeal the energy rule; and

''(II) an explanation of the determination; and

''(iii) if the applicable agency determines to modify or repeal the energy rule, a notice of proposed rulemaking under section 553 of title 5, United States Code, as applicable.

''(2) DETERMINATIONS.—

''(A) IN GENERAL.—Not later than the deadline applicable to an energy rule under the final schedule under subsection (b)(2), the head of the applicable agency shall make a determination—

''(i) to continue the energy rule in effect;

''(ii) to modify the energy rule; or

''(iii) to repeal the energy rule.

''(B) CONTINUING IN EFFECT.—A determination by the head of an applicable agency under subparagraph (A)(i) to continue an energy rule in effect—

''(i) shall be published in the Federal Register; and

''(ii) shall be considered to be a final agency action effective beginning on the date that is 60 days after the date of publication of the determination.

''(C) MODIFICATION OR REPEAL.—On a determination by the head of an applicable agency to modify or repeal an energy rule under clause (ii) or (iii) of subparagraph (A), the applicable agency shall complete final agency action with respect to the modification or repeal by not later than 2 years after the deadline applicable to the energy rule under the final schedule under subsection (b)(2).

''(d) JUDICIAL REVIEW.—

''(1) IN GENERAL.—No preliminary or final schedule under this section shall be subject to judicial review.

''(2) DETERMINATION TO CONTINUE IN EFFECT.—

''(A) DEFINITION OF REASONABLE ALTERNATIVE.—

''(i) IN GENERAL.—In this paragraph, the term 'reasonable alternative', with respect to an option at a point in the regulatory process, means an option that—

''(I) would achieve the purpose of the applicable rule; and

''(II) the head of the applicable Federal agency has the authority to elect.

''(ii) INCLUSION.—The term 'reasonable alternative' includes a flexible regulatory option.

''(B) ACTION BY COURT.—A court of competent jurisdiction may remand a determination to continue an energy rule in effect under subsection (c)(2)(B) only on clear and convincing evidence that a reasonable alternative was available to the energy rule.

''(3) FAILURE TO ACT.—A failure of the head of an applicable agency to carry out an action required under this section shall be subject to judicial review only as provided in section 706(1) of title 5, United States Code.

''(e) EFFECT OF SECTION.—

''(1) IN GENERAL.—Nothing in this section limits the discretion of an applicable agency, on making a determination described in clause (ii) or (iii) of subsection (c)(2)(A), to elect not to modify or repeal the applicable energy rule.

''(2) TREATMENT.—An election of an applicable agency described in paragraph (1) shall be considered to be a final agency action for purposes of judicial review.

**''SEC. 574. PROSPECTIVE CONSIDERATION OF ENERGY RULES.**

''(a) DETERMINATION.—

''(1) IN GENERAL.—In promulgating any rule, the head of an applicable agency shall determine whether the rule is an energy rule.

''(2) TREATMENT.—The head of an applicable agency may determine under paragraph (1) that a set of related rules proposed to be promulgated by the applicable agency shall be considered to be an energy rule.

''(b) REGULATORY IMPACT ANALYSIS.—

''(1) IN GENERAL.—In promulgating an energy rule, the head of an applicable agency shall prepare—

''(A) by not later than the date that is 60 days before the date of publication of notice of the proposed rulemaking, a preliminary regulatory impact analysis relating to the energy rule; and

''(B) a final regulatory impact analysis relating to the energy rule, which shall be submitted together with the final energy rule by not later than the date that is 30 days before the date of publication of the final energy rule.

''(2) CONTENTS.—A preliminary or final regulator impact analysis relating to an energy rule under paragraph (1) shall contain—

''(A) a description of the potential benefits of the energy rule, including a description of—

''(i) any beneficial effects that cannot be quantified in monetary terms; and

''(ii) an identification of individuals and entities likely to receive the benefits;

''(B) an explanation of the necessity, legal authority, and reasonableness of the energy rule together with a description of the condition that the energy rule is intended to address;

''(C) a description of the potential costs of the energy rule, including a description of—

''(i) any costs that cannot be quantified in monetary terms; and

''(ii) an identification of the individuals and entities likely to bear the costs;

''(D)(i) an analysis of any alternative approach, including market-based mechanisms, that could substantially achieve the regulatory goal of the energy rule at a lower cost; and

''(ii) an explanation of the reasons why the alternative approach was not adopted, together with a demonstration that the energy rule provides the least-costly approach with respect to the regulatory goal;

''(E)(i) an analysis of the benefits and costs of the energy rule to the national energy supply and national energy security; and

''(ii) an explanation in any case in which the energy rule will cause undue harm to the energy stability of any region;

''(F) a statement that, as applicable—

''(i) the energy rule does not conflict with, or duplicate, any other rule; or

''(ii) describes the reasons why such a conflict or duplication exists; and

''(G) a statement that describes whether the energy rule will require—

''(i) any onsite inspection; or

''(ii) any individual or entity—

''(I) to maintain records that will be subject to inspection; or

''(II) to obtain any license, permit, or other certification, including a description of any associated fees or fines.

''(3) COMBINATION WITH FLEXIBILITY ANALYSIS.—An energy rule regulatory impact analysis under paragraph (1) may be prepared together with the regulatory flexibility analysis relating to the energy rule under sections 603 and 604 of title 5, United States Code.

''(c) REVIEW OF REGULATORY IMPACT ANALYSES.—

''(1) IN GENERAL.—The head of an applicable agency shall review, and prepare comments regarding—

''(A) each notice of proposed rulemaking relating to an energy rule of the applicable agency;

''(B) each preliminary and final regulatory impact analysis relating to an energy rule of the applicable agency under this section; and

''(C) each final energy rule of the applicable agency.

''(2) CONSULTATION.—On receipt of a request of a head of an applicable agency, any officer or employee of another applicable agency shall consult with the head regarding a review under paragraph (1).

''(3) REQUIREMENT.—The head of an applicable agency shall not promulgate an energy rule until the date on which the final regulatory impact analysis relating to the energy rule is published in the Federal Register.

''(4) REVIEW OF OTHER APPLICABLE AGENCIES.—

''(A) IN GENERAL.—On receipt of a request of a head of an applicable agency, another applicable agency—

''(i) shall permit the head to review, and prepare comments regarding—

''(I) a notice of proposed rulemaking relating to an energy rule of the applicable agency; or

''(II) a preliminary or final regulatory impact analysis relating to an energy rule of the applicable agency under this section; and

''(ii) shall not publish the notice of proposed rulemaking or preliminary or final regulatory impact analysis until the earlier of—

''(I) the date on which—

''(aa) the head completes the review; and

''(bb) the applicable agency submits to the head a response to any comments of the head and includes in the comments of the applicable agency the response, in accordance with subparagraph (B)(ii); and

''(II) the expiration of the deadline described in subparagraph (B)(i).

''(B) DEADLINES.—

''(i) REVIEW AND COMMENT BY HEAD.—A head of an applicable agency shall complete a review of a notice of proposed rulemaking or preliminary or final regulatory impact analysis of another applicable agency under subparagraph (A) by not later than 90 days after the date on which the head submits a request for the review.

''(ii) RESPONSE BY APPLICABLE AGENCY.—An applicable agency shall submit to the head of another applicable agency that conducted a review and submitted comments regarding an energy rule under subparagraph (A) a response to those comments by not later than 90 days after the date on which the comments are received.

''(d) PLAIN LANGUAGE REQUIREMENT.—The head of an applicable agency shall ensure, to the maximum extent practicable, that each energy rule and each regulatory impact analysis relating to an energy rule—

''(1) is written in plain language; and

''(2) provides adequate notice of the requirements of the rule to affected individuals and entities.

''(e) NONAPPLICABILITY TO CERTAIN RULES AND AGENCIES.—

''(1) DEFINITION OF EMERGENCY SITUATION.—In this subsection, the term 'emergency situation' means a situation that—

''(A) is immediately impending and extraordinary in nature; or

''(B) demands attention due to a condition, circumstance, or practice that, if no action is taken, would be reasonably expected to cause—

''(i) death, serious illness, or severe injury to an individual; or

''(ii) substantial danger to private property or the environment.

''(2) NONAPPLICABILITY.—This section shall not apply to—

''(A) a major rule promulgated in response to an emergency situation, if a report describing the major rule and the emergency situation is submitted to the head of each affected applicable agency as soon as practicable after promulgation of the major rule;

''(B) a major rule proposed or promulgated in connection with the implementation of monetary policy or to ensure the safety and soundness of—

''(i) a federally-insured depository institution or an affiliate of such an institution;

''(ii) a credit union; or

''(iii) a government-sponsored housing enterprise regulated by the Office of Federal Housing Enterprise Oversight;

''(C) an action by an applicable agency that the head of the applicable agency certifies is limited to interpreting, implementing, or administering the internal revenue laws of the United States, including any regulation proposed or issued in connection with ensuring the collection of taxes from a subsidiary of a foreign company doing business in the United States; or

''(D) a major rule proposed or promulgated pursuant to section 553 of title 5, United States Code, in connection with imposing a trade sanction against any country that engages in illegal trade activities against the United States that are injurious to United States technology, jobs, pensions, or general economic well-being.''.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress a report that contains an analysis of—

(1) rulemaking procedures of Federal departments and agencies; and

(2) the impact of those procedures on—

(A) the public; and

(B) the regulatory process.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply only to final rules of Federal departments and agencies the rulemaking process for which begins after the date of enactment of this Act.

(d) OTHER POLICIES AND GOALS.—

(1) DECLARATION OF POLICY.—Section 101 of the National Environmental Policy Act of 1969 (42 U.S.C. 4331) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following:

''(c) ENERGY SECURITY.—Congress recognizes that, because the production and consumption of energy has a profound impact on the environment, and the availability of affordable energy resources is essential to continued national security and economic security of the United States, it is the policy of the United States to ensure that—

''(1) each proposed Federal action should be analyzed with respect to the impact of the proposed Federal action on the energy security of the United States; and

''(2) an analysis under paragraph (1) should be taken into consideration in developing Federal plans, rules, programs, and actions.''.

(2) REPORTS.—Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is amended—

(A) by redesignating clauses (iii) through (v) as clauses (iv) through (vi), respectively; and

(B) by inserting after clause (ii) the following:

''(iii) the impact on the energy security of the United States in terms of the effects to the production, distribution, and consumption of energy of the proposal or Federal action;''.

**SA 1560.** Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE VIII—TAX INCENTIVES FOR PRODUCTION AND CONSERVATION OF ENERGY**

**SEC. 801. INCOME AND GAINS FROM ELECTRICITY TRANSMISSION SYSTEMS TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.**

(a) IN GENERAL.—Section 7704(d)(1) of the Internal Revenue Code of 1986 (defining qualifying income) is amended by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively, and by inserting after subparagraph (E) the following new subparagraph:

''(F) income and gains from the transmission of electricity at 69 or more kilovolts through any property the original use of which commences after December 31, 2006,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

**SEC. 802. FIVE-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED ENERGY MANAGEMENT DEVICES.**

(a) IN GENERAL.—Section 168(e)(3)(B) of the Internal Revenue Code of 1986 (defining 5-year property) is amended by striking ''and'' at the end of clause (v), by striking the period at the end of clause (vi)(III) and inserting '', and'', and by inserting after clause (vi) the following new clause:

''(vii) any qualified energy management device.''.

(b) DEFINITION OF QUALIFIED ENERGY MANAGEMENT DEVICE.—Section 168(i) of such Code (relating to definitions and special rules) is amended by inserting at the end the following new paragraph:

''(18) QUALIFIED ENERGY MANAGEMENT DEVICE.—

''(A) IN GENERAL.—The term 'qualified energy management device' means any energy management device which is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

''(B) ENERGY MANAGEMENT DEVICE.—For purposes of subparagraph (A), the term 'energy management device' means any time-based meter and related communications equipment which is capable of being used by the taxpayer as part of a system that—

''(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

''(ii) provides for the exchange of information between supplier or provider and the customer's energy management device in support of time-based rates or other forms of demand response, and

''(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years ending after the date of the enactment of this Act.

**SEC. 803. SPECIAL DEPRECIATION ALLOWANCE FOR CELLULOSIC BIOMASS ETHANOL PLANT PROPERTY.**

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 (relating to accelerated cost recovery system) is amended by adding at the end the following:

''(l) SPECIAL ALLOWANCE FOR CELLULOSIC BIOMASS ETHANOL PLANT PROPERTY.—

''(1) ADDITIONAL ALLOWANCE.—In the case of any qualified cellulosic biomass ethanol plant property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of such property, and

''(B) the adjusted basis of such property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED CELLULOSIC BIOMASS ETHANOL PLANT PROPERTY.—

''(A) IN GENERAL.—The term 'qualified cellulosic biomass ethanol plant property' means property of a character subject to the allowance for depreciation—

''(i) which is used in the United States solely to produce cellulosic biomass ethanol,

''(ii) the original use of which commences with the taxpayer after the date of the enactment of this subsection,

''(iii) which has a nameplate capacity of 100,000,000 gallons per year of cellulosic biomass ethanol,

''(iv) which is acquired by the taxpayer by purchase (as defined in section 179(d)) after the date of the enactment of this subsection, but only if no written binding contract for the acquisition was in effect on or before the date of the enactment of this subsection, and

''(v) which is placed in service by the taxpayer before January 1, 2013.

''(B) EXCEPTIONS.—

''(i) ALTERNATIVE DEPRECIATION PROPERTY.—Such term shall not include any property described in section 168(k)(2)(D)(i).

''(ii) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

''(iii) ELECTION OUT.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(3) CELLULOSIC BIOMASS ETHANOL.—For purposes of this subsection, the term 'cellulosic biomass ethanol'—

''(A) means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

''(i) dedicated energy crops and trees,

''(ii) wood and wood residues,

''(iii) plants,

''(iv) grasses,

''(v) agricultural residues,

''(vi) fibers,

''(vii) animal wastes and other waste materials, and

''(viii) municipal and solid waste, and

''(B) includes any ethanol produced in facilities where animal wastes or other waste materials are digested or otherwise used to displace 90 percent or more of the fossil fuel normally used in the production of ethanol.

''(4) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subparagraph (E) of section 168(k)(2) shall apply, except that such subparagraph shall be applied—

''(A) by substituting 'the date of the enactment of subsection (l)' for 'September 10, 2001' each place it appears therein,

''(B) by substituting 'January 1, 2013' for 'January 1, 2005' in clause (i) thereof, and

''(C) by substituting 'qualified cellulosic biomass ethanol plant property' for 'qualified property' in clause (iv) thereof.

''(5) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(G) shall apply.

''(6) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified cellulosic biomass ethanol plant property which ceases to be qualified cellulosic biomass ethanol plant property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

**SEC. 804. SPECIAL DEPRECIATION ALLOWANCE FOR COAL-TO-LIQUID FACILITIES.**

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 (relating to accelerated cost recovery system), as amended by this Act, is amended by adding at the end the following:

''(m) SPECIAL ALLOWANCE FOR COAL-TO-LIQUID PLANT PROPERTY.—

''(1) ADDITIONAL ALLOWANCE.—In the case of any qualified coal-to-liquid plant property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of such property, and

''(B) the adjusted basis of such property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED COAL-TO-LIQUID PLANT PROPERTY.—

''(A) IN GENERAL.—The term 'qualified coal-to-liquid plant property' means property of a character subject to the allowance for depreciation—

''(i) which is part of a commercial-scale project that converts coal to 1 or more liquid or gaseous transportation fuel that demonstrates the capture, and sequestration or disposal or use of, the carbon dioxide produced in the conversion process, and that, on the basis of carbon dioxide sequestration plan prepared by the applicant, is certified by the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, as producing fuel with life cycle carbon dioxide emissions at or below the average life-cycle carbon dioxide emissions for the same type of fuel produced at traditional petroleum based facilities with similar annual capacities,

''(ii) which is used in the United States solely to produce coal-to-liquid fuels,

''(iii) the original use of which commences with the taxpayer after the date of the enactment of this subsection,

''(iv) which has a nameplate capacity of 30,000 barrels per day production of coal-to-liquid fuels;

''(v) which is acquired by the taxpayer by purchase (as defined in section 179(d)) after the date of the enactment of this subsection, but only if no written binding contract for the acquisition was in effect on or before the date of the enactment of this subsection, and

''(vi) which is placed in service by the taxpayer before January 1, 2013.

''(B) EXCEPTIONS.—

''(i) ALTERNATIVE DEPRECIATION PROPERTY.—Such term shall not include any property described in section 168(k)(2)(D)(i).

''(ii) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

''(iii) ELECTION OUT.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(3) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subparagraph (E) of section 168(k)(2) shall apply, except that such subparagraph shall be applied—

''(A) by substituting 'the date of the enactment of subsection (l)' for 'September 10, 2001' each place it appears therein,

''(B) by substituting 'January 1, 2013' for 'January 1, 2005' in clause (i) thereof, and

''(C) by substituting 'qualified coal-to-liquid plant property' for 'qualified property' in clause (iv) thereof.

''(4) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(G) shall apply.

''(5) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified coal-to-liquid plant property which ceases to be qualified coal-to-liquid plant property.''.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

**SEC. 805. DEDICATED ETHANOL PIPELINES TREATED AS 15-YEAR PROPERTY.**

(a) IN GENERAL.—Section 168(e)(3)(E) of the Internal Revenue Code of 1986 (defining 15-year property), is amended by striking ''and'' at the end of clause (vii), by striking the period at the end of clause (viii) and by inserting '', and'', and by adding at the end the following new clause:

''(ix) any dedicated ethanol distribution line the original use of which commences with the taxpayer after August 1, 2007, and which is placed in service before January 1, 2013.''.

(b) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) of such Code (relating to special rule for certain property assigned to classes) is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

''(E)(ix) ..... 35.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to property placed in service after August 1, 2007.

(2) EXCEPTION.—The amendments made by this section shall not apply to any property with respect to which the taxpayer or related party has entered into a binding contract for the construction thereof on or before August 1, 2007, or, in the case of self-constructed property, has started construction on or before such date.

**SEC. 806. CREDIT FOR POLLUTION ABATEMENT EQUIPMENT.**

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 45N the following new section:

**''SEC. 45O. CREDIT FOR POLLUTION ABATEMENT EQUIPMENT.**

''(a) GENERAL RULE.—For purposes of section 38, the pollution abatement equipment credit for any taxable year is an amount equal to 30 percent of the costs of any qualified pollution abatement equipment property placed in service by the taxpayer during the taxable year.

''(b) LIMITATION.—The credit allowed under subsection (a) for any taxable year with respect to any qualified pollution abatement equipment property shall not exceed—

''(1) $50,000,000 in the case of a property of a character subject an allowance for depreciation provided in section 167, and

''(2) $30,000,000 in any other case.

''(c) QUALIFIED POLLUTION ABATEMENT EQUIPMENT PROPERTY.—For purposes of this section, the term 'qualified pollution abatement equipment property' means pollution abatement equipment—

''(1) which is part of a unit or facility which either—

''(A) utilizes technologies that meet relevant Federal and State clean air requirements applicable to the unit or facility, including being adequately demonstrated for purposes of section 111 of the Clean Air Act (42 U.S.C. 7411), achievable for purposes of section 169 of that Act (42 U.S.C. 7479), or achievable in practice for purposes of section 171 of that Act (42 U.S.C. 7501, or

''(B) utilizes equipment or processes that exceed relevant Federal or State clean air requirements applicable to the unit or facility by achieving greater efficiency or environmental performance,

''(2) which is installed on a voluntary basis and not as a result of an agreement with a Federal or State agency or required as a decree from a judicial decision, and

''(3) with respect to which an election under section 169 is not in effect.''.

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of such Code 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 the following new paragraph:

''(32) the pollution abatement equipment credit determined under section 45O(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 45N the following new item:

''Sec. 45O. Credit for pollution abatement equipment.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures made after the date of the enactment of this Act, in taxable years ending after such date.

**SEC. 807. MODIFICATIONS RELATING TO CLEAN RENEWABLE ENERGY BONDS.**

(a) CLEAN RENEWABLE ENERGY BOND.—Paragraph (1) of section 54(d) of the Internal Revenue Code of 1986 (defining clean renewable energy bond) is amended—

(1) in subparagraph (A), by striking ''pursuant'' and all that follows through ''subsection (f)(2)'',

(2) in subparagraph (B), by striking ''95 percent or more of the proceeds'' and inserting ''90 percent or more of the net proceeds'', and

(3) in subparagraph (D), by striking ''subsection (h)'' and inserting ''subsection (g)''.

(b) QUALIFIED PROJECT.—Subparagraph (A) of section 54(d)(2) of such Code (defining qualified project) is amended to read as follows:

''(A) IN GENERAL.—The term 'qualified project' means any qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service requirement) owned by a qualified borrower and also without regard to the following:

''(i) In the case of a qualified facility described in section 45(d)(9) (regarding incremental hydropower production), any determination of incremental hydropower production and related calculations shall be determined by the qualified borrower based on a methodology that meets Federal Energy Regulatory Commission standards.

''(ii) In the case of a qualified facility described in section 45(d)(9) (regarding hydropower production), the facility need not be licensed by the Federal Energy Regulation Commission if the facility, when constructed, will meet Federal Energy Regulatory Commission licensing requirements and other applicable environmental, licensing, and regulatory requirements.''.

(c) REIMBURSEMENT.—Subparagraph (C) of section 54(d)(2) of such Code (relating to reimbursement) is amended to read as follows:

''(C) REIMBURSEMENT.—For purposes of paragraph (1)(B), proceeds of a clean renewable energy bond may be issued to reimburse a qualified borrower for amounts paid after the date of the enactment of this subparagraph in the same manner as proceeds of State and local government obligations the interest upon which is exempt from tax under section 103.''.

(d) CHANGE IN USE.—Subparagraph (D) of section 54(d)(2) of such Code (relating to treatment of changes in use) is amended by striking ''or qualified issuer''.

(e) MAXIMUM TERM.—Paragraph (2) of section 54(e) of such Code (relating to maximum term) is amended by striking ''without regard to the requirements of subsection (1)(6) and''.

(f) REPEAL OF LIMITATION ON AMOUNT OF BONDS DESIGNATED.—Section 54 of such Code is amended by striking subsection (f) (relating to repeal of limitation on amount of bonds designated).

(g) SPECIAL RULES RELATING TO EXPENDITURES.—Subsection (h) of section 54 of such Code (relating to special rules relating to expenditures) is amended—

(1) in paragraph (1)(A), by striking ''95 percent of the proceeds'' and inserting ''90 percent of the net proceeds'',

(2) in paragraph (1)(B)—

(A) by striking ''10 percent of the proceeds'' and inserting ''5 percent of the net proceeds'', and

(B) by striking ''the 6-month period beginning on'' both places it appears and inserting ''1 year of'',

(3) in paragraph (1)(C), by inserting ''net'' before ''proceeds'', and

(4) in paragraph (3), by striking ''95 percent of the proceeds'' and inserting ''90 percent of the net proceeds''.

(h) REPEAL OF SPECIAL RULES RELATING TO ARBITRAGE.—Section 54 of such Code is amended by striking subsection (i) (relating to repeal of special rules relating to arbitrage).

(i) PUBLIC POWER ENTITY.—Subsection (j) of section 54 of such Code (defining cooperative electric company; qualified energy tax credit bond lender; governmental body; qualified borrower) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively,

(2) by inserting after paragraph (3) the following new paragraph:

''(4) PUBLIC POWER ENTITY.—The term 'public power entity' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of enactment of this paragraph).'',

(3) in paragraph (5), as so redesignated—

(A) by striking ''or'' at the end of subparagraph (B),

(B) by striking the period at the end of subparagraph (C) and inserting '', or'', and

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

''(D) a public power entity.'', and

(4) in paragraph (6), as so redesignated—

(A) by striking ''or'' at the end of subparagraph (A),

(B) by striking the period at the end of subparagraph (B) and inserting '', or'', and

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

''(C) a public power entity.''.

(j) REPEAL OF RATABLE PRINCIPAL AMORTIZATION REQUIREMENT.—Subsection (l) of section 54 of such Code (relating to other definitions and special rules) is amended by striking paragraph (5) and redesignating paragraph (6) as paragraph (5).

(k) NET PROCEEDS.—Subsection (l) of section 54 of such Code (relating to other definitions and special rules), as amended by subsection (j), is amended by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (4), (5), (6), and (7), respectively, and by inserting after paragraph (1) the following new paragraphs:

''(2) NET PROCEEDS.—The term 'net proceeds' means, with respect to an issue, the proceeds of such issue reduced by amounts in a reasonably required reserve or replacement fund.

''(3) LIMITATION ON AMOUNT IN RESERVE OR REPLACEMENT FUND WHICH MAY BE FINANCED BY ISSUE.—A bond issued as part of an issue shall not be treated as a clean renewable energy bond if the amount of the proceeds from the sale of such issue which is part of any reserve or replacement fund exceeds 10 percent of the proceeds of the issue (or such higher amount which the issuer establishes is necessary to the satisfaction of the Secretary).''.

(l) OTHER SPECIAL RULES.—Subsection (l) of section 54 of such Code ((relating to other definitions and special rules), as amended by subsections (j) and (k), is amended by adding at the end the following new paragraphs:

''(8) CREDITS MAY BE SEPARATED.—There may be a separation (including at issuance) of the ownership of a clean renewable energy bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

''(9) TREATMENT FOR ESTIMATED TAX PURPOSES.—Solely for the purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a qualified energy tax credit bond on a credit allowance date (or the credit in the case of a separation as provided in paragraph (8)) shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

''(10) CARRYBACK AND CARRYFORWARD OF UNUSED CREDITS.—If the sum of the credit exceeds the limitation imposed by subsection (c) for any taxable year, any credits may be applied in a manner similar to the rules set forth in section 39.''.

(m) TERMINATION.—Subsection (m) of section 54 of such Code (relating to termination) is amended by striking ''2008'' and inserting ''2013''.

(n) CLERICAL REDESIGNATIONS.—Section 54 of such Code, as amended by the preceding provisions of this section, is amended by redesignating subsections (g), (h), (j), (k), (l), and (m) as subsections (f), (g), (h), (i), (j), and (k), respectively.

(o) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

**SEC. 808. EXTENSION OF RENEWABLE ENERGY PRODUCTION TAX CREDIT.**

(a) IN GENERAL.—Section 45 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''10-year period beginning on the date the facility was originally placed in service,'' in subsection (a)(2)(A)(ii) and inserting ''5-year period beginning on the date

the facility was originally placed in service,'',

(2) by striking ''in subsection (a)(2)(A)(ii).'' in subsection (b)(4)(B)(i) and inserting ''beginning on the date the facility was originally placed in service.'',

(3) by striking ''in subsection (a)(2)(A)(ii).'' in subsection (b)(4)(B)(ii) and inserting ''beginning on the date the facility was originally placed in service.'', and

(4) by striking ''January 1, 2009'' each place it appears in subsection (d) and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

**SEC. 809. ENERGY CREDIT EXTENDED TO GREEN BUILDINGS.**

(a) IN GENERAL.—Section 48(a)(3)(A) of the Internal Revenue Code of 1986 (defining energy property) is amended—

(1) by striking ''or'' at the end of clause (iii),

(2) by inserting after clause (iv) the following new clauses:

''(v) thermal storage system determined by the Secretary of Energy through a site specific feasibility study which allows for a reduction in energy use of 10 percent per year compared with conventional technologies, or

''(vi) daylight dimming technologies determined by the Secretary of Energy,''.

(b) CREDIT RATE.—Section 48(a)(2)(A) of such Code (relating to energy percentage) is amended—

(1) by striking ''and'' at the end of clause (i)(III),

(2) by redesignating clause (ii) as clause (iii), and

(3) by inserting after clause (i) the following new clause:

''(ii) 50 percent in the case of energy property described in clause (v) or (vi) of paragraph (3)(A), and''.

(c) LIMITATIONS.—Section 48 of such Code is amended by adding at the end the following new subsection:

''(d) ENERGY PROPERTY FOR GREEN BUILDINGS.—

''(1) THERMAL STORAGE UNIT.—In the case of energy property described in paragraph (3)(A)(v) placed in service during the taxable year, the credit otherwise determined under subsection (a)(1) for such year with respect to such property shall not exceed $500,000.

''(2) DAYLIGHT DIMMING TECHNOLOGIES.—In the case of energy property described in paragraph (3)(A)(vi) placed in service during the taxable year, the credit otherwise determined under subsection (a)(1) for such year with respect to such property shall not exceed $500,000.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

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**SA 1561.** Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE VIII—MISCELLANEOUS**

**SEC. 801. SHORT TITLE.**

This title may be cited as the ''Strategic Refinery Reserve Act of 2007''.

**SEC. 802. DEFINITIONS.**

In this title:

(1) RESERVE.—The term ''Reserve'' means the Strategic Refinery Reserve established under section 803.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

**SEC. 803. STRATEGIC REFINERY RESERVE.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish and operate a Strategic Refinery Reserve in the United States.

(2) AUTHORITIES.—To carry out this section, the Secretary may contract for—

(A) the construction or operation of new refineries; or

(B) the acquisition or reopening of closed refineries.

(b) OPERATION.—The Secretary shall operate the Reserve—

(1) to provide petroleum products to—

(A) the Federal Government (including the Department of Defense); and

(B) any State governments and political subdivisions of States that opt to purchase refined petroleum products from the Reserve; and

(2) to provide petroleum products to the general public during any period described in subsection (c).

(c) EMERGENCY PERIODS.—The Secretary shall make petroleum products from the Reserve available under subsection (b)(2) only if the President determines that—

(1) there is a severe energy supply interruption (as defined in section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202)); or

(2)(A) there is a regional petroleum product supply shortage of significant scope and duration; and

(B) action taken under subsection (b)(2) would directly and significantly assist in reducing the adverse impact of the shortage.

(d) LOCATIONS.—In determining the location of a refinery for inclusion in the Reserve, the Secretary shall take into account—

(1) the impact of the refinery on the local community, as determined after requesting and reviewing any comments from State and local governments and the public;

(2) regional vulnerability to—

(A) natural disasters; and

(B) terrorist attacks;

(3) the proximity of the refinery to the Strategic Petroleum Reserve;

(4) the accessibility of the refinery to energy infrastructure and Federal facilities (including facilities under the jurisdiction of the Department of Defense);

(5) the need to minimize adverse public health and environmental impacts; and

(6) the energy needs of the Federal Government (including the Department of Defense).

(e) INCREASED CAPACITY.—The Secretary shall ensure that refineries in the Reserve are designed to provide a rapid increase in production capacity during periods described in subsection (c).

(f) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a plan for the establishment and operation of the Reserve under this section.

(2) REQUIREMENTS.—The plan required under paragraph (1) shall—

(A)(i)(I) provide for, within 2 years after the date of enactment of this Act, a capacity within the Reserve equal to 5 percent of the total United States daily demand for gasoline, diesel, and aviation fuel; and

(II) provide for a capacity within the Reserve such that not less than 75 percent of the gasoline and diesel fuel produced by the Reserve contain an average of 10 percent renewable fuel (as defined in 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1))); or

(ii) if the Secretary finds that achieving the capacity described in subclause (I) or (II) of clause (i) is not feasible within 2 years after the date of enactment of this Act, include—

(I) an explanation from the Secretary of the reasons why achieving the capacity within the timeframe is not feasible; and

(II) provisions for achieving the required capacity as soon as practicable; and

(B) provide for adequate delivery systems capable of providing Reserve product to the entities described in subsection (b)(1).

(g) COORDINATION.—The Secretary shall carry out this section in coordination with the Secretary of Defense.

(h) COMPLIANCE WITH FEDERAL ENVIRONMENTAL REQUIREMENTS.—Nothing in this section affects any requirement to comply with Federal or State environmental or other laws.

**SEC. 804. REPORTS ON REFINERY CLOSURES.**

(a) REPORTS TO SECRETARY.—

(1) IN GENERAL.—Not later than 180 days before permanently closing a refinery in the United States, the owner or operator of the refinery shall submit to the Secretary notice of the closing.

(2) REQUIREMENTS.—The notice required under paragraph (1) with respect to a refinery to be closed shall include an explanation of the reasons for the closing of the refinery.

(b) REPORTS TO CONGRESS.—The Secretary shall, in consultation with the Secretary of Defense, the Administrator of the Environmental Protection Agency, and the Federal Trade Commission and as soon as practicable after receipt of a report under subsection (a), submit to Congress—

(1) the report; and

(2) an analysis of the effects of the proposed closing covered by the report on—

(A) in accordance with the Clean Air Act (42 U.S.C. 7401 et seq.), supplies of clean fuel;

(B) petroleum product prices;

(C) competition in the refining industry;

(D) the economy of the United States;

(E) regional economies;

(F) regional supplies of refined petroleum products;

(G) the supply of fuel to the Department of Defense; and

(H) energy security.

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## NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, June 20, 2007, at 10 a.m., to conduct a hearing to receive testimony on S. 1285, the ''Fair Elections Now Act,'' to reform the finance of Senate elections, and on the high cost of broadcasting campaign advertisements.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224–6352.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, June 13, 2007, at 10 a.m. in order to conduct a business meeting to consider pending committee business.

Agenda

*Legislation*

S. 1257, District of Columbia House Voting Rights Act of 2007;

S. 274, Federal Employee Protection of Disclosures Act;

H.R. 1254, Presidential Library Donation Reform Act of 2007;

S. Res. 22, a resolution reaffirming the constitutional and statutory protections accorded sealed domestic mail, and for other purposes;

S. 967, Federal Supervisor Training Act of 2007;

S. 1046, Senior Professional Performance Act of 2007;

S. 1099, a bill 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;

S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years;

H.R. 1255/S. 886, Presidential Records Act Amendments of 2007;

S. 381, Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, June 13, 2007, at 10 a.m., to conduct a hearing on nominations to the Federal Election Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, June 13, 2007 at 9:30 a.m. in room 562 of the Dirksen Building to conduct an oversight hearing on Department of Labor, Department of Defense, VA cooperation, and collaboration to meet the employment needs of returning service members.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. CRAIG. Mr. President, I ask unanimous consent that Colin Jones, a DOE fellow from the Idaho National Lab, be granted the privilege of the floor during consideration of H.R. 6, the Energy bill before us.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that T.J. Kim, with the Committee on Environment and Public Works, be granted the privilege of the floor for the duration of the Energy bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I ask unanimous consent that David Hiller, of my staff, be given floor privileges during the remainder of the debate on H.R. 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent the following fellows of my staff—Jonna Hamilton, Joseph De Maria, and Jack Gardner—be granted the privilege of the floor for the remainder of the first session of the 110th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. MENENDEZ. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 111; that the nomination be confirmed; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Robert M. Couch, of Alabama, to be General Counsel of the Department of Housing and Urban Development.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Secretary of the Senate, pursuant to Public Law 101–509, the appointment of Sheryl B. Vogt, of Georgia, to the Advisory Committee on the Records of Congress.

## NATIONAL HUNTINGTON'S DISEASE AWARENESS DAY

Mr. MENENDEZ. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 234, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 234) designating June 15, 2007 as ''National Huntington's Disease Awareness Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. INHOFE. Madam President, I rise today to support a resolution designating June 15, 2007, as ''National Huntington's Disease Awareness Day,'' a devastating disorder that affects an estimated 1 in every 10,000 persons. We need to raise awareness of Huntington's disease, which is a progressive degenerative neurological disease that causes total physical and mental deterioration over a 12–15 year period. Though Huntington's disease typically begins in midlife, between the ages of 30 and 45, onset may occur as early as the age of 2. The average lifespan after onset of Huntington's disease is 10 to 20 years. The younger a person contracts the disease, the more rapid the progression. Additionally, children who develop the juvenile form of the disease rarely live to adulthood, and a child of a Huntington's disease parent has a 50–50 chance of inheriting the Huntington's disease gene.

Since the discovery of the gene that causes Huntington's disease in 1993, the pace of Huntington's disease research has accelerated. Although scientists and researchers are hopeful that breakthroughs are forthcoming, no cures for this disease currently exist.

The need for heightened awareness of Huntington's disease was brought to my attention by constituents who suffer from this disease. For the benefit of these individuals and for the well-being of sufferers in your own State and around the Nation, I ask you to join me in this effort to raise awareness of Huntington's disease.

Mr. MENENDEZ. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 234) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 234

Whereas Huntington's Disease is a progressive degenerative neurological disease that causes total physical and mental deterioration over a 12 to 15 year period;

Whereas each child of a parent with Huntington's Disease has a 50 percent chance of inheriting the Huntington's Disease gene;

Whereas Huntington's Disease typically begins in mid-life, between the ages of 30 and 45, though onset may occur as early as the age of 2;

Whereas children who develop the juvenile form of the disease rarely live to adulthood;

Whereas the average lifespan after onset of Huntington's Disease is 10 to 20 years, and

the younger the age of onset, the more rapid the progression of the disease;

Whereas Huntington's Disease affects 30,000 patients and 200,000 genetically ''at risk'' individuals in the United States;

Whereas since the discovery of the gene that causes Huntington's Disease in 1993, the pace of Huntington's Disease research has accelerated;

Whereas, although no effective treatment or cure currently exists, scientists and researchers are hopeful that breakthroughs will be forthcoming;

Whereas researchers across the Nation are conducting important research projects involving Huntington's Disease; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of Huntington's Disease: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 15, 2007, as ''National Huntington's Disease Awareness Day'';

(2) recognizes that all people of the United States should become more informed and aware of Huntington's Disease; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Huntington's Disease Society of America.

## MEASURES INDEFINITELY POSTPONED: S. CON. RES. 10, S. 261, S. 624, H. CON. RES. 118

Mr. MENENDEZ. Madam President, I ask unanimous consent that the following calendar items be indefinitely postponed: Calendar No. 61, S. Con. Res. 10; Calendar No. 87, S. 261; Calendar No. 100, S. 624; and Calendar No. 130, H. Con. Res. 118.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR THURSDAY, JUNE 14, 2007

Mr. MENENDEZ. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, June 14; that on Thursday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 6, the comprehensive energy legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 9:30 A.M TOMORROW

Mr. MENENDEZ. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:24 p.m., adjourned until Thursday, June 14, 2007, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate June 13, 2007:

DEPARTMENT OF ENERGY

LISA E. EPIFANI, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF ENERGY (CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS), VICE JILL L. SIGAL, RESIGNED.

DEPARTMENT OF STATE

GAIL DENNISE MATHIEU, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAMIBIA.

THE JUDICIARY

JOSEPH N. LAPLANTE, OF NEW HAMPSHIRE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW HAMPSHIRE, VICE JOSEPH A. DICLERICO, JR., RETIRED.

GUSTAVUS ADOLPHUS PURYEAR IV, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF TENNESSEE, VICE ROBERT L. ECHOLS, RETIRED.

ELECTION ASSISTANCE COMMISSION

GRACIA M. HILLMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2009. (REAPPOINTMENT)

## CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, June 13, 2007:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ROBERT M. COUCH, OF ALABAMA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# EXTENSIONS OF REMARKS

## SOUTHWESTERN RANDOLPH HIGH SCHOOL—OUR MOST VALUABLE TEAM

HON. HOWARD COBLE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 12, 2007*

Mr. COBLE. Madam Speaker, on behalf of the Sixth District of North Carolina, I would like to personally congratulate the Southwestern Randolph High School varsity softball team on its win at the North Carolina High School Athletic Association 3–A softball championship. On June 2, 2007, the Southwestern Randolph Cougars accomplished a phenomenal feat in completing the season with an almost perfect record of 31–1. Even more remarkably, the team finished the season with no losses to other 3–A schools and was able to claim the first state championship for the school since 2001.

Congratulations are in order for Anna Maness who was named the tournament's Most Valuable Player, not only because of her accomplishments on the field, but also because of her attitude about the game. In fact, Maness told the Asheboro Courier-Tribune, ''I couldn't have done it without defense; I couldn't have done it without the offense. It should say Most Valuable Team.'' It is this kind of teamwork that makes the entire Southwestern Randolph team special. Maness should also be commended on her impressive efforts during the tournament, striking out 16 batters and allowing no runs.

Looking at the roster, it is easy to see that the most noteworthy thing about this group of young women is their ability to work together. The seniors on the team: Valerie Campbell, Brittany York, Jessica Hogan, Natalie Haithcox, Ashley Seawell, and Kendra Cox finished their four years together on the team with an impressive 110–13 record, making it to the final tournament every year but one. Cougars Head Coach Steve Taylor told the Asheboro Courier-Tribune that he credited the success of the seniors to the fact that, ''all their work ethics were positive toward reaching their goals.''

The entire roster contributed to Southwestern Randolph's latest softball triumph. The other members of the team included: Brittany Marsh, Stacy McCaskill, Ashley Jones, Nicole England, Kristen Simmons, Dalton Brower, Brittany Garren, Amelia Frye, Holly Berry, Katheryn Auman, Cynthia Hayes, Hannah Hughes, and Erin Billups.

Those who didn't wear a uniform, but contributed in so many other ways, can equally share the accolades coming to Southwestern Randolph's champions. We start with Head Coach Steve Taylor, Assistant Coaches Lee McCaskill, Danny Campbell, and Wendel Seawell, Athletic Director Gary Leach, and Principal Dr. Chris Vecchione. Congratulations are also in order for the faculty, staff, students, and families of Southwestern Randolph High School on another outstanding athletic season.

Madam Speaker, I join the people of the Sixth District of North Carolina in congratulating everyone involved in this outstanding athletic achievement. I am glad to see that these young athletes were able to see their hard work and determination lead to a state championship.

## JOHN HAYDEN CHIAVETTA MAKES HIS MARK ON THE WORLD

HON. BOB ETHERIDGE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 12, 2007*

Mr. ETHERIDGE. Madam Speaker, I rise today to congratulate John Bryan and Rebekah Sparrow Chiavetta on the birth of their second child, John Hayden Chiavetta. John was born on Thursday, May 24, 2007 and weighed 6 pounds and 15 ounces. My wife Faye joins me in wishing John and Rebekah and their daughter, Charlotte, great happiness upon this new addition to their family.

As the father of three, I know the joy and pride that John and Rebekah feel at this special time. And I know that Charlotte is excited to have a brother with whom she can share the wonders of childhood. Children remind us of the incredible miracle of life, and they keep us young-at-heart. Every day they show us a new way to view the world. I know the Chiavettas look forward to the changes and challenges that their new son will bring to their lives while taking pleasure in the many rewards they are sure to receive as they watch him grow.

I welcome young John into the world and wish John and Rebekah all the best as they raise him.

## MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATION ACT, 2008

HON. EARL BLUMENAUER
OF OREGON
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 12, 2007*

Mr. BLUMENAUER. Madam Speaker, as we consider the FY 2008 Military Constructions Appropriations Act, I am concerned that we are significantly under funding our commitment to clean up communities impacted by base closures in the past. There is an estimated $3.5 billion backlog of environmental cleanup at bases closed during the previous BRAC rounds. Unfortunately, the funding levels in this bill are not enough to make a dent in cleaning up bases closed in previous BRAC rounds.

The bill does include significant funding to deal with cleanup at bases closed in the 2005 BRAC round. The irony is that the new round of BRAC has so much money appropriated that current outlays will spend less than 10% in the upcoming fiscal year of its budget authority while in the same vein the Legacy BRAC account will be spending nearly half of its budget authority in the same fiscal year. I appreciate that there is an increase above the President's budget for this effort, but it is simply not enough to make up for past years of Congress abrogating its responsibility of environmental restoration of past BRAC rounds.

Communities across the nation have waited decades for remediation and at the current levels of funding will have to wait for over 40 years before the job is done. In order to address this problem, I am submitting the following amendment with my colleague Congresswoman BROWN-WAITE in order to properly finish the job of environmental clean up at former military bases before we can fully address a new round of cleanup.

The amendment I am offering decreases by $201,000,000 the Base Realignment and Closure Account 2005 account and increases the Base Realignment and Closure Account 1990 by $50,000,000 in order to work towards this goal. CBO has scored this amendment as outlay neutral.

## CENTRAL DAVIDSON HIGH SCHOOL—OUR PERFECT SOFTBALL CHAMPIONS

HON. HOWARD COBLE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 12, 2007*

Mr. COBLE. Madam Speaker, pitching a perfect game is certainly an amazing feat on its own. Pitching a perfect game in the championship, however, is something particularly special. Words cannot describe just how rare this feat is. So, please allow me to brag for just a bit about the remarkable achievements of Chelsea Leonard and the rest of the North Carolina State High School Athletic Association 2–A softball champion Central Davidson High School Spartans.

On June 2, 2007, Ms. Leonard pitched Central Davidson to a resounding 4–0 victory over South Brunswick High School, while not allowing a single hit. She also struck out 18 of 21 batters. And on her way to winning MVP of the tournament, she tallied an impressive 53 strikeouts while compiling a 3–0 record. What's more, she didn't allow a single run or even a hit for 19 innings. Folks, these numbers are simply off the charts.

And while Chelsea—a sophomore no less—performed spectacularly throughout the state tournament, the rest of the team was equally impressive. In the run-up to the Spartans' second consecutive year in the state softball finals, every member of the team contributed to a sparkling 32–1 record. So, please allow me to recognize every member of this fine team: Ashley Hulin, Tess Swing, Carrie Jernigan, Whitney Lohr, Heather Lanier, Nicole Perry, Lindsay Thore, Hannah Buie, Alison Lohr, Erin Cole, Gina Antonucci, and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Haley Hanes all contributed to this special season with their pitching, hitting, base running, and fine defense.

Accolades are also in order for the talented coaching staff, including, of course, Head Coach and Athletic Director Gene Poindexter who brought his team back to the finals after a difficult loss in that game last year. His hard work over the past 8 years has been instrumental to the Spartans' success. The assistant coaches—Steve Hayes, Brian Starnes, Jim Welborn, Greg Leonard, Richard Cid, Sterling Charles, Mike Pickett, and Jordan Stogner—all deserve special recognition. This sensational season would not have been possible without their help or without the support of Principal Kevin Firquin. And I cannot forget to mention the terrific fans who supported the team throughout the entire season and who came out in force to cheer on the Spartans in the state tournament.

Madam Speaker, this was a spectacular season for the Central Davidson High School softball team. I am sure that everyone in the Sixth District of North Carolina will join me in congratulating all of these fine athletes and the rest of the Central Davidson High School community on their outstanding achievements.

## IN RECOGNITION OF DAVID BYRON CHAPEL AS A U.S. PRESIDENTIAL SCHOLAR

### HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. WALBERG. Madam Speaker, I rise today to honor David Byron Chapel, a constituent from Parma, Michigan who has been named a member of the 43rd Class of Presidential Scholars. The Presidential Scholarship was established in 1964 to honor our countries most distinguished graduating high school seniors. Only 144 high school seniors are offered the title of a Presidential Scholar, and I am proud to honor David Byron Chapel as one of Michigan's two Presidential Scholars.

Mr. Chapel's work has spanned all areas of community service; from mission trips with his youth group, local service projects, peer tutoring and his church music program. David has touched the lives of many with his service.

Highlights of Mr. Chapel's volunteer work include a center for underprivileged children, summer Vacation Bible School, fundraising projects for his school's Academic Boosters Club, frequent visits to his local nursing home to spend time with the elderly, and service as a substitute Church pianist. In addition, David has spent numerous weekends helping with Church maintenance, local landscaping and yard work, as well as operating his own small-scale lawn care business.

David's academic achievements are exemplified through the numerous scholarships he has already been awarded. He has received such awards as the Marsh Family Scholarship and the University of Michigan Regents Merit Scholarship for exemplary academic performances throughout his high school career. In addition to these prestigious awards, David has received numerous other recognitions.

These are not the first awards Mr. Chapel has received to honor his achievements. David has been named a National Merit Finalist, Student of the Month, Big 10 Drum Major and Best Supporting Actor in his high school drama program. He has also worked diligently to receive his Academic Letter and Pin, the Community Service award all four years of high school, Honor Roll and All A's Award's each semester.

I offer the congratulations of the U.S. House of Representatives to Mr. David Byron Chapel for his leadership, dedication to community service, and being named a U.S. Presidential Scholar.

## TRIBUTE TO JOHN AND JOAN SHAMP

### HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mrs. MYRICK. Madam Speaker, I rise today to honor a great couple who are a wonderful example of what is right with America. John and Joan Shamp just celebrated their 50th wedding anniversary! Sadly, in America, it has become a rare thing for two people to stay together this long.

They are the proud parents of five children and very involved in the lives of their grandchildren. They exemplify achieving the American dream through hard work, and they demonstrate the love of a strong family who are there to help each other and others daily. I wish them many more happy years!

## HONORING UNITED STATES COAST GUARD COMMANDER WILLIAM J. QUIGLEY

### HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. RUPPERSBERGER. Madam Speaker, it is with great honor that I rise before you today to honor the outstanding career of William J. Quigley, on the occasion of his retirement from the United States Coast Guard.

Commander William J. Quigley is the Prospective Commanding Officer of the Coast Guard Cryptologic Group. He assumed his current duties as the Coast Guard Liaison Officer to the Commander, Naval Security Group, Fort George G. Meade, Maryland in 2004. Immediately prior to this assignment, he served as Chief, Intelligence Resource Management Office, Intelligence Directorate, U.S. Coast Guard Headquarters, Washington, D.C.

Commander Quigley was born in Lowell, Massachusetts and grew up in Hudson, New Hampshire. A 1984 graduate of the Coast Guard Academy, Commander Quigley began his career as a deck watch officer aboard the Coast Guard Cutter (USCGC) ALERT (WMEC–630) in Cape May, New Jersey. Commander Quigley's service included numerous afloat assignments and is a qualified Coast Guard Cutterman.

Commander Quigley's shore side assignments include duty as a Watch Officer at the Coast Guard Intelligence Coordination Center in Washington, D.C.; the supervisor of the Coast Guard Detachment at the Navy Operational Intelligence Center in Suitland, Maryland; the Coast Guard Liaison Officer to the Department of State in Washington, D.C. and Chief, Operational Analysis and Planning Division, Office of Operations Strategic and Business Planning, U.S. Coast Guard Headquarters.

Commander Quigley holds a Bachelor of Science degree in Electrical Engineering (BSEE) from the U.S. Coast Guard Academy, New London, Connecticut and a Master of Science degree in Strategic Intelligence (MSSI), earned at the Joint Military Intelligence College, Washington, DC. Individual military awards include the Meritorious Service Medal with Gold Star, Coast Guard Commendation Medal with gold star and operational distinguishing device, the Coast Guard Achievement Medal with gold star and operational distinguishing device, the Commandant's Letter of Commendation, the National Defense Service Medal with bronze star, the Global War on Terrorism Service Medal and the Humanitarian Service Medal. Commander Quigley is married to the former Paula May Harris of Hampden, Massachusetts. They currently reside in Millersville, Maryland with their two sons, Kyle and Connor.

Madam Speaker, I ask that you join with me today in honoring Commander William J. Quigley, a man whose deep commitment to the United States and the United States Coast Guard has gone above and beyond the call of duty in service to our great country.

## IN PRAISE OF ARMY SGT MATTHEW SOPER

### HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. WALBERG. Madam Speaker, I rise today to honor and praise Sergeant Matthew Soper, a constituent of mine who died while serving his country in Iraq; Sgt. Soper's truck was hit by an IED in Iraq on June 6, 2007.

SGT Soper of Jackson was 25-years-old. Sergeant Matthew Soper served in the Michigan Army National Guard's 1461st Transportation Company based in Jackson. Sergeant Soper was courageous as he manned the front vehicle gun in his company.

SGT Soper's family has said the military changed their son and brother. His sister stated he joined the military to ''call something his own,'' and to make people proud. Nothing serves as greater evidence to the heart of this young man than his selflessness in volunteering for a second tour of duty in Iraq. SGT Soper's first tour was in 2004 and 2005. I stand here today to tell the country and SGT Soper's family how proud of him I am.

The country mourns the loss of a soldier and we celebrate his life. My thoughts and prayers are with Matthew's family. I thank them for their beloved sons' dedicated service to the United States. May God be with them.

## PERSONAL EXPLANATION

### HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 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:

JUNE 12, 2007

Rollcall vote 461, on motion that the committee rise and leave as unfinished business—H.R. 2638, Department of Homeland Security Appropriations Act, 2008—I would have voted ''aye.''

JUNE 13, 2007

Rollcall vote 462, on motion that the committee rise and leave as unfinished business—H.R. 2638, Department of Homeland Security Appropriations Act, 2008—I would have voted ''aye.''

Rollcall vote 463, on motion that the committee rise and leave as unfinished business—H.R. 2638, Department of Homeland Security Appropriations Act, 2008—I would have voted ''aye.''

Rollcall vote 464, on motion that the committee rise and leave as unfinished business—H.R. 2638, Department of Homeland Security Appropriations Act, 2008—I would have voted ''aye.''

Rollcall vote 465, on motion that the committee rise and leave as unfinished business—H.R. 2638, Department of Homeland Security Appropriations Act, 2008—I would have voted ''aye.''

## TRIBUTE TO DR. JOSEPHINE ELIZABETH SEATON FRANKLIN

### HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. WYNN. Madam Speaker, I would like to take this opportunity to draw your attention to Dr. Josephine Elizabeth Seaton Franklin. This remarkable woman is celebrating her 80th birthday July 1, 2007. As a founding member and first president of Theta Rho Omega Chapter, Alpha Kappa Sorority, Dr. Foster has had a monumental role in the Chapter's scholarship work and community service.

Through the Josephine Elizabeth Seaton Foundation, the Theta Rho Omega Chapter has provided funds for academic scholarships. The Chapter has given more than $90,000 to scholars and community service projects. Dr. Franklin is a native of Cleveland, Ohio and holds a master degree and doctorate degree in education. Throughout her lengthy career, Dr. Franklin has continued to demonstrate a love of education. She has taught in Virginia, Michigan and Chicago. Dr. Franklin's steadfast commitment to others undoubtedly exemplifies her generosity of spirit and dedication to countless educational and humanitarian causes.

Dr. Franklin's birthday on July 1st is special because this gracious and admirable woman has devoted herself magnanimously to helping others. She is recognized by her community, her friends, and her loved ones as a pillar of strength and compassion. Dr. Franklin's effort to make the world a better place is truly admirable.

## INTRODUCTION OF LEGISLATION TO DIRECT THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION TO ISSUE A STANDARD REGULATING WORKER EXPOSURE TO DIACETYL

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Ms. WOOLSEY. Madam Speaker, I am introducing legislation today that will require the Occupational Safety and Health Administration to issue an emergency interim final standard, and after 2 years, a final standard to protect workers against a butter flavoring chemical called diacetyl. Exposure to diacetyl has been found to cause a devastating lung disease known as bronchiolitis obliterans, or ''popcorn lung.'' Diacetyl has been described by NIOSH as causing ''astonishingly grotesque'' effects in workers' lungs—often in a very short time period.

Dozens of workers at microwave popcorn factories or factories where flavors are produced have become sick, and several have died. Others are awaiting lung transplants. Thousands more workers are exposed at factories that make or use flavorings throughout the country. The Workplace Protections Subcommittee held a hearing in April on OSHA's failure to issue health and safety standards. Eric Peoples, a former employee of a Missouri popcorn plant who is awaiting a double lung transplant, testified that he was never informed of the hazards of diacetyl while working at the plant. ''I played by the rules. I worked to support my family. This unregulated industry virtually destroyed my life. Don't let it destroy the lives of others,'' Peoples asked the committee.

The interim final standard will apply to the food flavorings industry and the microwave popcorn production and packaging industry. This bill will also require OSHA to issue a final diacetyl standard within 2 years of issuing the interim final standard. The final standard will apply to all locations where diacetyl is processed or used. Although we are expecting OSHA to follow the normal administrative procedures for issuing the final standard, we expect the agency to do whatever is necessary and allowed by the various procedural laws and regulations to ensure that the final standard can be issued within the 2-year deadline. In any case, the interim final standard will remain in effect until the final standard is issued.

It is with some reluctance that I offer this legislation. Over 35 years ago, Congress gave OSHA the authority to address workplace hazards, and gave the agency the ability to issue emergency standards. But OSHA has not acted. OSHA has known that diacetyl causes bronchiolitis obliterans or popcorn lung for over 5 years ever since the National Institute for Occupational Safety and Health published evidence in 2002 linking diacetyl to bronchiolitis obliterans, yet OSHA has not even issued an information bulletin. Last year, House Democrats urged the Labor Department to address this serious health hazard. OSHA has not responded. Also last year, two labor unions, supported by a letter signed by 42 of the Nation's leading occupational health scientists and physicians, petitioned the agency for an emergency standard. OSHA has still not responded to that petition.

The measures required by the bill are feasible and affordable. In fact, they are the same measures already recommended by the Flavor and Extract Manufacturers Association, the main industry association for the flavorings industry, in 2004. The association has voted to support this legislation and the issuance of an OSHA standard.

The measures mandated by this bill are also consistent with recommendations from the National Institute for Occupational Safety and Health, NIOSH, and we expect OSHA to work closely with NIOSH to ensure that the final standard is fully protective and completed by the deadline set by this bill.

It is clear that an emergency exists and that this hazard presents a grave danger and significant risk of life-threatening illness to exposed workers. If OSHA will not act, then Congress must act.

## INTRODUCTION OF THE AMERICAN CITIZENSHIP AMENDMENT

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. PAUL. Madam Speaker, I rise to once again introduce the American Citizenship Amendment. Currently, any person born on American soil can claim American citizenship, regardless of the citizenship of that child's parents. This means that any non-citizen who happens to give birth in the United States has just given birth to an American citizen, eligible for all the benefits and privileges afforded to citizens.

Madam Speaker, this is unacceptable and is far from what our Founders intended when they drafted our Constitution. It undermines the very concept of citizenship as enshrined in the United States Constitution: to be constitutionally entitled to U.S. citizenship one must be ''born . . . in the United States'' and ''subject to the jurisdiction thereof.'' This second, and most important, part means that in order to gain U.S. citizenship one must owe and actively express allegiance to the United States in addition to the act of being born on United States soil.

Practically, what the current state of affairs does is cheapen citizenship. Rather than impart all the obligations and responsibilities of being an American, it becomes merely a ticket to welfare and other Federal benefits. The history of the United States is that of immigrants, but previously individuals from diverse backgrounds accepted the obligations of citizenship in exchange for the great benefits of living in the United States as Americans.

This proposed constitutional amendment restores the concept of American citizenship to that of our Founders. This legislation simply states that no child born in the United States whose mother and father do not possess citizenship or owe permanent allegiance to the United States shall be a citizen of the United States. It is essential to the future of our constitutional republic that citizenship be something of value, something to be cherished. It

cannot be viewed as merely an express train into the welfare state. I hope my colleagues will join me as cosponsors of this legislation.

## SUPPORT FOR AN INDEPENDENT AND DEMOCRATIC KOSOVO

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. HASTINGS of Florida. Madam Speaker, I have just returned from official travel as Chairman of the Helsinki Commission to several locations in Europe and the Middle East. One stop was Kosovo, which is presently high on the international agenda.

As we all know, the Special Envoy for the UN Secretary-General, former Finnish President Maarti Ahtisaari, has submitted a comprehensive proposal for settling the status of Kosovo. If adopted, the proposal would end the eight years of limbo in which Kosovo has found itself since the NATO intervention ended a long period of brutality and repression by Serbian authorities under the leadership of Slobodan Milosevic. Nevertheless, some countries represented on the UN Security Council have problems with the Ahtisaari plan, and Russian opposition, based at least in part on issues having little if anything to do with Kosovo and the Balkans, would doom action at the United Nations. Last week's G–8 summit failed to break the impasse within the international community.

During my stay in Kosovo, I was thoroughly briefed by the U.S. Office in Pristina, led by Tina Kaidanow, as well as by Brigadier General Douglas Earhart of the 29th Infantry Division, who commands U.S. forces in Kosovo as well as multinational task force located in the southeast portion of Kosovo. The head of the OSCE Mission in Kosovo, German Ambassador Werner Wnendt, provided the perspective of one of the international missions in the field. I also had the opportunity to meet the Kosovo Prime Minister, the Minister for Communities and Returns and representatives of the Kosovo ''Unity Team.'' I traveled to Mitrovica where I also met representatives of the Serb community, and I visited areas at different locations where housing has been built to accommodate the return of those Serbs and Roma displaced by violence.

Based on my observations, I support the Ahtisaari proposal. It provides for independence for Kosovo, which I believe can be justified on grounds of what happened in Kosovo under Serbian rule as well as the right of self-determination, a right included in the Helsinki Final Act. The overwhelming majority of the people of Kosovo want independence, and the United Nations made it a credible possibility in Security Council Resolution 1244, adopted at the end of the Kosovo conflict in 1999.

At the same time, and perhaps more important, the Ahtisaari proposal contains provisions regarding the decentralization of powers to Serb-majority municipalities, numerous human rights protections for ethnic communities, and the protection of religious and cultural heritage sites so important to the Serb community. If implemented, these provisions offer a good possibility for the Serb and other non-Albanian communities to survive in what would be a multi-ethnic Kosovo. Independence would be supervised by the international community, to ensure both a smooth transfer of authority and full implementation of the proposal.

As Chairman of the Helsinki Commission, I remain naturally concerned about the human rights situation in Kosovo. My priority is a Kosovo where human rights and fundamental freedoms are respected, and where democracy, tolerance and the rule of law are established, regardless of the course or outcome of deliberations on Kosovo's status. Such a Kosovo does not yet exist; many problems remain. I do believe, however, that in a situation where no answers are easily found the Ahtisaari plan has the best potential to achieve these goals, and I will work to ensure that the Helsinki Commission encourages their achievement even after status is determined.

I wish to conclude my remarks, Madam Speaker, by announcing my intention to cosponsor House Resolution 309, expressing the sense of the House that the United States should support independence for Kosovo. Some of the concerns expressed in an alternative piece of legislation, House Resolution 445, are ones that I share, but continued delay on this issue helps nobody on the ground. The Ahtisaari proposal, in addition to addressing status, provides a means for securing the return and sustainability of the Serb and other ethnic communities in Kosovo, and I believe the people of the region would be best served by trying to make its provisions a reality.

## HONORING MSGT RICHARD J. BRULE UPON HIS RETIREMENT

### HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mrs. CAPPS. Madam Speaker, today I rise to pay tribute to MSgt Richard J. Brule, as he retires from the United States Air Force. MSgt Brule hails from Colorado Springs, CO and enlisted in the USAF on May 14th, 1987. During his tenure, he has consistently shown leadership and motivational skills in training other personnel in various skills.

MSgt. Brule began his Air Force career as an experienced mechanic and while at Nellis A1C, helped to establish a ''Self Help'' bay by building, supplying and mounting a tool shadow board in the minor maintenance section. This project enabled local organizations to perform their own minor maintenance which helped to clear the work order backlog, often returning vehicles to service within the same day. Continuing his exemplary service, Brule was selected as ''Airman of the Quarter'' while stationed at RAF Bentwaters in the UK. During operation Desert Storm, Sergeant Brule played a key role in preparing and deploying 120 vehicles to the AOR.

Shortly after arriving at Aviano AFB in Italy in 1992, Brule was promoted to the rank of Staff Sergeant. His mechanical knowledge and management skills led to his selection as NCOIC of the Privately Owned Vehicle Inspection Center. In 1996, SSgt Brule was assigned to F.E. Warren AFB in Wyoming and was selected as Noncommissioned Officer in Charge of the 90th Security Forces Squadron Vehicle Repair Station, where he was responsible for the maintenance of 125 rapid response vehicles. Within a year of arriving at Sembach Annex, Germany, SSgt Brule was again promoted, this time to Technical Sergeant, where he assumed a great deal of responsibility. Finally, in 2006, MSgt Brule arrived at the 1st Detachment, 345th Training Squadron at Naval Base Ventura County, in my Congressional District. MSgt. Brule is currently teaching the gas phase and pipeline.

It is my pleasure to submit this to the CONGRESSIONAL RECORD, recognizing the character and dedication of MSgt Brule, upon his retirement.

## HONORING CHIEF OF POLICE DAN MONTGOMERY

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. UDALL of Colorado. Madam Speaker, I rise today to acknowledge the retirement of Chief of Police Dan Montgomery, of Westminster, Colorado.

Chief Montgomery's retirement was news in my district, and I believe it is fitting to honor his public service in the Denver metropolitan area for nearly four decades. Chief Montgomery has served as the Chief of Police in Westminster for more than 24 years. Such a life-long commitment to public safety is deserving of special recognition.

Dan Montgomery is passionate about protecting the public and realized early in his life that his calling was to serve in the police force. From his first job as a campus police officer, to his leadership as a police chief for one of Colorado's fastest growing suburban communities, Chief Montgomery has demonstrated a strong commitment to upholding law and order in our society. As a field officer, he will be remembered for his work on the Leeora Rose Looney case in Lakewood, Colorado, in 1971. Chief Montgomery leaves a professional legacy as a law enforcement official who always ''supported his troops.''

Madam Speaker, I ask my colleagues to join with me in expressing our gratitude to Police Chief Montgomery, and others in the law enforcement community just like him, for their steadfast commitment to justice and public safety. We also recognize Chief Dan Montgomery's leadership and fortitude. I am also proud to acknowledge Police Chief Montgomery's accomplishments as noted in the following article published by the Westminster Window on May 24, 2007.

POLICE CHIEF SET TO CAP CAREER

(By Rachel Ceccarelli)

Westminster Police Chief Dan Montgomery says he is ready to finish his 45-year career in law enforcement.

Montgomery will retire as Chief of Police on June 1, and Deputy Chief Lee Birk will take the lead.

''It just dawned on me one day that I have been married to my wife Bonnie for 46 years and been a police officer for 45,'' Montgomery said. ''It was just time.''

Montgomery says he decided it was time to retire and devote more time to his wife, grown children and granddaughter.

Nonetheless, he plans to continue doing some part-time police consulting.

Montgomery has been the Westminster Police Chief for more than 24 years.

His career began in the 1960s as a police officer in Los Gatos, California. After years of working in California, he moved to Colorado to work with the Lakewood Police Department.

It was at this job that Montgomery encountered what he considers his most memorable and difficult case.

''I haven't forgotten about Leeora Rose after all these years,'' Montgomery said.

Leeora Rose was a 20-year-old waitress at a Lakewood doughnut shop who disappeared on Aug. 20, 1971. Police found her raped and killed three days after her disappearance.

Montgomery said after months of investigations, a single fingerprint on a coffee cup left behind by a suspect solved the case. The fingerprint matched that of a man named Carl Taylor. After his arrest, he and his partner in crime, Sherman McCray, admitted to 15 homicides across the United States. They were sentenced to life in prison.

Montgomery said as far as he knows, Taylor is still in prison, and McCray committed suicide in 1988.

''I didn't like the carnage left behind by criminals, so I decided to do something about it,'' said Montgomery on why he chose a career in law enforcement. ''That was my calling.''

Montgomery said as he continued his police work in Westminster, he knew that he wanted to be a chief that supported officers.

''My motto is support me and I'll support you,'' said Montgomery, adding that he doesn't mean blindly agreeing with everything his officers do but supporting them when it's needed.

Birk said Montgomery was an excellent chief to work with at the department.

''Dan has been a great role model and mentor,'' said Birk, adding that Montgomery's leadership has set him in the right direction to take over as police chief.

Public support for police officers is one thing Montgomery said was his career highlight along with the passage of the public safety tax in 2003. Montgomery said the fact that City Council and residents voted to pass the ballot issue was integral to the operation of the police department.

''It's my crowning moment of glory,'' Montgomery said. ''It really was a team effort, and I don't know where we would be if it hadn't passed.''

Montgomery said he knows the police department will be left in good hands with Birk replacing him and the public safety tax in place.

In his spare time, Montgomery plans to golf and spend time with his family.

What Montgomery said he would miss the most is the relationships he has created with city staff and members of the police department.

He will also miss fighting crime.

''I'm going to miss putting punks, perverts and predators in jail,'' Montgomery said.

## RECOGNIZING INDEPENDENCE, MISSOURI SCHOOL DISTRICT ''COMMUNITY SCHOOLS' NATIONAL AWARD FOR EXCELLENCE''

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize the outstanding achievement of the Independence, Missouri school district on winning the Coalition for Community Schools' Award for Excellence.

Every year the Coalition for Community Schools honors communities and schools that are dedicated to the goal of the Coalition of bringing together the expertise of schools and their communities to help students succeed. Independence, Missouri is being recognized this year for their outstanding core principles. They are result-oriented, address real student and family needs, and engage students and school and community leaders.

The Coalition for Community Schools will honor Independence along with 2 other communities and 3 schools with a breakfast on Capitol Hill on June 14th.

Madam Speaker, I proudly ask you to join me in thanking the members of Independence, Missouri. Their dedication to the education of our youth is a credit to our Nation, and I am proud to represent them in the United States Congress.

## TRIBUTE TO STERLING INTERNATIONAL, INC.

### HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize Sterling International Incorporated for celebrating 25 years in business. Since inception, the core focus of Sterling's business has been to build and sell highly effective and environmentally responsible pest control products that are safe for the consumer, easy to use, and reasonably priced. In the past 25 years, Sterling has steadily grown its business and is the leader in its market niche.

Company founder and President Rod Schneidmiller developed Sterling's first product, a reusable fly trap, by experimenting in his kitchen and later began selling it throughout eastern Washington in 1982. Ace Hardware was the first retailer to buy Sterling's product on a national level in the mid-1980s, which resulted in a huge breakthrough in awareness and acceptance of the insect trap category. Today, Mr. Schneidmiller's innovations include a disposable trap for flies and a reusable trap for yellow jackets.

Twenty-five years after the company's humble start, Sterling International sells its line of fly traps, along with yellow jacket and Japanese Beetle traps, throughout the U.S. in retailers such as Wal-Mart, Home Depot, Lowe's, Ace Hardware and True Value Hardware. The company also distributes its product internationally, to customers in Europe, Asia, South America, Australia, Africa and the Middle East.

With a world-class insect research laboratory as part of its headquarters in Spokane, Washington, Sterling will soon release even more ground-breaking consumer products that will make pest control smarter.

Madam Speaker, I rise today to recognize Mr. Rod Schneidmiller and Sterling International Incorporated for their outstanding accomplishments. I invite my colleagues to join me in celebrating 25 years of service from Mr. Schneidmiller and Sterling International Incorporated.

## PERSONAL EXPLANATION

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. MILLER of Florida. Madam Speaker, I would like to offer a personal explanation of the reason I missed rollcall vote No. 453 on June 12, 2007.

If present, I would have voted: rollcall vote No. 453, Crowley Amendment on Homeland Security Appropriations to increase terrorism prevention funding in urban areas by $50 million and decrease funding for the Office of the Secretary and Executive Management by $15 million and the Office of the Under Secretary of Management by $35 million, ''nay.''

## PERSONAL EXPLANATION

### HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. WESTMORELAND. Madam Speaker, from 6:00 p.m. until the end of the legislative day, I traveled home due to an unexpected medical condition of a family member. As a result, I missed a number of votes. Had I been present, I would have voted the following:

''No'' on the Crowley Amendment No. 21 to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 453).

''Aye'' on the Campbell (CA) Amendment No. 43 to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 454).

''Aye'' on the Reichert Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 455).

''Aye'' on the King (IA) Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 456).

''Aye'' on the Lamborn Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 457).

''Aye'' on the motion that the committee rise (Rollcall 458).

''Aye'' on the motion that the committee rise (Rollcall 459).

''Aye'' on the motion that the committee rise (Rollcall 460).

''Aye'' on the motion that the committee rise (Rollcall 461).

''Aye'' on the motion that the committee rise (Rollcall 462).

''Aye'' on the motion that the committee rise (Rollcall 463).

''Aye'' on the motion that the committee rise (Rollcall 464).

''Aye'' on the motion that the committee rise (Rollcall 465).

HONORING OFFICER ROBERT HODGES FOR HIS VALIANT SERVICE TO THE SOUTHLAKE DEPARTMENT OF PUBLIC SAFETY

## HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. MARCHANT. Madam Speaker, I rise today to express my gratitude and praise to Officer Robert Hodges of the Southlake Department of Public Safety for his invaluable contributions to his community and for his bravery in times of turmoil.

Officer Hodges has loyally served as a police officer for more than 18 years. He began his career with a five-year stint at the Lake Worth Police Department, worked shortly for the Sansom Park Police Department and has spent his last 12 years with Southlake DPS.

In 1997 Hodges obtained his Instructor certification and began teaching other officers the skills necessary to be a Motorcycle Traffic Officer. Over the past 10 years, Officer Hodges has taught many of the Traffic Officers throughout the Dallas/Fort Worth area such skills and his dedication has affected the lives of many officers in the region.

Throughout his career, Officer Hodges has also touched lives in many other roles. In 2003 he initiated the first-ever police ''Motorcycle Rodeo'' to raise funds for Special Olympics. Through Officer Hodges' efforts and the Motorcycle Rodeo, more than $12,000 was donated to the Special Olympics. The following year, Hodges organized a second Motorcycle Rodeo and managed to raise another $7,000 for the cause. And 5 years ago, Officer Hodges was awarded the department's Life Saving Award and is credited for saving the life of a two-year-old child. In the incident, Hodges responded to a drowning call involving the small child who had been retrieved from a pool and was non-responsive. Officer Hodges cleared the child's airway and began administering CPR. Through his quick actions, he revived the child and kept her stable until medical help arrived.

Madam Speaker, I am deeply honored to pay tribute to the life and accomplishments of Officer Robert Hodges. I would also like to recognize his wife, Beth Hodges, and his son, Bobby Hodges, for their immense courage during difficult circumstances. It is a privilege to represent the Hodges family in the 24th District of Texas and I pray for God's blessings upon them.

FREEDOM FOR LÁZARO JOAQUÍN ALONSO ROMÁN

## HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Lázaro Joaquín Alonso Román, a prisoner of conscience in totalitarian Cuba.

Mr. Alonso Román is a peaceful pro-democracy activist who desires freedom for the people of Cuba. His dream is that all Cubans be allowed to freely exercise their fundamental human rights. Unfortunately, the nightmare that is the totalitarian dictatorship specifically targets those courageous men and women who bravely risk their lives and the safety of their families to shed light on the realities of totalitarian Cuba.

On July 13, 2005, Mr. Alonso Román was shamefully arrested while participating in a peaceful pro-democracy demonstration in Havana honoring the victims of the ''13 of March'' tugboat massacre of 1994 in which 72 men, women and children were chased down and attacked by the regime's security thugs for attempting to flee the dictatorship in search of freedom. More than half of the unarmed refugees on the tugboat were systematically drowned at the direct order of the tyrant while they struggled to stay alive in the ocean waters.

After serving 21 months of a two-year ''sentence'' for ''public disorder, rebellion and reckless endangerment'', Mr. Alonso Román was released from the infernal dungeons on April 24, 2007. On May 19, less than a month later, Mr. Alonso Román was thrown back in the dictatorship's hellish gulag for expressing concern over why the regime's gangster thugs were deliberately harassing him and demanding to see his identification papers. According to his wife, Juana Delma Ruiz, his mere questions were enough for the regime's thugs to brutally handcuff and shove her husband into a police car and drag him to Dragones Prison in Havana.

Once in the irons of Dragones Mr. Alonso Román was informed that he would be ''tried'' on trumped-up charges of ''resisting arrest and contempt'' which would lead to more undeserved misery and suffering of the confines of a totalitarian dungeon. Let me be clear, Mr. Alonso Román is being caged simply for questioning the injustice with which he is treated.

An injustice anywhere is an affront to justice everywhere, said Dr. Martin Luther King, Jr. Mr. Alonso Román is representative of the longing for freedom of the Cuban people and their rejection of the brutality, depravity and oppression of the totalitarian regime. It is reprehensible that thousands of men and women like Mr. Alonso Román are languishing in hellish conditions because they refuse to accept the tyrannical dictatorship in Cuba today.

Madam Speaker, it is unconscionable that peaceful Cubans are locked in a tyrant's dungeons for believing in a free Cuba. My Colleagues, we must demand freedom and human rights for all people, including those who live under the vicious and unforgiving darkness of totalitarian regimes. We must demand the immediate and unconditional release of Lázaro Joaquín Alonso Román and every political prisoner in totalitarian Cuba.

LUMBEE RECOGNITION ACT

SPEECH OF

## HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 7, 2007*

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in support of H.R. 65, the Lumbee Recognition Act, and I commend my esteemed colleague from North Carolina, Mr. MCINTYRE, for his leadership on behalf of the Lumbee Tribe to gain Federal recognition which I believe is long overdue for the Lumbees.

More than a century ago, the State of North Carolina had come to terms with a tribe of Native Americans descended by the historic Cheraw and related Siouan-speaking tribe located on Drowning Creek in North Carolina. In 1885, along with State recognition of the Lumbee Tribe came the establishment of a separate school system for Lumbee children to help preserve and respect both tribal ancestry and cultural practices. Shortly after State recognition, the Lumbee Tribe sought to attain Federal Recognition.

The issue of Lumbee recognition before this Congress, which began in the late 1800's, is both voluminous and lengthy. What has been made explicitly clear, however, is that the Lumbee Tribe is a distinct self-governing Indian community. Yet for reasons that have been either fiscal in nature or contrary to Federal Indian policy Congress has failed to act. Again, however, the Congressional record is abundantly and overwhelmingly clear that the Lumbee Tribe meet a threshold for Congress to bestow it Federal recognition without prohibitions.

I strongly urge my colleagues to vote in favor of H.R. 65.

IN RECOGNITION OF DENNIS ALLEN

## HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Dennis Allen, and to celebrate over 35 years of service to northeast Ohio's children. As Dennis retires from service, I join the chorus of thousands that have been touched by his guidance.

Since 1971, when he began his career as a teacher, Dennis has demonstrated an unflagging commitment to the children of northeast Ohio. After 5 years as a teacher, Dennis moved into a career as an administrator, acting as a principal and later as superintendent. He has spent the last 12 years as the superintendent of Rocky River School District, stewarding the district through an unprecedented period of growth and accomplishment.

Dennis has been the recipient of numerous awards, and has been called upon frequently to share his expertise and wisdom. Northeast Ohio has been the beneficiary for over 30 years, and I am grateful for his unmatched contributions to our community.

Madam Speaker and colleagues, please join me in honoring Dennis Allen for his service to northeast Ohio. Throughout his career, Dennis has held fast to his conviction that a strong foundation for a child and a community begins with a quality education. May future generations of educators draw inspiration from his efforts.

## THE INTRODUCTION OF THE FEDERAL AVIATION RESEARCH AND DEVELOPMENT REAUTHORIZATION ACT OF 2007

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. UDALL of Colorado. Madam Speaker, today I am pleased to introduce the Federal Aviation Research and Development Reauthorization Act of 2007. I am joined by BART GORDON, Chairman of the Science and Technology Committee, as an original cosponsor of the Act.

This legislation is focused on ensuring the FAA will have the tools that it will need to keep the Nation's air transportation system safe, efficient, and environmentally friendly. To that end, the act reauthorizes a range of important R&D activities at the FAA, starts up new initiatives in some key areas, and contains provisions aimed at strengthening the interagency Joint Planning and Development Office, JPDO, which has the responsibility of planning and developing the Next Generation Air Transportation System, NextGen.

With respect to the JPDO, the act responds to the recommendations of the Government Accountability Office, GAO, as well as other expert witnesses that the Space and Aeronautics Subcommittee heard from at our recent hearings by including provisions aimed at strengthening the effectiveness of the JPDO. These include such things as: (1) strengthening the authority of the JPDO Director; (2) requiring each participating agency or department to identify a senior official to be in charge of its activities in support of the NextGen initiative; (3) requiring an integrated plan with date-specific timetables for implementation of NextGen capabilities; (4) requiring the JPDO' s Senior Policy Committee to meet at least four times per year; (5) having OMB coordinate each agency or department's budget in support of the NextGen initiative; (6) directing JPDO to develop contingency plans for dealing with degradation of the NextGen system due to a natural disaster, major equipment failure, or act of terrorism; (7) requiring the JPDO to establish noise, emissions, and energy consumption requirements for the NextGen system; (8) directing JPDO to develop an R&D roadmap for the integration of unmanned aircraft systems (UAS) into the national airspace system; (9) having GAO carry out annual reviews of JPDO's effectiveness.

As important as the JPDO and the NextGen initiative are, the act recognizes that the FAA, in coordination with other agencies such as the National Aeronautics and Space Administration, NASA, has a critical role to play in supporting other important aviation R&D activities, a number of which have been underfunded in recent years according to' the testimony of the GAO and FAA's own R&E advisory committee. To that end, the act augments the President's funding requests for human factors research, weather research, unmanned aircraft systems research, and energy- and environment-related research.

In addition, recent announcements from Europe regarding the potential imposition of emissions penalties on aircraft operations in the next decade have made it clear that the United States needs to better understand the impact of aviation on the climate as well as what might be done to mitigate that impact. This legislation takes the first step in that direction by directing the FAA, in coordination with NASA and the U.S. Climate Change Science Program to develop a plan for such research and then having the National Research Council carry out an independent assessment of that research plan.

The Nation's colleges and universities have an important role to play in carrying out research in support of the Nation's future air transportation system. At the same time, that research is a critical means of helping to train the next generation of scientists, engineers, and aviation specialists that we will need over the coming decades. Thus, this act establishes a research grants program involving undergraduate students. It also contains provisions aimed at strengthening FAA's Centers of Excellence program.

The act also contains R&D provisions to continue engine research, in coordination with NASA, that has the goal of enabling existing general aviation aircraft to operate with unleaded aviation fuel. In addition, the legislation continues the Airport Cooperative Research Program and also establishes a runway research program that should benefit both general aviation and commercial air carrier airports.

Finally, in view of the increased importance of space weather to aviation, especially with the increased incidence of flight operations over the polar regions, the act establishes a multi-agency research program to conduct research on the impacts of space weather on aviation and air passengers.

Madam Speaker, air transportation is central to the Nation's economic well-being, our international competitiveness, and our quality of life. FAA's R&D programs play an important role in ensuring the continued safety and efficiency of America's air transportation system, and I believe that the Federal Aviation Research and Development Reauthorization Act of 2007 will keep FAA's R&D enterprise healthy and productive.

## CELEBRATING THE POST, TEXAS, CENTENNIAL

### HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. NEUGEBAUER. Madam Speaker, It was an honor to join the residents of Post, TX, on June 3, 2007 to celebrate the community's centennial.

As the Congressman for the 19th district, I often travel back and forth from Lubbock to the southern part of the district around Abilene. One of my favorite parts of the trip up and down U.S. Route 84 is approaching Post and looking across the caprock in the distance.

During my trips to each of the district's 27 counties, I also have developed an even deeper appreciation for many of the other qualities that make west Texas so special. Our region is home to the best people in the world who are always ready to welcome you into their hometowns.

Another quality that makes west Texas special is the strong sense of patriotism that so many West Texans possess. We see this patriotism in the great numbers of young people who volunteer to defend freedom and protect American citizens by serving in the United States military.

This tradition continues on today. It continues in the form of young men and women like Colter Creech from Post. Colter—who has the distinction of being accepted into two military service academies—will attend the United States Air Force Academy beginning this summer.

Colter is a fine example of the type of young people that come from Post and towns like it across west Texas. He is smart, patriotic, and understands the importance of serving his country. Our freedom and the freedoms of millions across the globe will depend on fine young Americans like Colter.

As the residents of Post reflect on and celebrate their history, they can also look forward to a promising future knowing that the west Texas values that have sustained their community through the years continue to do so today.

## ZION PRESBYTERIAN CHURCH CELEBRATES 200 YEARS

### HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, let us give praise to the longevity of Zion Presbyterian Church in Columbia, Tennessee as they celebrate the 200th anniversary of their founding. Many churches are often the social center for the communities they serve. Zion has long been ministering to the spiritual needs of Maury Countians and striving to provide a better life to those living abroad during their many mission trips.

Founded in 1807 by descendants of Scottish and Scott-Irish Presbyterians, the first house of worship was erected in the center of the 5,120 acres of land they purchased from the heirs of General Nathaniel Greene. With a strong commitment to God and their faith in the human spirit, may Zion Presbyterian Church continue their outreach and ministry.

## TRIBUTE TO CIVIL AIR PATROL CADET TECHNICAL SERGEANT CHRISTINE SPECHT FOR PLACING SECOND IN THE CAP 2007 NATIONAL DRUG DEMAND REDUCTION POSTER CONTEST

### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Civil Air Patrol (CAP) Cadet Technical Sergeant Christine Specht for placing second in the CAP 2007 National Drug Demand Reduction Poster Contest.

Since 1994, the CAP has hosted the Drug Demand Reduction Program to promote and support education, community involvement, social responsibility, and respect for others. This year, the competition was sponsored by

the National Headquarters of the CAP at Maxwell Air Force Base in Alabama, and open to distinguished members of the Cadet Program from all fifty states and two territories.

Cadet Technical Sergeant Specht entered the contest inspired by the CAP core values of Integrity, Volunteer Service, Excellence and Respect and by her desire to instill those values in her subordinate cadets. As a staunch opponent of any form of drug abuse, Cadet Technical Sergeant Specht believes we should all do our best to live up to these core values.

I could not agree more.

Madam Speaker, on March 26, 2007, she was awarded the CAPs second place honors for her extraordinary ability to impart those values through artwork. Today, in honor of her legendary dedication to bettering the citizens of Michigan and of her contributions to the CAP, I ask my colleagues to join me in recognizing Cadet Technical Sergeant Christine Specht for her loyal and selfless service to our community and our country.

## HONORING REVEREND DR. SAMUEL SIMPSON

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. ENGEL. Madam Speaker, Reverend Dr. Samuel Simpson, Pastor of the Bronx Baptist and Wake Eden community Baptist Churches in the Bronx was born in Jamaica West Indies. He relocated to the United States in the early sixties. He and his wife Lola Campbell have three children and five grandchildren. He is well known in the Bronx and the West Indian communities throughout the State and beyond.

In addition to leading the Bronx and Wake Eden congregations, Rev. Simpson has been instrumental in starting the Honeywell Baptist Chapel, and a newer mission in the Spring Valley area. Grace Baptist Chapel in the northern section of the Bronx is an offshoot of Bronx Baptist Church. Rev. Simpson also communicates his strong belief in helping people via the media, and writes a weekly column for the Carib News. Periodically he is heard on Family Radio and has been the subject of three books: ''What God did for Me,'' ''Sam Simpson, Architect of Hope,'' and his most recent ''To Dream the Impossible Dream.''

He serves in many capacities in the Baptist denomination. Among his leadership roles has been President—Baptist Convention of New York for two terms, and Moderator—Metropolitan New York Baptist Association. Other areas of service were: President and Board Chairman of Protestant Council of Churches of New York, President, Bronx division of Council of Churches, Chairman of the Board and President, Bronx Shepherds Restoration, and Board Member, Northeastern Bible College. Rev. Dr. Simpson is a true man of God and a firm believer in serving the total person. He has worked tirelessly for his community both within and outside the Bronx seeking to improve the temporal and spiritual aspects of his congregation and his community.

We are a stronger, better community for his work.

## CONGRATULATING THE INDEPENDENCE, MISSOURI SCHOOL DISTRICT

### HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. CLEAVER. Madam Speaker, I rise today to congratulate the Independence, Missouri School District for receiving a 2007 Community Schools National Award for Excellence. This prestigious award is bestowed upon only two other areas in our nation by the Coalition for Community Schools, honoring communities that demonstrate a commitment to creating community schools.

The Independence School District has worked tirelessly through its ''Inspiring Greatness Initiative'' to put public schools at the center of a connected community, To do this, the Independence School District has initiated programs that serve children, families, and the community before, during, and after school. In this way, the public schools become a hub for the larger community, connecting families and resources.

The ''Inspiring Greatness Initiative'' has had many successes. ''Kids' Safari,'' the school district's before and after school program, which has been studied by Yale University, has resulted in increased classroom performance; greater self-reliance and task completion; and better school attendance, with students in the program attending significantly more days of school per year than those not in the program. In addition, the Independence School District is reaching out to families, providing over 17,000 home visits by social workers in 3 years, and running programs that result in 80 percent of children having contact with the school district before Kindergarten.

The Independence School District is a model of community participation in our schools. Each school has a Site Council, bringing together parents, teachers, students, and community members to assess and address the needs of the school and the neighborhood. In turn, the schools actively give back to the community, providing countless volunteer hours. With the help of the Local Investment Commission, the Independence School District has created a web of partnerships between government, business, and families, with community schools at the center. These partnerships are renewing community involvement and participation.

Madam Speaker, please join me on this wonderful occasion in congratulating the Independence School District; its dedicated staff, students and parents; its outstanding Superintendent, Dr. Jim Hinson, who recently received the distinguished 2007 Robert L. Pearce Award from the Missouri Association of School Administrators; and its superb Board of Education. Their hard work and unwavering commitment are a source of pride to the Fifth District of Missouri, and I urge my colleagues to join me in expressing sincere congratulations to the Independence School District for this remarkable achievement.

## TRIBUTE TO LAURA M. TOY, FOR HER DISTINGUISHED CAREER SERVING THE STATE OF MICHIGAN

### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge the distinguished career of Laura M. Toy, former Michigan State Senator representing the 6th District of Wayne County.

Throughout her career, Senator Toy improved the lives of countless citizens. Born on December 22, 1951, Senator Toy was raised in Livonia, Michigan, where she still resides today. After graduating from Livonia's Bentley High School, where she was president of her graduating class, she earned an Associate of Arts degree from Schoolcraft College, and thereafter a Bachelor of General Studies Degree from the University of Michigan.

Senator Toy began serving her community at a young age. A longtime small business owner, as a child she first sold pot holders to the neighbors to purchase clothes for her sister, Carol. She also sold penny candy to neighborhood children out of her garage, and was a member of the local Girl Scouts council. Later in her career, Senator Toy became a 28 year co-owner of Cardwell Florist in Livonia and a 7 year member of the Schoolcraft Community College Board of Trustees. With tireless devotion, she dedicated her time to improving the community as a Livonia City Council member for 8 years, the Livonia City Treasurer for 3 years, and as the 19th District Michigan State Representative for 4 years.

Thereafter, on November 7, 2002, Senator Toy was elected to the Michigan State Senate. During her tenure, Senator Toy served as Chair of the Local, Urban and State Affairs, Senior Citizens and Veteran Affairs Committees, and Vice Chair of the Commerce and Labor Committee; and previously as Vice Chair of the Technology and Energy Committee. The sponsor of 22 Public Acts, she championed efforts to enhance Michigan's educational system, strengthen small businesses, and promote the rights of people with disabilities.

For her unwavering commitment to excellence, she has earned a number of prestigious awards, including: the Livonia Women of the Year and Outstanding Young Women of America awards, the Livonia Chamber of Commerce Athena Award, the YMCA Honorable Legislator Award, the University of Michigan Alumni Community Service of the Year Award, and the Schoolcraft College Alumnus of the Year Award. The Association of the Retarded Citizen also recognized her efforts to improve the lives of people with disabilities in 2000 with the Legislator of the Year award.

Senator Toy attributes her inspiration to the loved ones around her, including: her mother, Eileen Toy, who passed away in April of 2006, disabled brother Glen, who also passed away in 1998, sister Carol, brother Bruce, niece Corrin, nephew Christopher, and long-time business partner, Colleen Siembor. In return, her compassion, dedication, and loyalty continues to inspire all who know her.

Madam Speaker, during her distinguished career, Senator Toy has bettered the lives of

countless Michiganders. As she embarks upon the next chapter of her life, I ask my colleagues to join me in applauding her legendary leadership, and in thanking her for her unfaltering service to our community and our country.

## HONORING THE 100TH ANNIVERSARY OF THE HOLMESBURG BRANCH OF THE FREE LIBRARY OF PHILADELPHIA

### HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate the Holmesburg Branch of the Free Library of Philadelphia on celebrating its 100th Anniversary. I am proud that the Holmesburg Library has served the people of my district as a lending library since June 26, 1907.

The Holmesburg Library was named for Thomas Holme, who was granted the land that eventually became the Mayfair section of Philadelphia, in payment for his services as Surveyor General to William Penn. The Holmesburg Library began its development in the late 1800's, first as a subscription library and then becoming a free library in 1899 upon entering into an agreement with the Free Library of Philadelphia. In 1906, Andrew Carnegie, industrialist and philanthropist, donated funds for a new library building which opened on June 26, 1907. Andrew Carnegie's philosophy was that education is the key to life and that all people should have access to information through free local libraries.

The red brick library building sits on the main commercial avenue that defines the Mayfair neighborhood. Built in the Carnegie style with front steps leading up to a decorative and welcoming entrance, both the main and children's reading rooms maintain the integrity of the original architectural design to this day.

The Holmesburg librarians and staff work diligently to maintain the library as a hub of learning and community activity. Currently housing a collection of over 35,000 books and media as well as computers with Internet access for public use, the library has year-round programs that engage children and adults in lifelong learning pursuits, some in cooperation with local corporations and civic groups. Programs for youth include homework assistance, computer literacy, library skills, multicultural enrichment, and ''Science in the Summer.'' Adult programming includes reading enjoyment, how-to seminars on gardening, and other topics of interest. Family programming includes movie nights for everyone's enjoyment.

The volunteer Friends of Holmesburg Library sustain outreach, advocacy and fundraising activities to strengthen the library's presence in the community. Their most recent venture is the planting of a Children's Reading Garden to be dedicated at the Library's 100th birthday celebration on June 20, 2007.

Madam Speaker, I ask that my colleagues join me in celebrating Holmesburg Library's 100th anniversary milestone, and wish them many more years of community enrichment and service.

## CONGRATULATING STUDENTS FROM HOLUB MIDDLE SCHOOL

### HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. AL GREEN of Texas. Madam Speaker, I rise today to congratulate four students from Holub Middle School in Houston, Texas.

Nicholas Chan, Andrew Ngo, Emily Tat and Eleanor Haack were among only 22 out of thousands of students selected to present their National History Day projects at the Smithsonian Art Museum and the National Portrait Gallery in Washington, DC.

Young history scholars were selected from Arizona, Florida, Iowa, Michigan, New Mexico, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, Washington, and Wisconsin to present their work reflecting this year's National History Day theme ''Triumph and Tragedy in History.'' The National History Day program annually engages more than half a million students in grades 6–12 across the country.

I believe that behind every promising student is a dedicated and committed teacher. In addition to commending the accomplishment of these students, I would also like to recognize their teachers, Cindi Payne and Doni King, for their dedication to fostering an appreciation for American history among the students at Holub Middle School.

The history of our great nation is full of lessons that transcend generations. By learning from our past, we ensure a brighter future. Programs like National History Day help to highlight this important connection and encourage teachers and students to rise above what is written in text books by bringing history to life.

## HONORING FAITH AND HARRY FEDER

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. ENGEL. Madam Speaker, health care has never been more important, or more complex, in the United States than it is today. An efficiently functioning health care system requires many contributors, perhaps especially evaluation and quality improvement.

Harry Feder is a senior vice president and chief operating officer of IPRO, one of the Nation's largest and most experienced health care evaluation and quality improvement organizations, and the man responsible for ensuring that necessary and appropriate care is provided across the continuum of care.

Faith Feder is well known for her commitment to education, her abiding concern for the elderly and the care of the needy. As part of her commitment to education, she has served as both the Treasurer and President of the SAR Academy, where she led a parent body of its 600 children. In addition, she has been involved in numerous communal causes that treat the uninsured and assist the elderly. She is a founder and treasurer of Foremost Home Care.

Harry has in-depth knowledge of processes and issues surrounding the monitoring and assessment of the Medicare and Medicaid programs. He has extensive knowledge and a national perspective on programs dealing with Utilization Review, Quality Improvement, Managed Care, Long-Term Care, Fraud and Abuse, and Independent Review of Appeals.

He was awarded a Masters Degree in Public Administration from New York University Graduate School of Public Administration and is a lecturer in the Department of Health and Epidemiology at the Albert Einstein College of Medicine as well as on the faculty of the New York University School of Continuing Education.

Those are some of Harry's and Faith's accomplishments and just a few of the reasons that they are being honored by the Riverdale Jewish Center. For me, however, it is not only these accomplishments, but their being my close and dear friends for so many years that makes them so special.

## TRIBUTE TO DETECTIVE SERGEANT DAVID G. WURTZ, UPON RECEIVING THE 2007 NATIONAL MISSING AND EXPLOITED CHILDREN'S AWARD

### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Detective Sergeant David G. Wurtz of the Oakland County Sheriff's Office upon receiving the 2007 National Missing and Exploited Children's Award for outstanding work in the case concerning Genevieve Nielson.

For nearly three decades, Detective Sergeant Wurtz has strived to better our community. Since joining the Oakland County Sheriff's Department in May of 1979, he has served in numerous Units, including the Road Patrol Unit, the Marine Division, the Protective Services Division, the Corrective Services Division, and in the Technical Services Division. In September of 1989, due to his superior investigative ability, Detective Sergeant Wurtz was promoted to Sergeant, and he currently serves in the Special Investigations Unit and as a hostage and crisis negotiator.

During his career, Detective Sergeant Wurtz has earned the recognition and admiration of his co-workers and community for his thorough investigations and criminal prosecutions. Recently, he teamed up with the United States Marshalls Service to investigate the kidnapping of Genevieve Nielson, the 21-month old infant who went missing during Mother's Day weekend in 1976. Detective Sergeant Wurtz has headed the case since 1990 and has a large box of files dedicated to Genevieve. Finally, after years of searching, his commitment to justice in the joint investigation led to Genevieve's discovery in Arizona.

Madam Speaker, Detective Sergeant Wurtz's uncanny ability to collect critical crime scene evidence, sort through complex information, and coordinate the efforts of dozens of investigators has resulted in the apprehension of Oakland County's most vicious criminals. For his unfaltering dedication to the people of Oakland County and for his leadership in the case of Genevieve Nielson, Detective Sergeant David G. Wurtz has been recognized

with the 2007 National Center for Missing and Exploited Children's Award. Today, I ask my colleagues to join me in honoring Detective Wurtz for his relentless pursuit of dangerous criminals and legendary service to our community and our country.

## BAY PINES VA HEALTHCARE SYSTEM RECEIVES GOLD SEAL OF APPROVAL

### HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. YOUNG of Florida. Madam Speaker, it is with great pride that I rise to report to my colleagues that the Bay Pines VA Healthcare System, which I have the privilege to represent, has just been awarded The Joint Commission's Gold Seal of Approval for meeting rigorous national standards for health care quality and safety.

This award in particular honors the staff, volunteers, and management team at Bay Pines for its Behavioral Health Care, Home Care, Long Term Care and Hospital programs. The Joint Commission is the Nation's oldest and largest health care standards-setting and accrediting body. The Gold Seal is the result of The Commission's unannounced, on-site evaluation of Bay Pines from April 10th to the 13th.

Following my remarks, I will include for the benefit of my colleagues more information about this award and the standards to which its recipients are held.

Madam Speaker, I would urge my colleagues to join me in congratulating Mr. Wallace M. Hopkins, the Director of the Bay Pines VA Healthcare System, the doctors, the nurses, and the volunteers at Bay Pines who are dedicated to caring for our Nation's veterans in a way befitting their brave and selfless service to our Nation and to the cause of freedom.

BAY PINES VA HEALTHCARE SYSTEM AWARDED ACCREDITATION FROM THE JOINT COMMISSION

By demonstrating compliance with The Joint Commission's national standards for health care quality and safety, Bay Pines VA Healthcare System has earned the Joint Commission's Gold Seal of Approval™ for its Behavioral Health Care, Home Care, Long Term Care and Hospital programs.

''We sought accreditation for our organization because we want to demonstrate our commitment to safety and quality care,'' says Wallace M. Hopkins, FACHE, Director. ''We view obtaining Joint Commission accreditation as another step toward achieving excellence.''

''Above all, the national standards are intended to stimulate continuous, systematic and organization-wide improvement in an organization's performance and the outcomes of care,'' says Darlene Christiansen, executive director, Hospital Accreditation Program, Joint Commission. ''The community should be proud that Bay Pines VA Healthcare System is focusing on the most challenging goal—to continuously raise quality and safety to higher levels.''

Hopkins spoke of his pride in a staff whose members ask what needs to be done to be accredited by The Joint Commission. ''In addition, they appreciate the educational aspect of the survey and the opportunity to interact with the team of surveyors.''

The Joint Commission conducted an unannounced, on-site evaluation of Bay Pines VA Healthcare System on April 10–13, 2007. The accreditation award recognizes Bay Pines VA Healthcare System's dedication to complying with the Joint Commission's state-of-the-art standards on a continuous basis.

Founded in 1951, The Joint Commission seeks to continuously improve the safety and quality of care provided to the public through the provision of health care accreditation and related services that support performance improvement in health care organizations. The Joint Commission evaluates and accredits nearly 15,000 health care organizations and programs in the United States, including more than 8,000 hospitals and home care organizations, and more than 6,800 other health care organizations that provide long term care, assisted living, behavioral health care, laboratory and ambulatory care services. The Joint Commission also accredits health plans, integrated delivery networks, and other managed care entities. In addition, The Joint Commission provides certification of disease-specific care programs, primary stroke centers, and health care staffing services. An independent, not-for-profit organization, The Joint Commission is the nation's oldest and largest standards-setting and accrediting body in health care.

## CONGRATULATING THE HARLINGEN SOUTH HIGH SCHOOL BASEBALL TEAM

### HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. HINOJOSA. Madam Speaker, I rise today to congratulate the mighty Harlingen South High School Hawks, who last Saturday represented the City of Harlingen and the entire Rio Grande Valley of South Texas in the 2007 State Class 5A High School Baseball Championship. Harlingen South was first victorious over Midland Lee, 4–2, in its state semifinal game. The Hawks (38–6) then advanced to the state championship where they were defeated 6–1 by Houston Cypress Fairbanks (32–7). However, their performance in 2007 was nothing less than spectacular.

The Rio Grande Valley is a Texas region with a long tradition of great high school sports successes, with state titles in football and soccer. The Hawks were one win away from adding a baseball state title to our impressive history of victories.

When any high school team approaches the pinnacle of high school sports—state championship glory—the entire region comes together to cheer on that team. That was the case this year as the Hawks advanced one win at a time. This past Saturday, all of Harlingen and every city in South Texas watched on the edge of their chairs and on their feet. All high school rivalries in the Valley ceased and were united behind the Hawks as they faced their formidable opponent.

The Hawks have reminded all of us that with outstanding players, solid coaches, hard work, disciplined training, and supportive parents and school districts, more state titles are in our future. Thank you, Mighty Hawks, for representing your school and the Rio Grande Valley so admirably for all the State of Texas to see.

As their Congressman, I am so proud of the Harlingen South High School Hawks from Harlingen, Texas for their outstanding wins on the baseball field and for playing their heart out throughout the season and in their fight for the state crown. Please join me in applauding the coaches and each and every one of the Hawks:

Coach, Tony Leal; Assistant Coaches, Jesse Landeros, Rolando Ruiz, and Ignacio Medina; Joey Reyna, Junior, Outfield/Pitcher; Randy Cavazos, Senior, Outfield; Peter Maldonado, Junior, Outfield; Logan Brown, Senior, Shortstop/Pitcher; Michael Johnson, Senior, Third Base; Javier Torres, Senior, Outfield/Pitcher; Sean Messick, Junior, Outfield/Pitcher; Joey Garcia, Senior, Third Base/Outfield; Danny Gidora, Senior, Pitcher/First Base/Catcher; Andrew Huerta, Senior, Shortstop; Kaleb Bryan, Senior, Second Base; Adrian Ramon, Senior, Catcher/pitcher; Josh Martinez, Senior, Outfield; Jonathan Salas, Junior, Second Base; Steven Mata, Sophomore, Shortstop; Jonathan Lopez, Senior, Outfield; Daniel Cardenas, Junior, First Base; and Cody Thompson, Senior, First Base.

Again, congratulations to the Hawks and their families, Harlingen South High School, the City of Harlingen, and the Rio Grande Valley.

## TRUTH IN CALLER ID ACT OF 2007

SPEECH OF

### HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 12, 2007*

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of this legislation, and want to thank its sponsor, Mr. ENGEL, as well as Chairmen DINGELL and MARKEY for working with me on an amendment that was added to the bill during the full committee mark-up.

Caller ID is a great benefit to millions of Americans by giving them more control over their telephones and who and when they talk on the phone.

Like many technological advances, caller ID is a benefit, but bad actors can take advantage of it and turn the technology against the people it is supposed to help.

The amendment accepted during full committee clarifies that the standard in this bill—''intent to cause defraud or harm''—covers dirty political tricks that use caller ID spoofing.

Using fake caller ID info to commit identity theft or stalk or harass someone is wrong and should be prohibited.

Using fake caller ID to falsely pretend to be calling from the Democratic Party or the Republican Party or any candidate for office is also wrong and should be prohibited.

We are not limiting anyone's speech, but we are saying that if you choose to contact thousands of people by phone through robocalls, Americans deserve accurate information on where you are calling from.

We are focusing on pre-recorded robocalls because there is no other way besides caller ID to know where they came from since there is no real person on the other end.

Current law requires commercial telemarketers to transmit accurate caller ID, but there is a loophole for non-commercial calls.

We are closing this loophole for non-commercial robocalls which includes political robocalls.

If you are going to send out thousands of robocalls, there is no justification for using false caller ID, regardless of whether you meet the underlying standard in this bill.

Again, I thank the bill's sponsor for working with me to solidify this through my amendment in committee, and I urge my colleagues to join me in supporting this bill.

## THE INTRODUCTION OF THE POST-9/11 VETERANS EDUCATION ASSISTANCE ACT OF 2007

### HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. SCOTT of Virginia. Madam Speaker, today I am proud to stand before this chamber and introduce the Post-9/11 Veterans Educational Assistance Act of 2007. This bill was first introduced in the Senate by my friend and fellow Virginia colleague, Senator JIM WEBB, earlier this year.

Not since Pearl Harbor has a single event so shaped a generation until the terrorist attacks of September 11, 2001. Like Pearl Harbor, September 11th became a call to arms for many Americans to join the Armed Forces.

For the 15 million veterans who returned home from World War II, Congress passed the first G.I. Bill of Rights of 1944. The first G.I. Bill helped veterans readjust to civilian life and afforded them the opportunity to do something that many had missed out on—getting a college education. That first G.I. Bill paid for veterans' tuition, books, fees, room and board, and even provided them a monthly stipend. Approximately 7.8 million World War II veterans used the benefits in the G.I. Bill of 1944 to increase their quality of life through education.

After World War II, Congress passed several other G.I. Bills to provide educational benefits for veterans returning home from the Korean War and the Vietnam War. Since the Vietnam War, Congress passed two G.I. Bills that established peacetime educational benefits for members of the all volunteer Armed Services. Although the current Montgomery G.I. Bill of 1985 provides peacetime educational benefits, the current program was not designed to meet the needs of our current global situation—a situation in which several hundred thousand men and woman in uniform are fighting in Afghanistan and Iraq. Our military operations in Afghanistan and Iraq have strained our entire all-volunteer military, forcing many of our Reservist and National Guard units into extended tours of duty. Many of our men and women in the Army, Air Force, Navy, and the Marine Corps have served more than one tour of duty in Iraq and Afghanistan.

With hundreds of thousands of our brave men and woman currently fighting overseas in Afghanistan and Iraq, we need a new G.I. Bill to honor these veterans when they all finally return home. The Post-9/11 Veterans Educational Assistance Act of 2007 is designed to expand the educational benefits that our nation offers to our brave men and women who have served us so honorably and who have sacrificed so much since the terrorist attacks of September 11, 2001. The bill that I am introducing today is designed to give this generation, who took it upon themselves to enlist after 9/11, benefits very similar to those provided to the veterans of World War II.

Madam Speaker, the bill that I am introducing today would specifically increase educational benefits to members of the military who have served at least 2 years of active duty, with at least some period of active duty time served beginning on or after September 11, 2001. Veterans will be eligible to receive these benefits for no more than 36 months or 4 academic years and would have 15 years to exercise these benefits. The version of this legislation that I am introducing today limits benefit payments to the cost of the most expensive public institution in the state in which the veteran is enrolled. If the veteran chooses to attend a private institution, the veteran must pay the difference between the cost of the college of his or her choice and the most expensive public institution of the state in which the veteran is enrolled. Like the G.I. Bill of 1944, the Post-9/11 G.I. bill will pay for tuition, books, fees, room and board, and provide a monthly stipend of $1,000.

Madam Speaker, while in law school, I was privileged to serve in the Massachusetts National Guard and the U.S. Army Reserves. I fortunately was never called into active duty, but the circumstances of our global situation today have pulled thousands of Guard and Reservists out of college into active duty. I am proud to represent the Third Congressional District of Virginia which is home to thousands of military personnel. You can't go very far in my district without running into a military installation or a member of our Armed Forces. I see the sacrifices of our men and women and their families each and every time I return home.

Madam Speaker, it is time that we pass a G.I. Bill on the same scale of the first G.I. Bill that was passed at the end of World War II to meet the sacrifices of this generation. I am pleased to join Senator WEBB by introducing the Post-9/11 Veterans Educational Assistance Act of 2007 in the House today and I encourage my colleagues to support this legislation.

## TRIBUTE TO MS. CHRISTINE ''CHRIS'' TORRES, UPON HER RECEIPT OF THE 2007 SUBURBAN REPUBLICAN WOMEN'S TRIBUTE TO WOMEN AWARD

### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 13, 2007*

Mr. MCCOTTER. Madam Speaker, today I rise to honor and acknowledge Ms. Christine ''Chris'' Torres, upon her receipt of the 2007 Suburban Republican Women's Tribute to Women Award.

Since 1983, Chris has been actively involved in promoting the conservative principles of the Republican Party in Michigan. She supported Ronald Reagan's historic campaign for the Presidency and, later, became a precinct delegate by walking through Redford neighborhoods with her children and their friends, all the while dropping off literature and obtaining signatures for legislative proposals. In the years since, she also dedicated herself to the Bush-Cheney campaigns of 2000 and 2004, the gubernatorial campaigns of Dick Poshumus and Richard Devos, and the reelection campaigns of Mike Cox for Attorney General and Laura Toy for state Senate.

In 2004, she became a member of the Suburban Republican Women's Club where she serves as Chairman of Hospitality and as Chaplain. As the proud wife of Juan Manuel Torres for 30 years and the mother of six outstanding children, Chris is a deserving recipient of the Suburban Republican Women's Club's highest honor, the 2007 Tribute to Women Award. Importantly, Chris has also dedicated her time to the Michigan Right to Life organization by participating in annual benefits dinners in the southeastern district.

Madam Speaker, Chris's leadership and courage of convictions are an inspiration to her peers in the Suburban Republican Women's Club and our entire community. Thus, I ask my colleagues to join me in honoring Ms. Christine Torres for her selfless service to our community and our country.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 14, 2007 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### June 19

9:30 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the Juvenile Diabetes Research Foundation and the federal government, focusing on a model public-private partnership accelerating research toward a cure.
SD–106

10 a.m.
Foreign Relations
To hold hearings to examine the nominations of June Carter Perry, of the District of Columbia, to be Ambassador to the Republic of Sierra Leone, Frederick B. Cook, of Florida, to be Ambassador to the Central African Republic, Robert B. Nolan, of Virginia, to be Ambassador to the Kingdom of Lesotho, and Maurice S. Parker, of California, to be Ambassador to the Kingdom of Swaziland.
SD–419

2:30 p.m.
Foreign Relations
International Operations and Organizations, Democracy and Human Rights Subcommittee
To hold hearings to examine the passport backlog and the Department of State's response to the Western Hemisphere Travel Initiative.
SD–419

Intelligence
To hold hearings to examine the nomination of John A. Rizzo, of the District of Columbia, to be General Counsel of the Central Intelligence Agency.
SD–106

4 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
Business meeting to markup proposed legislation making appropriations for Labor, Health and Human Services, Education, and Related Agencies for the fiscal year ending September 30, 2008.
SD–124

### June 20

9:30 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider original bills entitled, ''The Higher Education Access Reconciliation Act'', and ''The Higher Education Amendments of 2007'', and other pending calendar business.
SD–628

10 a.m.
Judiciary
To hold hearings to examine rising crime in the aftermath of Hurricane Katrina.
SD–226

2 p.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine reauthorization of the Hope VI Program.
SD–538

2:30 p.m.
Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold an oversight hearing to examine foreign aviation repair stations.
SR–253

Judiciary
To hold hearings to examine pending judicial nominations.
SD–226

3 p.m.
Foreign Relations
To hold hearings to examine the nominations of Anne Woods Patterson, of Virginia, to be Ambassador to the Islamic Republic of Pakistan, Nancy J. Powell, of Iowa, to be Ambassador to Nepal, Joseph Adam Ereli, of the District of Columbia, to be Ambassador to the Kingdom of Bahrain, Richard Boyce Norland, of Iowa, to be Ambassador to the Republic of Uzbekistan, and Stephen A. Seche, of Virginia, to be Ambassador to the Republic of Yemen.
SD–419

### June 21

2 p.m.
Foreign Relations
To hold hearings to examine the nominations of John L. Withers II, of Maryland, to be Ambassador to the Republic of Albania, Charles Lewis English, of New York, to be Ambassador to Bosnia and Herzegovina, Cameron Munter, of California, to be Ambassador to the Republic of Serbia, Roderick W. Moore, of Rhode Island, to be Ambassador to the Republic of Montenegro, and J. Christian Kennedy, of Indiana, to be Ambassador during his tenure of service as Special Envoy for Holocaust Issues.
SD–419

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Innovation Subcommittee
To hold hearings to examine energy efficiency technologies and programs.
SR–253

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

### June 26

10 a.m.
Energy and Natural Resources
To hold an oversight hearing to examine the preparedness of the federal land management agencies for the 2007 wildfire season and efforts to contain the costs of wildfire management activities.
SD–366

Judiciary
To hold hearings to examine pending executive nomination.
SD–226

### June 27

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold an oversight hearing to examine the federal death penalty.
SD–226

Veterans' Affairs
Business meeting to markup pending legislation; to be immediately followed by a full committee hearing to examine the nomination of Charles L. Hopkins, of Massachusetts, to be an Assistant Secretary of Veterans Affairs (Operations, Preparedness, Security and Law Enforcement).
SD–562

### June 28

10 a.m.
Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
To hold an oversight hearing to examine the President's proposed budget request for fiscal year 2008 for the National Oceanic and Atmospheric Administration.
SR–253

### July 11

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine Veterans Affairs health care funding.
SD–562

### July 25

9:30 a.m.
Veterans' Affairs
To hold hearings to examine Veterans Affairs and the Department of Defense education issues.
SD–562

# *Daily Digest*

# Senate

## *Chamber Action*

*Routine Proceedings, pages S7573–S7677*

**Measures Introduced:** Fourteen bills and two resolutions were introduced, as follows: S. 1603–1616, and S. Res. 233–234. **Page S7638**

**Measures Reported:**

S. 1610, to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States. (S. Rept. No. 110–80)

S. 1611, to make technical corrections to SAFETEA–LU and other related laws relating to transit. (S. Rept. No. 110–81)

S. 1612, to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes. (S. Rept. No. 110–82) **Page S7638**

**Measures Passed:**

*Minority Party Appointments:* Senate agreed to S. Res. 233, making Minority party appointments for the Select Committee on Ethics for the 110th Congress. **Page S7573**

*National Huntington's Disease Awareness Day:* Senate agreed to S. Res. 234, designating June 15, 2007, as ''National Huntington's Disease Awareness Day''. **Pages S7676–77**

**Measures Indefinitely Postponed:**

*National Breast and Cervical Cancer Early Detection Program Reauthorization Act:* Senate indefinitely postponed S. 624, to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers. **Page S7677**

*Animal Fighting Prohibition Enforcement Act:* Senate indefinitely postponed S. 261, to amend title 18, United States Code, to strengthen prohibitions against animal fighting. **Page S7677**

*NAACP 98th Anniversary:* Senate indefinitely postponed S. Con. Res. 10, honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary. **Page S7677**

*Congratulating the City of Chicago:* Senate indefinitely postponed H. Con. Res. 118, congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games. **Page S7677**

**Measures Considered:**

**CLEAN Energy Act:** Senate continued consideration of H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, taking action on the following amendment proposed thereto: **Pages S7582–S7625**

Rejected:

By 43 yeas to 52 nays (Vote No. 210), Inhofe/Thune Amendment No. 1505 (to the language proposed by Amendment No. 1502), to improve domestic fuels security. **Pages S7582–89**

Pending:

Reid Amendment No. 1502, in the nature of a substitute. **Page S7582**

Reid (for Bingaman) Amendment No. 1537 (to the language proposed by Amendment No. 1502), to provide for a renewable portfolio standard. **Pages S7589–90**

McConnell (for Domenici) Amendment No. 1538 (to the language proposed by Amendment No. 1537), to provide for the establishment of a Federal clean portfolio standard. **Page S7590**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Thursday, June 14, 2007. **Page S7677**

**Appointments:**

Advisory Committee on the Records of Congress: The Chair announced, on behalf of the Secretary of

the Senate, pursuant to Public Law 101–509, the appointment of Sheryl B. Vogt, of Georgia, to the Advisory Committee on the Records of Congress.

Page S7676

**Nomination Confirmed:** Senate confirmed the following nomination:

Robert M. Couch, of Alabama, to be General Counsel of the Department of Housing and Urban Development. Pages S7676, S7677

**Nominations Received:** Senate received the following nominations:

Lisa E. Epifani, of Texas, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

Gail Dennise Mathieu, of New Jersey, to be Ambassador to the Republic of Namibia.

Joseph N. Laplante, of New Hampshire, to be United States District Judge for the District of New Hampshire.

Gustavus Adolphus Puryear IV, of Tennessee, to be United States District Judge for the Middle District of Tennessee.

Gracia M. Hillman, of the District of Columbia, to be a Member of the Election Assistance Commission for a term expiring December 12, 2009.

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**Messages from the House:** Page S7632

**Executive Communications:** Pages S7632–33

**Petitions and Memorials:** Pages S7633–37

**Additional Cosponsors:** Pages S7638–41

**Statements on Introduced Bills/Resolutions:** Pages S7641–53

**Additional Statements:** Pages S7629–32

**Amendments Submitted:** Pages S7653–75

**Notices of Hearings/Meetings:** Page S7675

**Authorities for Committees to Meet:** Page S7676

**Privileges of the Floor:** Page S7676

**Record Votes:** One record vote was taken today. (Total—210) Page S7589

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 6:24 p.m., until 9:30 a.m. on Thursday, June 14, 2007. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7677.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## APPROPRIATIONS: MILITARY CONSTRUCTION/VETERANS AFFAIRS

*Committee on Appropriations:* Subcommittee on Military Construction, Veterans' Affairs, and Related Agencies approved for full committee consideration an original bill making appropriations for Military Construction, Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2008.

## APPROPRIATIONS: HOMELAND SECURITY

*Committee on Appropriations:* Subcommittee on Homeland Security approved for full committee consideration an original bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008.

## BUSINESS MEETING

*Committee on Homeland Security and Governmental Affairs:* Committee ordered favorably reported the following:

S. 1257, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives, with amendments;

S. 274, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, with an amendment;

S. Res. 22, reaffirming the constitutional and statutory protections accorded sealed domestic mail;

S. 967, to amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees, with an amendment;

S. 1046, to modify pay provisions relating to certain senior-level positions in the Federal Government;

S. 1099, 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;

H.R. 1255 and S. 886, bills to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records; and

S. 381, to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies.

**NOMINATIONS**

*Committee on Rules and Administration:* Committee concluded a hearing on the nominations of Steven T. Walther, of Nevada, who was introduced by Senator Ensign, Hans von Spakovsky, of Georgia, who was introduced by Senator Isakson, David M. Mason, of Virginia, who was introduced by Senator Warner, and Robert D. Lenhard, of Maryland, who was introduced by Senator Reid, all to be Members of the Federal Election Commission, after each nominee testified and answered questions in their own behalf.

**DOL/DOD/VA COLLABORATION AND COOPERATION**

*Committee on Veterans' Affairs:* Committee concluded an oversight hearing to examine Department of Veterans Affairs, Department of Defense, and Department of Labor collaboration and cooperation to meet the employment needs of returning military service members, after receiving testimony from Charles S. Ciccolella, Assistant Secretary of Labor, Veterans Employment and Training Service; Michael L. Dominguez, Principal Deputy Under Secretary of Defense for Personnel and Readiness; Judith A. Caden, Director of Vocational Rehabilitation and Employment Service, Veterans Benefits Administration, and Corey McGee, Public Affairs Specialist, both of the Department of Veterans Affairs; William O. Warren, DirectEmployers Association, Indianapolis, Indiana; Shaun Bradley, and Sandra Morris, both of Bradley-Morris, Inc., Kennesaw, Georgia; Don Osterberg, Schneider National, Inc., Green Bay, Wisconsin; and Monique Rizer, Alexandria, Virginia.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 18 public bills, H.R. 2693–2710; and 1 resolution, H.J. Res. 46, were introduced. **Pages H6403–04**

**Additional Cosponsors:** **Pages H6404–05**

**Report Filed:** A report was filed today as follows:

H.R. 948, to strengthen the authority of the Federal Government to protect individuals from certain acts and practices in the sale and purchase of Social Security numbers and Social Security account numbers, with an amendment (H. Rept. 110–191, Pt. 1). **Page H6403**

**Suspension:** The House agreed to suspend the rules and pass the following measure:

***Improving the National Instant Criminal Background Check System:*** H.R. 2640, to improve the National Instant Criminal Background Check System. **Pages H6339–47**

**Department of Homeland Security Appropriations Act, 2008:** The House resumed consideration of H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008. Consideration of the measure began on June 12th and is expected to continue Thursday, June 14th. **Pages H6347–94**

Proceedings Postponed:

Foxx amendment (No. 33 printed in the Congressional Record of June 11, 2007) that seeks to reduce funding for the Office of the Secretary and Executive Management by $1,241,000; **Pages H6347–73**

McHenry amendment to Foxx amendment that seeks to replace the dollar amount proposed in the Foxx amendment for the Office of the Secretary and Executive Management with "$8,961,000"; and **Pages H6347–73**

Fallin amendment (No. 31 printed in the Congressional Record of June 11, 2007) that seeks to reduce funding for the Office of the Secretary and Executive Management by $138,000. **Pages H6373–84**

Pending:

Drake amendment (No. 9 printed in the Congressional Record of June 11, 2007) that seeks to reduce funding for the Office of the Under Secretary for Management by $10,400,000, and increase funding, by offset, for the Office of Immigration and Customs Enforcement by $9,100,000. **Pages H6384–94**

H. Res. 473, the rule providing for consideration of the bill, was agreed to on Tuesday, June 12th.

**Senate Message:** Message received from the Senate today appears on page H6335 .

**Amendments:** Amendments ordered printed pursuant to the rule appear on pages H6405–06.

**Quorum Calls—Votes:** There were no Yea-and-Nay votes, and there were no Recorded votes. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 8 p.m.

# *Committee Meetings*

## CHINA SECURITY DEVELOPMENTS

*Committee on Armed Services:* Held a hearing on China: Recent Security Developments. Testimony was heard from the following officials of the Department of Defense: Richard P. Lawless, Deputy Under Secretary, Asia-Pacific Affairs; and MG Philip M. Breedlove, USAF, Vice Director, Strategic Plans and Policy, Joint Chiefs of Staff

## COLLEGE COST REDUCTION ACT OF 2007

*Committee on Education and Labor:* Ordered reported, as amended, H.R. 2669, College Cost Reduction Act of 2007.

## FEDERAL FINANCIAL CONSUMER PROTECTION

*Committee on Financial Services:* Held a hearing on Improving Federal Consumer Protection in Financial Services. Testimony was heard from Randall S. Kroszner, member, Board of Governors, Federal Reserve System; the following officials of the Department of the Treasury: John C. Dugan, Comptroller of the Currency; and Scott M. Polakoff, Deputy Director and Chief Operating Officer, Office of Thrift Supervision; Sheila C. Bair, Chairman, FDIC; Deborah Platt Majoras, Chairman, FTC; Tom Miller, Attorney General, State of Iowa; and a public witness.

## UN PEACEKEEPING FORCES

*Committee on Foreign Affairs:* Subcommittee on International Organizations, Human Rights, and Oversight held a hearing on U.N. Peacekeeping Forces: A Force Multiplier for the U.S.? Testimony was heard from former Senator Timothy E. Wirth, State of Colorado; James Dobbins, former Assistant Secretary, Europe, Department of State; Joseph A. Christoff, Director, International Affairs and Trade Team, GAO; and a public witness.

## SOUTH KOREA FREE TRADE AGREEMENT

*Committee on Foreign Affairs:* Subcommittee on Terrorism, Nonproliferation and Trade held a hearing on the United States-South Korea FTA: The Foreign Policy Implications. Testimony was heard from Karan K. Bhatia, Deputy U.S. Trade Representative; and Christopher R. Hill, Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State.

## CITIZEN/COMMUNITY PREPAREDNESS

*Committee on Homeland Security:* Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled ''Citizen Preparedness: Helping Our Communities Help Themselves.'' Testimony was heard from Corey Gruber, Acting Deputy Administrator, National Preparedness, FEMA, Department of Homeland Security; and public witnesses.

## MISCELLANEOUS MEASURES; SUBPOENAS; RULES OF PROCEDURE FOR PRIVATE IMMIGRATION AND CLAIMS BILLS

*Committee on the Judiciary:* Ordered reported the following bills: H.R. 923, amended, Emmett Till Unsolved Civil Rights Crime Act; H.R. 660, amended, Court Security Improvement Act of 2007, and H.R. 2286, Bail Bond Fairness Act of 2007.

The Committee served subpoenas to the following: Harriet Miers, to appear before the Subcommittee on Commercial and Administrative Law; and to Josh Bolten, Chief of Staff, White House, for documents concerning the U.S. Attorneys and the politicizing of the Department of Justice.

The Committee also approved the following: Rules of Procedure and Statement of Policy for Private Immigration bills; and Rules of Procedure for Private Claims Bills.

## ENERGY POLICY REFORM AND REVITALIZATION ACT OF 2007; MISCELLANEOUS MEASURES

*Committee on Natural Resources:* Ordered reported, as amended, H.R. 2337, Energy Policy Reform and Revitalization Act of 2007.

The Committee also held a hearing on the following bills: H.R. 673, Cocopah Lands Act; H.R. 1575, Burt Lake Band of Ottoawa and Chippewa Indians Reaffirmation Act; and H.R. 2120, To direct the Secretary of the Interior to proclaim as reservation for the benefit of the Sault Ste. Marie Tribe of Chippewa Indians a parcel of land now held in trust by the United States for that Indian tribe. Testimony was heard from Representative Stupak; George Skibine, Acting Principal Deputy Assistant Secretary, Bureau of Indian Affairs, Department of the Interior; and public witnesses.

## GSA—CONTINUING ALLEGATIONS OF MISCONDUCT

*Committee on Oversight and Government Reform:* Held a hearing on Continuing Allegations of Misconduct at the GSA. Testimony was heard from Lurita A. Dean, Administrator, GSA.

## INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS, FY 2008

*Committee on Rules:* Heard testimony from Chairman Dicks and Representative Tiahrt, but action was deferred on H.R. 2643, Interior, Environment, and Related Agencies Appropriations for Fiscal Year 2008.

## MISCELLANEOUS MEASURES

*Committee on Science and Technology:* Ordered reported, as amended, the following bills: H.R. 2304, Advanced Geothermal Energy Research and Development Act of 2007 and H.R. 2313, Marine Renewable Energy Research and Development Act of 2007.

## U.S. TRADE POLICY AND SMALL BUSINESS

*Committee on Small Business:* Held a hearing on U.S. Trade Policy and Small Business. Testimony was heard from Tiffany M. Moore, Assistant U.S. Trade Representative for Intergovernmental Affairs and Public Liaison; Israel Hernandez, Assistant Secretary, Trade Promotion and Director General, U.S. and Foreign Commercial Service, International Trade Administration, Department of Commerce; W. Kirk Miller, Associate Administrator and General Sales Manager, Foreign Agricultural Service, USDA; Richard Ginsburg, Acting Assistant Administrator, International Trade, SBA; and public witnesses.

## BRIEFING—HOT SPOTS

*Permanent Select Committee on Intelligence:* Met in executive session to receive a briefing on Hot Spots. The Committee was briefed by departmental witnesses.

## COMMITTEE MEETINGS FOR THURSDAY, JUNE 14, 2007

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Appropriations:* business meeting to mark up proposed legislation making appropriations for Military Construction, Veterans Affairs, and Related Agencies, and Homeland Security for the fiscal year ending September 30, 2008, and to consider 302(b) subcommittee allocations of budget outlays and new budget authority for fiscal year 2008, 2 p.m., SD–106.

*Committee on Armed Services:* business meeting to mark up an original bill entitled "Dignified Treatment of Wounded Warriors Act," 9:30 a.m., SR–325.

*Committee on Commerce, Science, and Transportation:* to hold hearings to examine public safety and competition issues, focusing on the 700MHz auction, 10 a.m., SR–253.

*Committee on the Judiciary:* business meeting to consider S. 535, to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, S. 456, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, S. 1145, to amend title 35, United States Code, to provide for patent reform, S. Res. 105, designating September 2007 as "Campus Fire Safety Month," S. Res. 215, designating September 25, 2007, as "National First Responder Appreciation Day," the nomination of Leslie Southwick, of Mississippi, to be United States Circuit Judge for the Fifth Circuit, and possible authorization of subpoenas in connection with the investigation of the legal basis for the warrantless wiretap program, 10 a.m., SD–226.

*Committee on Small Business and Entrepreneurship:* to hold hearings to examine the impact of rising gas prices on America's small businesses, 9:30 a.m., SR–428A.

*Select Committee on Intelligence:* to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

### House

*Committee on Agriculture,* Subcommittee on Department Operations, Oversight, Nutrition, and Forestry, to consider H.R. 2419, Farm Bill Extension Act of 2007, 10 a.m., 1300 Longworth.

*Committee on Foreign Affairs,* hearing on Deal or No Deal: The State of the Trans-Atlantic Relationship, 10 a.m., 2172 Rayburn.

Subcommittee on International Operations, Human Rights, and Oversight, hearing on Is There a Human Rights Double Standard? U.S. Policy Toward Saudi Arabia, Iran and Uzbekistan, 2 p.m., 2172 Rayburn.

*Committee on Homeland Security,* Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, hearing entitled "Assessing and Addressing the Threat: Defining the Role of a National Commission on the Prevention of Violent Radicalization and Homegrown Terrorism," 10 a.m., 311 Cannon.

*Committee on House Administration,*, Election Task Force, to consider GAO Work Plan, 3 p.m., 1310 Longworth.

*Committee on the Judiciary,* hearing on H.R. 2102, Free Flow of Information Act of 2007, 10 a.m., 2141 Rayburn.

*Committee on Natural Resources,* Subcommittee on National Parks, Forests and Public Lands, hearing on the following bills: H.R. 442, To authorize the Secretary of the Interior to study the suitability and feasibility of designating the Wolf House, located in Norfolk, Arkansas, as a unit of the National Park System; H.R. 761, To authorize the Secretary of the Interior to convey to the Missouri River Basin Lewis and Clark Interpretative Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as a historical interpretive site along the trail; H.R. 1625, Abraham Lincoln National Heritage Area Act; H.R. 1835, Rim of the Valley Corridor Study Act; and H.R. 2197, Hopewell Culture National Historical Park Boundary Adjustment Act, 10 a.m., 1334 Longworth.

*Committee on Science and Technology,* Subcommittee on Energy and Environment, hearing on A Path Toward the Broader Use of Biofuels: Enhancing the Federal Commitment to Research and Development to Meet Growing Needs, 2:30 p.m., 2318 Rayburn.

Subcommittee on Space and Aeronautics, to mark up the FAA Research and Development Reauthorization Act of 2007, 10:30 a.m., 2318 Rayburn.

*Committee on Small Business,* hearing on the SBA's Microloan Program, 10 a.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure,* to consider the following: H.R. 2095, Federal Railroad Safety Improvement Act; and the Transportation Energy Security and Climate Change Mitigation Act of 207, 3 p.m., 2167 Rayburn.

*Committee on Veterans' Affairs,* Subcommittee Health, hearing on the following bills: H.R. 1448, VA Hospital Quality Report Card Act of 2007; H.R. 1853, Jose Medina Veterans' Affairs Police Training Act of 2007; H.R. 1925, To direct the Secretary of Veterans' Affairs to establish a separate Veterans' Integrated Service Network for the Gulf Coast region of the United States; H.R. 2005, Rural Veterans Health Care Improvement Act of 2007; H.R. 2172, Amputee Veterans Assistance Act; H.R. 2173, To amend title 38, United States Code, to authorize additional funding for the Department of Veterans Affairs to increase the capacity for provision of mental health service through contracts with community Mental health centers; H.R. 2219, Veterans Suicide Prevention Hotline Act of 2007; H.R. 2192, To amend title 38, United States Code, to establish an Ombudsman within the Department of Veterans' Affairs; and draft and discussion on Mental Health and Homelessness, 10 a.m., 340 Cannon.

*Committee on Ways and Means,* hearing on Promoting U.S. Worker Competitiveness in a Globalized Economy, 10 a.m., 1100 Longworth.

*Permanent Select Committee on Intelligence* executive, hearing on FISA, 9:30 a.m., H–405 Capitol.

## Joint Meetings

*Joint Economic Committee:* to hold hearings to examine importing success, focusing on work-family policies from aboard make economic sense for the United States, 10 a.m., SH–216.

*Next Meeting of the* **SENATE**

9:30 a.m., Thursday, June 14

**Senate Chamber**

**Program for Thursday:** Senate will continue consideration of H.R. 6, CLEAN Energy Act.

*Next Meeting of the* **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, June 14

**House Chamber**

**Program for Thursday:** To be announced.

## Extensions of Remarks, as inserted in this issue

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