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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 26, 2007.

I hereby appoint the Honorable ALBIO SIRES to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debate. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

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

PLIGHT OF IRAQI REFUGEES

Mr. BLUMENAUER. Mr. Speaker, this last week I had the opportunity to meet a true American hero in Iraq, Kirk W. Johnson. No matter what your position on the war in Iraq, how it started, where it's going, how it will end up, you should be deeply concerned by the 4 million Iraqis who have been forced to flee their homes. And you cannot help but be impressed by Mr. Johnson and his deep concern for their plight.

This young Arabist, who worked for the USAID as regional coordinator on reconstruction in Fallujah—from, I might add, impeccable Republican lineage—figured prominently in George Packer's haunting essay in The New Yorker on March 26 of this year. That essay, entitled ''Betrayed: The Iraqis Who Trusted America the Most,'' had a profound impact on me. It is a harsh title, but the facts are harsh. In a country with a population about the size of Texas, 4 million Iraqis have been forced to flee their homes. Two million are currently outside the country, primarily in Jordan and Syria where there are jarring press accounts, for instance, of women forced into prostitution to feed their families in Syria. Mr. Johnson has been focusing on a special subset of these unfortunate people, people whose lives are at risk because they helped the United States, translators, guides, people who worked on the reconstruction effort. He has compiled a list of over 500 Iraqis that he knows personally are in that category. Five hundred, not one of whom has been able to yet make it to the United States for asylum. They are part of the tip of the refugee iceberg. Two million, as I say, in Jordan and Syria.

Mr. Johnson asks the question that each Member of Congress must confront: What kind of superpower can't convert its ''very top priority''—the words, by the way, of Ellen Sauerbrey, the Assistant Secretary of State for Population, Refugees, and Migration in her testimony before the United States Senate—can't convert its very top priority into a program that starts saving the lives of people who helped us before their visas expire?

The stark reality is that only 70 Iraqis since October of last year have been admitted to the United States. Only eight in March, one in April and another in May.

I strongly urge that my colleagues join me in supporting H.R. 2265. This comprehensive refugee legislation will allow for more Iraqis to be granted refugee status in the United States. Why should the United States accept fewer refugees than Sweden? It would allow them to apply for refugee status in Iraq. Why should they be forced to flee the country, to Jordan, for instance, when we have the largest embassy in the world in Baghdad? This legislation would put somebody in charge, having a special coordinator to help us make sure that this problem is solved. I strongly urge my colleagues to make sure that Congress does its part to deal with the greatest continuing refugee crisis in the world with the possible exception of the Darfur. This is a crisis for which the United States has a unique responsibility and a unique role in its solution.

Please examine H.R. 2265, add your name as cosponsor, but, more important, join Mr. Kirk Johnson in making the plight of these millions of unfortunate people, especially those who helped us, part of your mission in Congress.

RECESS

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

Accordingly (at 9 o'clock and 7 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

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

PRAYER

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

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In these uncertain times, when thousands of refugees have left their homeland in the search for peace, and so many of Your people immigrate for food, for a job, or for a better way of life for their children, the words of Ruth, the refugee in the Scriptures, echo in the aching hearts of so many in today's world.

''Wherever you go, I will go, wherever you stay, I will stay. Your people will be my people, and your God will be my God too. Wherever you die, I will die, and I will lie down beside you. I swear an oath before the Lord God: Nothing but death shall divide us.''

Lord, such expression to faithfulness in a human relationship builds strong families and nations. Ruth's oath speaks of a deep commitment and creates hope for the future.

Dear Lord, uphold the fragile life of refugees. Grant stability to marriages in this Nation. Sustain the families of Members of Congress and the military with patience, endurance and faithfulness.

May Your eternal love and faithfulness sometimes hinted at in the human relationships of Your people be revealed to those who take flight even today. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Michigan (Mrs. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mrs. MILLER of Michigan 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.

VICE PRESIDENT CHENEY NEEDS TO TAKE A CIVICS CLASS—HE IS A MEMBER OF THE EXECUTIVE BRANCH

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

Ms. WATSON. Mr. Speaker, Vice President CHENEY has been serving as the Vice President now for 7 years, and he is claiming that he is not a member of the executive branch.

We didn't hear the Vice President disputing his place in the executive branch when he claimed executive privilege at congressional attempts to have CHENEY make public his energy task force members.

No, CHENEY is once again trying to do an end-run around the rules. Last week the House Oversight Committee learned that CHENEY had exempted his office from the Presidential order that establishes government-wide procedures for safeguarding classified national security information.

Editorials nationwide are decrying CHENEY's actions. The Kansas City Star said that this is another example of his ''insistence on secrecy and his disdain for open government.'' USA Today said there was ''no surer way for leaders to get the country in trouble than to mix arrogance with secrecy.''

Let's see if the President is still actually standing up to his second.

JUDGE ROBERT E. COYLE COURTHOUSE

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

Mr. RADANOVICH. Mr. Speaker, today I rise in support of Senate bill 1801, a bill to rename the U.S. courthouse in Fresno, California, as the Robert E. Coyle United States Courthouse. In previous Congresses, I have introduced identical legislation, and I am pleased to see that this is finally happening.

A local man, Judge Coyle was born in Fresno, California, and earned his B.A. from California State University Fresno. After completing his undergraduate work, Judge Coyle didn't have to travel far to earn his J.D. at Hastings College of Law in San Francisco. Nominated for appointment in 1980 by President Ronald Reagan, Judge Coyle was subsequently elevated to chief judge in 1990 and served in that capacity until 1996, where he took senior status.

Judge Coyle has dedicated himself to a lifetime of service in the central valley. He has proven himself a strong community leader, and was instrumental in the construction of the new courthouse downtown. It's only fitting that the building bears his name.

This should be a proud day for Judge Coyle and his family. I wish him the best in the years to come and thank him for his tireless devotion to public service.

SO-CALLED GLOBAL WAR ON TERRORISM CANNOT BE WON BY MILITARY MIGHT ALONE

(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, the so-called global war on terrorism cannot be won by military might alone. It is a war of ideas and philosophies. Terrorism is the tactic used by people who seem to hate what the U.S. stands for more than they love life itself. But it is hard to hate the concepts of justice, individual freedoms and human rights.

The problem is that as long as our enemies can claim that we deny justice and abuse human rights and individual freedoms, we lose ground in this war of ideas. In fact, as long as we maintain the Guantanamo Bay detention facility, we undermine our standing, our credibility, throughout the world.

This is not what America stands for. America stands for the concept of habeas corpus and human rights. Guantanamo Bay is unAmerican, and that's why it needs to be closed.

PLAYING THE FIDDLE WHILE THE BORDER BURNS

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

Mr. POE. Mr. Speaker, U.S. Border Patrol agents report that illegals and drug smugglers are entering the United States through our national forests. They are setting forest fires at the border, at patrol stands and watch towers, attempting to smoke out the agents and divert their attention from the illegal crossings.

National forest firefighters have reported seeing illegals and drug smugglers move right on through fires as the firefighters try to put out the fires. Once assaulted with rocks, cars, guns, now agents must worry about fires. And these arsonist illegals are not just stopping at setting those fires. Reports indicate some illegals have engaged in throwing Molotov cocktails—a crude bomb made from gasoline—at our agents.

The border war has escalated. These new invaders are not the migrants in search of a better life, they are violent land burners who will do anything to invade the United States, including assaulting U.S. border agents.

There is a wildfire of illegal crossings at the border, and the Potomac amnesty-for-all crowd is fiddling the violin of blissful ignorance while the border burns.

And that's just the way it is.

IT'S TIME FOR THE VICE PRESIDENT TO REMOVE THE SECRECY

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

Mr. YARMUTH. Mr. Speaker, over the last 7 years, DICK CHENEY has convinced himself that Saddam Hussein was involved in 9/11, that Iraq had weapons of mass destruction and that the insurgency was in its last throes. Now it seems he's convinced himself that he is not actually Vice President, insisting that he, unlike the previous 44, is not a member of the executive branch.

It's difficult for any American who's taken seventh grade civics to miss the hypocrisy of this claim, especially when it comes from a man who so frequently has withheld information from Congress based on the assertion of executive privilege.

It's time for the Vice President to remove the secrecy, reject hypocrisy, and honor his pledge to support the Constitution. It's time for DICK CHENEY to start respecting the citizens who pay

his salary and start leveling with us. Even a child can tell you, you can have special privileges if you obey the rules, and even the Vice President can't have it both ways.

Many of us wish you weren't part of the executive branch, Mr. Vice President, but so long as you accept the executive perks, we will demand executive responsibility and accountability.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to engage in personalities with regard to the Vice President.

AUTO WORKERS ARE AMERICANS WHOSE JOBS ARE WORTH PROTECTING

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

Mrs. MILLER of Michigan. Mr. Speaker, I was appalled last week by the words of the Senate Majority Leader HARRY REID asking Senators to vote for a job-killing fuel economy standards bill for cars by asking them to, ''speak for the American people, not for the three car companies that are closing plants and laying off people.''

Well, the last time I looked, the over 1 million people who work directly for the big three are actually American citizens, and millions of others whose jobs are supported by the big three are Americans as well, the last time I looked. Everyone knows that the biggest producer of CO_2 emissions is electricity production, and yet I didn't hear the Senate majority leader volunteer to make the blazing neon blazing casinos in his home State of Nevada more energy efficient. How about we regulate their energy consumption?

Let's hope that the Democratic leaders in this House understand that millions of American workers and their jobs are worth protecting and don't follow the Senate's lead in their attempt to destroy them.

DEMOCRATS MAKE NATIONAL PARKS AND WATER INFRASTRUCTURE A PRIORITY IN INTERIOR BILL

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

Mr. WILSON of Ohio. Mr. Speaker, this week the House will consider legislation that begins to restore our commitment to our national parks and our environmental protection.

Over the past 6 years, the Republican-led Congress has cut critical funding to maintain and restore our national parks and our water infrastructure. This new Democratic Congress is not going to allow them to crumble from neglect. That is why we are making a major investment in upgrading our national parks and our water infrastructure.

The bill also improves the quality of drinking water throughout the country by restoring funding to the Clean Water Revolving Fund Act, an important program that saw significant cuts under the previous Republican-led Congress.

This bill is further proof that Democrats are taking America in a new direction, investing in key priorities that will protect our drinking water and our national parks.

THE IMPORTANCE OF LIBRARIES IN LOCAL COMMUNITIES

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

Ms. FOXX. Mr. Speaker, I rise today in support of America's local libraries. Libraries have long been the locus of learning, cultural exchange and imagination for young and old alike.

As a former librarian, I know that libraries play a crucial role in providing generation after generation with access to great books and world-changing ideas. Libraries serve our communities as a sort of guidepost along an often overwhelming path of information in the Internet age. Librarians still provide the invaluable service of helping us answer the toughest questions and directing us to the most reliable sources for research.

For many Americans, libraries are the only place they have ready access to thousands of books on almost any topic. By their very nature, libraries encourage us to branch out and pursue interests that we might not be naturally inclined to pursue.

The phenomenon that best describes libraries, contribution to local communities is a patron wandering through the stacks and simply selecting a book because it caught his or her eye. It's this ability to ignite our imaginations and spur us to learn that makes libraries a lynchpin for thousands of communities across the Nation.

VICE PRESIDENT IS IN THE EXECUTIVE BRANCH

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

Mr. EMANUEL. Mr. Speaker, 5 years ago, when the Vice President met with the senior executives of big oil companies, and we wanted to know what they discussed when it came to energy policy for the country, the Vice President exerted executive privilege and said those meetings were private.

Now when we want to know what he is doing as it relates to America's national security in the lead-up to the war in Iraq and after the fact, the Vice President has declared he is a member of the legislative branch, the legislative branch.

Every 10-year-old who is studying social studies in the United States knows that the Vice President is in the executive branch. So we have decided that if the Vice President is no longer a member of the executive branch, therefore, we will no longer fund the executive branch of his office, and he can live off the funding for the Senate presidency.

We will follow the logic of this ludicrous argument that the Vice President of the United States is in the legislative branch, no longer in the executive branch. The Vice President is acting like he is unaccountable and above the law.

In fact, there is a real consequence to his decisions. His decision to avoid the historical record as it relates to America's national security has consequences. For too long he has accounted like he is above the law and not accountable, and it's time we bring him back to earth.

□ 1015

VISIT WITH SECRETARY OF THE NAVY TO BEAUFORT BASES

(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, yesterday I had the pleasure of joining Secretary of the Navy Donald Winter on tours of the Marine Corps air station at Beaufort and the Marine Corps recruit depot at Parris Island. I was honored to have the Sergeant Major of the Marines Corps, Carlton W. Kent, join us as well. The mission at Parris Island became crystal clear as we had breakfast with the dedicated drill instructors followed by a briefing led by its commanding officer, Brigadier General Paul Lefebvre. It was inspiring to see the determined recruits in action as they practiced firing the SAW M249, learned swimming, and participated in pugle sticks. Lieutenant Colonel William Ferrell welcomed the Secretary to the air station. After visiting with the Secretary and community leaders, I am more confident than ever that the air station is uniquely suited to take on F–35 Joint Strike Fighter. County Council Chairman Weston Newton, Council Military Liaison Skeet Von Harten, Beaufort Mayor Bill Rauch, Port Royal Mayor Sam Murray, along with other chamber and civic leaders expressed support for the Marine and Navy installations.

I'd like to thank the Secretary, the Sergeant Major, Lieutenant Phil MacNaughton and their staffs for making this visit so possible.

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

INCREASE IN CAFE STANDARDS

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

Mr. HALL of New York. Mr. Speaker, last week the Senate took historic action by approving the first meaningful increase in CAFE standards in over 30 years.

The Senate bill would raise the average efficiency of all cars on the road to 35 miles per gallon by 2020. The result would be dramatic relief for working families at the gas pump, significant cuts in demand for foreign oil, and the reduction of tailpipe emissions that lead to climate change and air pollution.

If we are serious about ending our dependence on foreign oil and combating climate change, we have to take real action on car efficiency. At a time when many cars on the road are already capable of meeting this standard, the consumers are voting with their dollars by buying record numbers of hybrids. We simply cannot wait.

By acting to raise CAFE standards to 35 miles per gallon, this House can take courageous action to meet some of the greatest challenges of our time, keep our domestic auto industry competitive, keep those jobs in these countries, and do not concede the efficiency market to foreign manufacturers.

I hope the House will take this visionary action.

DEMOCRATS WILL ADDRESS GLOBAL WARMING

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

Ms. SOLIS. Mr. Speaker, did you know that our planet is showing the disconcerting signs of global climate change? That should serve as a wake-up call to all of us. Scientists have found that 11 and 12 of the warmest years on record have occurred since 1995. The water in our lakes and rivers has warmed, and ice is being lost in the Arctic Sea at unprecedented rates.

Steps should be taken to stop or reverse these trends as soon as possible, and the Democratic Congress is doing just that as a part of the Interior and Environmental appropriations bill.

The legislation includes provisions to focus our efforts on global climate change by establishing a commission of the government's top scientific experts tasked with identifying key areas of scientific research and empowering them with the resources to finance their work. It also provides for funding, over the President's request, for clean water funds, reducing diesel emissions, clean air grants, and ensuring that environmental laws and justice and regulations are followed.

Mr. Speaker, the Democratic Congress is committed to taking steps necessary to protect our natural resources and address global climate change. There's still time to save our planet.

WE MUST END THE WAR IN IRAQ NOW

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

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to add my voice to others who are calling for an end to the war in Iraq. We must end this war, and we must end it now. We cannot wait, and we must not wait.

Every month, every week, every hour, every minute, every second, every moment that another young American is killed, their innocent blood is on all of our hands. We have a moral obligation to bring this madness to an end. Nothing but nothing good can come out of this war. It is destroying Iraq and destroying the very soul of our Nation.

As Members of Congress, we must find a way to stop it and stop it now.

REPUBLICAN FISCAL MISMANAGEMENT WILL NOT SOON BE FORGOTTEN

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

Mr. HODES. Mr. Speaker, last week, Republican leaders sent a letter to the White House vowing to support the President's plans to veto essential legislation to protect our homeland, put thousands of new agents on America's borders, and invest in our country's priorities.

This sudden and newfound interest in fiscal responsibility is nothing more than hypocritical rhetoric. It does not match their actions or their record. Under Republican leadership, earmarks and deficit spending exploded.

For 6 years, Republicans and President Bush set the standard for fiscal mismanagement and turned record surpluses, created in the last years of the Clinton administration, into record deficits. And the President has refused to change course, once again proposing a budget for the upcoming year that does not find balance within the next 5 years.

Unlike the President's budget, the final Democratic budget blueprint brings us out of the red in the next 5 years, while also investing in critical homeland security initiatives. Instead of threatening to veto this essential legislation that the President claims is his top priority, President Bush should work with the Congress and sign this important legislation into law.

DAY OF SILENCE

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

Mr. INSLEE. Mr. Speaker, many of the 70 million Americans who enjoy music over the Internet woke up and their music was silent today, and the reason, because of an outrageous decision by a Federal agency that caused outrageous increases of 300 to 1200 percent of the copyright fees that Internet Web broadcasters have to pay. And in protest of that outrageous decision, Web broadcasters today have joined together in a day of silence to let Americans know what's going to happen if Congress refuses to act to right this wrong.

And I call today on my colleagues who will be hearing and have heard from many of their constituents on this day of silence. I hope they will cosponsor H.R. 2060, the Internet Radio Equality Act.

The simple fact is, if we do not pass this bill, Web broadcasters are going to go out of business. Many of the 70 million Americans who enjoy music over the Internet will not get to listen to it.

Congress needs to act. It's the right thing to do. Let's pass this bill.

MOURNING THE LOSS OF CORPORAL CHARLES W. LINDBERG

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

Mr. KLINE of Minnesota. Mr. Speaker, I rise today to honor the memory of Corporal Charles W. Lindberg, and I offer my most sincere condolences to his family.

Mr. Lindberg, a fellow marine and fellow Minnesotan, was the last survivor of the six U.S. Marines who raised the first flag over Iwo Jima during World War II.

On the morning of February 23, 1945, Corporal Lindberg and his fellow marines made their way to the top of Mount Suribachi. At the request of their battalion commander, they placed an American flag at the summit.

Years later, as he reflected on that fateful day, Corporal Lindberg said, ''Down below the troops started to cheer, the ship's whistles went off, and it was just something that you would never forget.''

This was the first time a foreign flag was flown on Japanese soil. The moment was captured in a photo by Sergeant Lou Lowery. This event, along with the famous photo made by Joe Rosenthal of the second flag raising, became a symbol of courage and victory in our country.

Just weeks after the flag raising in Iwo Jima, Corporal Lindberg was injured in the line of duty. For his bravery, he was awarded a Purple Heart and the Silver Star.

Mr. Speaker, in this Chamber we often speak of service to our country. Corporal Lindberg's story is a symbol for generations on the importance of service and duty.

After his retirement, Corporal Lindberg spoke to hundreds of veterans groups and student groups, inspiring all who heard him. He is much loved and admired by those who knew him.

God bless the Lindberg family, and God bless America.

RESPECTED REPUBLICAN PULLING AWAY FROM THE BUSH ADMINISTRATION ON WAR IN IRAQ

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

Mr. PALLONE. Mr. Speaker, yesterday, an influential Republican voice on foreign affairs admitted that the war in Iraq is doing more harm than good and that, I quote, ''Our course in Iraq has lost contact with our vital national security interests in the Middle East and beyond.''

Those are the words of Republican Senator RICHARD LUGAR of Indiana, who went to the Senate floor last night to say that changes in strategy need to be made before September. LUGAR's comments should be listened to very carefully by my Republican colleagues who continue to hold out hope that the President's troop escalation strategy can work.

Senator LUGAR is just the latest to admit that the President's plan is not working and that a new strategy is needed in Iraq. Last week, General Petraeus himself said that we will not meet the target of seeing any positive results from the troop escalation plan by September.

Now, Senator LUGAR's realistic assessment of the war in Iraq is commendable, but words are simply not enough. If LUGAR is convinced that the war in Iraq is no longer in our Nation's best interest, he must join us in finding an alternative that begins to bring our troops home.

TRIBUTE TO THE MEMORY OF MARINE SERGEANT SHAWN MARTIN

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

Mr. MCNULTY. Mr. Speaker, I rise this morning to salute and pay tribute to the memory of Marine Sergeant Shawn Martin, who gave his life in service to his country in Iraq. He died on June 20. His funeral will be on Thursday morning.

Sergeant Martin's death is a reminder to all of us that, regardless of how we feel about this particular war, that young men and women across our country put on the uniform of the United States military and are willing to go anywhere in the world at the direction of our government to protect American interests.

It reminds me not to let even a single day go by without remembering with deepest gratitude all of those who, like my own brother, Bill, made the supreme sacrifice, all those like Shawn who made the supreme sacrifice, and all of those who serve in the military with great honor and then come back home, render outstanding service in the community and raise beautiful families to carry on their fine traditions. These are the things that I'm most grateful for today as a citizen of the United States of America.

So today I extend my deepest sympathies to Shawn's wife, to his parents, to all the members of his family for his tremendous service to our country for making the supreme sacrifice, and we shall never forget this true American hero.

PROVIDING FOR CONSIDERATION OF H.R. 2643, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 514 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 514

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2643) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2643 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

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

I yield myself such time as I may consume.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 514.

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, House Resolution 514 provides for consideration of H.R. 2643, the Department of the Interior, Environment and Related Agencies Appropriations Bill for Fiscal Year 2008. It is an open rule, and allows all Members the opportunity to amend the bill.

□ 1030

Mr. Speaker, the funding levels in the underlying bill make clear the change in priorities of this new Democratic Congress. This bill refocuses our Nation's priorities to ensure that all Americans have access to clean water and air as well as appropriately addressing climate change and conservation, all of which have not been seen since Democrats last controlled this body in 1994. Democrats are restoring our obligation to the American people to protect and preserve the land and shores and all creatures who inhabit this Earth.

I commend Chairman DICKS and Representative TIAHRT for their hard and, perhaps most importantly, bipartisan work on this legislation. I do believe that they did a tremendous job in crafting this bill.

This bill restores our promise to America's underserved minority communities and to our children to ensure that our cherished land, water, and air will be preserved for generations to come. I commend the committee for including funding for important environmental justice programs I have long advocated for such as $1.1 billion for the Clean Water State Revolving Fund. This is $437 million above the administration's request and will help over 150 communities with drinking water and wastewater infrastructure projects.

The bill also includes $140 million for sewer and water grants, which received zero funding in 2007 and was not in the President's budget request this year. Further, this legislation provides $16 million for rural water technical assistance that was also zeroed out in the President's budget request. We are ensuring that all communities have clean and safe drinking water.

The underlying legislation also includes limitation language that I authored in the 109th Congress, ensuring that EPA respects the needs of environmental justice communities. It appropriate $7 million for environmental justice programs, the amount that Congresswoman HILDA SOLIS, I, and others requested. This is $3 million over the administration's budget request and $2 million over fiscal 2007 levels.

This bill provides much-needed funding for our national parks and wildlife protection. The legislation includes $2.5 billion for our national parks, $223 million above the 2007 levels.

Democrats are appropriating $1.4 billion for the Fish and Wildlife Service, $86 million above 2007 levels and $130 million above the President's budget request.

Ladies and gentlemen, our national parks have been shortchanged for too long. This funding will be used for critical maintenance and repair, conservation, and recreation, and for the preservation of our natural heritage.

Importantly, the underlying legislation maintains the longstanding Presidential and congressional moratoria on drilling for natural gas on the Outer Continental Shelf. The committee rightly rejected attempts to permit drilling to occur off the shores of coastal States, including my home State of Florida, and I am sure my colleague from Tampa (Ms. CASTOR) will speak more specifically to that issue during her time on the rule. In doing this, we continue to protect and preserve the health of Florida's beaches and tourism industry, the largest industry in our State.

Amendments may be offered today on the floor that will seek to strip Florida and other coastal States of their protections. I urge all of my colleagues to do what is right for our Nation and reject such amendments. Drilling for natural gas on the Outer Continental Shelf will have zero impact at the gas pumps. It will not under any circumstances reduce the cost of a gallon of gasoline.

This legislation offers a more forward thinking approach to our Nation's energy needs. Instead of looking for short-term, short-sighted solutions, Democrats have a smarter, long-term energy strategy. For starters, Democrats have increased funding for programs such as the global climate change research, providing $10 million above the President's request for new research on global climate change and its impact on rivers, groundwaters, and on organisms.

The bill also increases our investment in energy conservation and alternative fuels and research capabilities by nearly 60 percent. What a difference a change in Congress does make for our Nation.

Critically important to my district and to the entire State of Florida is restoration of America's Everglades, one of the most biologically diverse areas in the world and a unique and world-renowned eco-region. The Everglades is one of the Nation's most fragile ecosystems and remains an area of national and international significance. Increased funding to advance this restoration initiative ensures that the Federal Government keeps its commitment to the River of Grass, the largest environmental rescue in the world. Chairman DICKS and Representative TAYLOR, in my judgment, should both be applauded for their continued effort to restore and preserve this pristine ecosystem.

Democrats also take significant steps to finally work to fulfill our promise to our neglected Native American communities. In all, the bill provides almost $250 million more in funding for Native American health care and education opportunities than last year.

This legislation truly provides for each and every one of us. By investing in the health of America's natural resources, we are investing in the future of this majestic country.

Finally, Mr. Speaker, later today I intend to offer an amendment that would designate $1 million for grants for the National Underground Railroad Network to Freedom, the only national program dedicated to the preservation, interpretation, and dissemination of underground railroad history. I urge my colleagues to support this important amendment.

I am pleased to support this rule and the underlying bill, and I urge my colleagues to do the same.

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

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

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

Mr. HASTINGS of Washington. Mr. Speaker, the Rules Committee heard testimony nearly 2 weeks ago from my good friend and colleague from Washington, Subcommittee Chairman NORM DICKS and the Ranking Member TODD TIAHRT of Kansas. When they appeared before the Rules Committee, concerns were raised that the bill at that time did not include a list of earmarks or earmark sponsors and that no Member could challenge, discuss, and call for a vote on earmarks on the House floor.

Fortunately, Mr. Speaker, Republicans succeeded in forcing the Democrat majority to restore the earmark transparency and enforceability rules that they had changed at the beginning of this Congress, and now spending bills are being brought to the floor with earmarks where they can be discussed, debated, and voted upon, as they should be.

Mr. Speaker, I am pleased that the fiscal year 2008 Interior and Environment Appropriations bill that we will consider today contains a list of earmarks and the names of the sponsors of those earmarks. This means that Members will have the opportunity to review them before casting their vote on the House floor and not just see them added months from now, as was previously tried.

Mr. Speaker, the Central Washington area that I represent covers more than 19,000 square miles, much of which is controlled and managed by the Federal Government. The Federal agencies funded in this bill directly impact those that I represent on a number of levels. When storms and mudslides wipe out trails and roads, it affects not only my constituents that enjoy camping, hiking, and hunting on public roads, but also visitors to the area and the local businesses that rely on tourism. When invasive species, plant pests, and wildfire threats are not adequately controlled on Federal land, the problems do not stop at the property line.

I think I speak for many Western Members of the House when I talk about the huge stake we have in the general direction of the agencies funded under this bill. For this reason, Mr. Speaker, I am concerned that at a time when Federal land agencies struggle to manage the land they now have, this Congress would provide tens of millions of dollars for the Federal Government to buy up more land. This takes private property off the tax rolls and leaves county governments with a heavier burden to pay for emergency services, roads, and schools.

I have stood on this floor before to discuss the importance of another program, the Secure Rural Schools program, which compensates local governments that are negatively affected by Federal forest land policy and ownership and the virtual shutdown of the Federal timber program over the last 15 years. We need to get the Secure Rural Schools program reauthorized and we need to get the Payment in Lieu of Taxes program fully funded for the long term before we start spending millions of dollars adding more and more land to the Federal estate.

Finally, I want to express my concern about the overall increase in spending that this bill represents. I know that the chairman of the subcommittee and the ranking member worked very hard to try to manage the many demands for funding under this bill. However, this bill represents a $680 million increase over last year. As I have said previously with respect to other appropriation bills this year, we simply must rein in spending in order to prevent the massive tax increases that the Democrat majority is poised to impose, as reflected in their budget.

Congress must work for balancing the Federal budget in 5 years. There are two ways to balance the budget, whether it is your family budget or the Federal budget. You can either, one, reduce the amount of money being spent or, two, increase the amount coming in. This bill highlights the Democrat majority's allegiance to option number two: spending more money each and every year and at a rate faster than inflation, while relying on tax increases to balance the budget down the road.

Mr. Speaker, we don't need a bigger Federal Government. We need a balanced approach that holds the line on spending; provides for our Nation's most fundamental priorities; and allows taxpayers to keep more of their hard-earned money to spend, save, and invest as they see fit.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 6 minutes to my good friend

and member of the Rules Committee, the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR. Mr. Speaker, I thank my colleague from Florida (Mr. HASTINGS), who has been an outspoken advocate for environmental justice for this great country and a strong supporter of Everglades restoration. So I thank the gentleman.

Mr. Speaker, our natural environment and clean neighborhoods are vital to the health of the folks that we represent back home. This bill, and the rule, contains much to recommend it to the American people. But I rise in support today because my community, the Tampa Bay area, will benefit greatly due to the new investments being made under the leadership of this new Democratic Congress.

See, our communities have suffered over past years while environmental agencies were infiltrated by industry lobbyists. That was a strategy of this White House, unfortunately. And some in past Congresses whittled away at environmental protections.

□ 1045

Well, we're going to begin to turn that around today and repair America's natural environment and the public health so we can breathe easier.

First, we will make new investments in clean air and clean and safe drinking water. We know that the rate of asthma in children is rising in America, and this bill will help our communities get back on track with enforcement of the Clean Air Act.

On clean water, the residents of the cities of Tampa and St. Petersburg have benefited greatly over the years due to the Clean Water Act and the State Water Revolving Loan Program because my communities have been able to repair sewers, and in my hometown, clean up Tampa Bay and make it safer for swimming, boating, and fishing. But we have more work to do. The National Estuary Program portion of this bill will help, as the bill provides greater assistance to local communities to improve water quality in our national estuaries like Tampa Bay.

I also hope the committee will look favorably upon an amendment relating to the red tide that is affecting the physical environment of our coastal communities and causing respiratory ailments at a time when folks are trying to enjoy their vacation at the beach.

Urban communities like mine also need assistance in cleaning up toxic waste sites and Superfund sites. As a former county commissioner back home, I understand the value of cleaning up old brownfield sites so they do not remain as blights on the community. Oftentimes these polluted industrial sites are located in communities of modest means. So I salute the committee and Chairman DICKS for his commitment to environmental justice to ensure that environmental decisions do not adversely affect minority populations.

This bill also charts a new direction on global warming as well by increasing climate change scientific research, including attention to coastal communities to help us determine how we can best adapt to a warming planet.

This act and rule also provides long overdue funding for our national parks, including the beautiful Florida Everglades. Thanks to Chairman DICKS and the committee for stepping up our efforts to ensure that these valuable environmental resources are protected.

One final issue: this bill maintains the long-standing moratoria on oil and gas drilling off our beautiful gulf coast beaches. Now, I expect that the oil and gas lobby will take a run at this protection today, and I urge my colleagues to hold firm.

In Florida and in other coastal States, drilling threatens our environment, it threatens our health, and it threatens our economic livelihood. Instead of risking our critical coastline for short-term gain, the new Democratic majority is pursuing a long-term energy strategy by investing in energy conservation and alternative fuels.

Granting oil and gas leases and access to our coastline is not the solution to our energy crisis. The current leases that oil and gas companies exploit far off the coastline exist with the help of taxpayers. Allowing drilling closer to our coastline is simply a way for oil and gas companies to maximize their profits. Such actions will have no effect on either the cost of gas or on the future of our energy needs.

I urge my colleagues to beat back this scheme of the oil and gas lobby today, their attempt to kill a ban on coastal drilling that was enacted in response to a 1969 oil and gas bill that blackened 35 miles of California's coast.

Instead of drilling for limited resources, the country needs an accelerated program for alternative fuels, and Congress needs to investigate the oil companies' unseemly profits.

I urge my colleagues to support this legislation and the rule. I salute the leadership of Chairman DICKS, and I thank Ranking Member TIAHRT. This legislation will protect our environment and our public health and focus on renewable energy solutions that are vital to the State of Florida and the future of our great Nation.

Mr. HASTINGS of Washington. Mr. Speaker, at this time I'm pleased to yield 5 minutes to the gentleman from Texas (Mr. NEUGEBAUER).

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

Mr. NEUGEBAUER. Mr. Speaker, I rise today on behalf of the American taxpayers in opposition to this rule.

A couple of weeks ago we had a lot of debate on this floor about earmarks. At the end of this agreement we were able to have a process that's more open and transparent for the earmark process, and so that was a victory for the American taxpayer. However, it's worth noting that when you look at the spending, for example in 2005, earmark spending was less than 1 percent. So even though the battle was won on earmarks, the war is still on against overspending of the American taxpayers' money.

There are many causes for overspending in this country today, and one of those is the entitlement programs. Those are programs, unfortunately, that this body doesn't even get to vote on. And the fact that the new majority's budget now has an additional discretionary spending of $20 billion does not help the spending problem at all.

I would argue that Congress is failing at another very important issue as well. According to a CQ Weekly article recently, $100 billion in appropriations this year that we will make aren't authorized. Now, the American people know what ''authorized'' means. If you go down and open up a checking account, people want to know if you're authorized to sign on that account. If you get a credit card, certain people are authorized to use the credit card. I wish we were using a checking account for the American taxpayers, but unfortunately we're using a credit card.

What we're going to have in this bill today, the Interior EPA appropriations bill, is $7.29 billion that's not authorized. What does that mean? That means that the committees of jurisdiction have chosen either not to authorize this spending or to reauthorize this spending, yet the appropriation process is going to go ahead and spend $7.29 billion of the American taxpayers' money. Let me tell you where some of that unauthorized money is going to be distributed; $160 million to the National Endowment of the Arts was last authorized and it expired in 1993. The authorization for this expired in 1993. $1.8 billion of discretionary programs for the Bureau of Land Management. That authorization expired in 2002. $10.5 million for EPA State and Tribal Grants to Alaskan Native Villages. Authorization for this spending expired in 1979. These projects aren't on autopilot. In fact, there is not even a pilot in the cockpit. These are programs that no one has chosen to reauthorize in a number of years.

As Members of Congress, we're entrusted to spend the taxpayers' money wisely. Congress is supposed to continually review these policies and programs to determine, one, are they working; secondly, do they need to be improved; or, third, should they be eliminated altogether.

Get this: House rules require appropriations to go through the authorization program, yet each year the Rules Committee chooses to waive points of order authorizing spending. In other words, that means we have rules in this House to protect the American taxpayer by saying we're not going to fund projects that aren't authorized. But what is the first action that we take? We waive the rules. This is a practice

both Republican and Democratic Congresses are guilty of. However, I think it's important to point out this shortcoming as we go into this very important legislative process.

Now, some might argue, well, Congress is just too busy, doesn't have enough time to review all of these program. Well, quite honestly, if these programs aren't important enough for Congress to take the time to review them to determine whether they should be continued to be funded or if they're relevant today, we probably shouldn't be sending billions of dollars of the taxpayers' money for those programs. And to the argument, well, we're too busy, well, we haven't been too busy in the first 6 months of this Congress. In the first 6 months of this Congress we've authorized $828 billion in new programs. So if we have time to authorize $828 billion in new programs, it looks like to me we have time to go through these programs that are going to be funded today in this bill that are unauthorized.

Clearly, Congress needs to do a better job. The first thing Congress needs to do is follow the rules. These were rules that were put in place to put checks and balances on how we spend the American taxpayers' money. And so I would encourage our Members today to vote against this rule and for Congress to follow its own rules, and that is, to make sure that we do not fund unauthorized projects.

Mr. HASTINGS of Florida. Mr. Speaker, before yielding to my good friend on the Rules Committee, let me clear up something for the American public.

Mr. DICKS and Mr. TIAHRT, in a very responsible manner bringing this appropriations measure to the floor, had to work assiduously to ensure that this is a bipartisan effort and that we are being proper stewards of the environment. There is no question, I don't believe, that anybody can say about that.

But I've listened now for a considerable number of days about the hammering of earmarks. Now, I'm not here as an apologist for anybody, but I think something needs to be understood that is not clear in the minds of many, particularly in the American public because of the confusion that has been put forward by my colleagues on the other side. Let me use as a ''for example'' in this particular measure some of the so-called earmarks that I say are needed in these communities. And I go specifically to Florida and specifically to Republicans who work on this floor with me.

I support the city of Sarasota's water system placement that Congressman BUCHANAN asks for. I support Congressman CRENSHAW's town of Callahan for the wastewater treatment plant. I support the fourth-ranking member of the Republican Party's request for the city of Brooksville Southwest Florida Water Management District for the Peace and Myakka Rivers. I have fished in those rivers. I have seen them be damaged. They are nowhere near the district that I am privileged to serve, but I support that particular effort of Congressman PUTNAM.

I support the city of Clearwater for wastewater and reclaimed water infrastructure. I have been in Clearwater when it was flooding and the people had problems in that area. That's offered by Mr. YOUNG, the former appropriations Chair, and Mr. BILIRAKIS. Enough already, colleagues. These people need this environmental protection. They need these water treatment facilities. They need the things that Mr. DICKS and Mr. TIAHRT have worked out. And it's wrong for folks to come down here and to try to give the American public the impression that because somebody that is sent here for the purpose of trying to use the budget for the purposes of protecting the environment and the American people, that they have done something wrong.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Vermont, my good friend who is on the Rules Committee (Mr. WELCH).

Mr. WELCH of Vermont. I thank the gentleman from Florida and for his ringing endorsement of public spending for public projects.

Two things: first, Democrats readopted in this Congress the principle of pay-as-you-go, acknowledging that we have to pay our bills, and that good intentions are not enough to balance the budget. We will do that as we did before. But in this bill we are proposing to spend 7.5 percent more than the President asked for. And the reason? That spending is necessary and required if we're going to protect the rivers, the waterways, the air and the land of this great country.

Second, the spirit of Teddy Roosevelt is alive and well in this bipartisan bill by Mr. DICKS and by Mr. TIAHRT. We are getting back into protecting the America that we are responsible to hand down to the future. This bill, a bipartisan bill, appropriates $266 million for climate change research across all Federal agencies. This bill creates a commission on Climate Change Adaptation and Mitigation that will review scientific questions that need to be addressed to adapt to global warming and to recommend action. This investment in furthering our understanding of the impacts of climate change is a down payment on our future. If there has been a debate about whether global warming exists, this bill puts an exclamation point that the bipartisan conclusion of Congress is that global warming is real, is urgent, and requires immediate attention.

The spirit of Teddy Roosevelt is also alive and well in this bill in the Forest Legacy Program. And thank you, Mr. Chairman and Mr. Ranking Member. The Forest Legacy Program brings communities together, protecting their forests. In my own State, two very small towns of Fairlee and West Fairlee have been working hard contributing their own money to protect their Brushwood Forest. The increase in the Forest Legacy Program, something that's been overdue, is going to give them a fighting chance to be able to do that.

The spirit of Teddy Roosevelt is alive and well in the bill's commitment to water quality. The Clean Water State Revolving Fund provides all of our States resources for local sewage treatment projects, one of the most important investments in the country towards public health.

□ 1100

The spirit of Teddy Roosevelt is alive and well in the self-help efforts in this bill in the small amount of money, $16 million, that provides for rural water technical assistance. This helps small communities across the State of Vermont and across the country get the technical assistance that they need in order to do locally what is required for the benefit of their own citizens.

Mr. Speaker, I thank the gentlemen on both sides of the aisle for their leadership in this overdue legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I would like to engage in a colloquy with my colleague from Washington, the chairman of the subcommittee.

As the chairman is aware, I have been concerned for some time with the issue of Federal land acquisition due to its effect on local tax rolls. Many of the counties that I represent are heavily federally owned. Some of them have strong reservations about Federal land acquisition.

I would like to say a word or two specifically about the Columbia River Gorge National Scenic Area. As the chairman knows, I represent the northeastern part of the scenic area. The Columbia River Gorge National Scenic River Act, passed by Congress in 1986, authorized $40 million for land acquisition, $10 million for economic development grants, and $10 million for recreation grants for the scenic area. I am concerned that even though it has been 20 years since the Act was passed, the economic development and recreation accounts have yet to be fully funded. Meanwhile, the Forest Service has spent more than $55 million on land acquisition in the Columbia River Gorge National Scenic Area. I believe we should make it a priority to fund the economic development and recreation accounts as envisioned under the Act.

Mr. Speaker, I am happy to yield to Chairman DICKS for his comments.

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

I share your interest in seeing that the economic development and recreation accounts under the gorge act are fully funded. I will be happy to work with you on this issue which is so important to the communities in your scenic area.

Mr. HASTINGS of Washington. Mr. Speaker, reclaiming my time, I appreciate the chairman's remarks. I also

noted that the committee report includes $1 million for land acquisition in the Columbia Gorge National Scenic Area requested by our colleagues, Mr. BLUMENAUER of Oregon and Mr. BAIRD of Washington. I would like to clarify with the chairman that it is not his intent that these funds would be spent on land acquisition in the part of the scenic area that I represent.

Again, I would be happy to yield to the chairman on this question.

Mr. DICKS. That is correct. The earmark in the committee report is for land acquisition in areas of the scenic area represented by the two gentlemen who requested the funding.

Mr. HASTINGS of Washington. I thank the chairman. I appreciate very much your comments. I look forward to working with you on issues related to the implementation of the Columbia River Gorge National Scenic Act.

Mr. Speaker, yesterday the Rules Committee, by a voice vote, approved an open rule for the consideration of the Department of Interior, Environment and Related Agencies Appropriation Act. I am pleased that this rule keeps with the longstanding tradition of allowing an open debate on spending bills. I support House Resolution 514.

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

Mr. HASTINGS of Florida. Mr. Speaker, the underlying legislation moves our country in a better direction, providing improvements long overdue to our entire Nation. Our investments today will ensure that our children and grandchildren will have water and air that is cleaner, natural landscapes and historic structures that are protected, and arts and humanity centers that are bolstered.

This bill fulfills past due obligations to our underserved communities and to our entire planet. Republicans in the last Congress and in the current administration have continued to fail to effectively fund the environmental and conservation needs of the American people and its natural resources.

Today, under the Democratic leadership, we are reversing this trend and restoring funding to vital programs and agencies, fulfilling our promise to this Nation and to this Earth. The investments this bill makes are of vital importance today, and their benefits will be felt for years to come.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DICKS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2643, and that I may include tabular material on the same.

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

There was no objection.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 2643, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. DICKS. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 2643 pursuant to House Resolution 514, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

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

There was no objection.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 514 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2643.

The Chair designates the gentlewoman from Ohio (Mrs. JONES) as Chairman of the Committee of the Whole, and requests the gentleman from New York (Mr. MCNULTY) to assume the chair temporarily.

□ 1106

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2643) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. MCNULTY in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Washington (Mr. DICKS) and the gentleman from Kansas (Mr. TIAHRT) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have waited 30 years for the honor of presenting an Interior and Environment bill to the House of Representatives as subcommittee chairman. I am very proud to present H.R. 2643 to the committee as my first Interior appropriations bill.

The bill includes $27.6 billion for the Department of the Interior, the Environmental Protection Agency, the Forest Service, the Indian Health Service and Related Agencies under this Subcommittee's jurisdiction. This is an increase of $1.193 billion over the 2007 enacted level, or about a 4.3 percent increase.

Mr. Chairman, the recommendations reflected in the 2008 Interior bill are the product of a very deliberate and bipartisan process. Our Interior and Environment Subcommittee held 38 separate hearings over 3 months with more than 250 witnesses. The printed record of these hearings is included in eight volumes, totaling over 10,000 pages.

During these hearings, we heard from agency officials, Members of Congress and more than 100 Tribal leaders and other public witnesses. This testimony made it clear that substantial increases in environmental and conservation programs were badly needed. These sessions also highlighted the critical health and education needs in Indian country.

While the Office of Management and Budget and other Members of the House may criticize the overall size of the bill, I do not know of one increase in this package which can't be fully justified based on need or on the ability to spend the money wisely. Frankly, I don't think I have to remind Members that this bill started in a deep hole created more than a decade ago.

As Members have heard me say many times, and as this chart clearly demonstrates, in our hearings and other statements on the floor, between 2000 and 2007, based on OMB's own tables, funding for the Interior Department fell 16 percent in real terms. EPA has been reduced by 29 percent, and the Forest Service nonfire budget by 35 percent when adjusted for inflation. Given that history, I believe the 4.3 percent increase in this bill is well justified.

I might just mention that one of the most important powers that Congress possesses is the power of the purse. This is in the Constitution. This is one of Congress' major authorities and one way we can check the actions of the executive branch.

Now, while I do not go into all the details, a few of the increases and decreases deserve special mention this morning.

□ 1115

The bill provides a $223 million increase for our national parks, as proposed by the President, for the 10-year, $3 billion Centennial Challenge effort to restore the parks for the 100th anniversary of the founding of the Park Service in 2016. The additional funds will support 3,000 badly needed new seasonal employees and 590 year-round staff. We also provide $50 million of discretionary funds for Centennial Challenge projects to be matched by private funds. These funds will support enhancements at our parks beyond the funding necessary for core operations.

We provide a $56 million increase for our national wildlife refuges, a 14-percent increase above the fiscal year 2007

enacted level. This will reverse the current staffing shortfall problem on our refuges, which have lost almost 600 staff members since 2004.

The bill provides a total of $5.7 billion for programs serving Native Americans. This is $235 million over the President's request for the Bureau of Indian Affairs and the Indian Health Service. To address one of the biggest issues facing Indian country, Mr. TIAHRT and I have added $35 million above the request for a methamphetamine prevention initiative that spans both the BIA and the Indian Health Service.

The bill provides $2.8 billion for wildfire programs, an increase of $200 million over the current level. The President's budget had proposed more than $100 million in reductions in critical fire preparedness activities, which I believe both sides of the aisle considered completely irresponsible. The bill restores those cuts and provides an increase of $163 million over FY 2007 for wildfire suppression. As we see on television every day, and particularly out in the Lake Tahoe area, this year's fire season is shaping up to be one of our worst. The funds in the bill are the minimum necessary for the wildfire program.

We have also restored basic funding for the Forest Service, providing a total of $2.6 billion for the non-fire programs, which is $92 million above 2007 and $355 million above the President's request. This maintains important science, cooperative forestry programs, and land management, and also includes $65 million for a new Legacy Road and Trail Remediation Program to repair damaged roads and decommission those that receive little use, particularly in areas where we have many endangered species.

We have provided over $8 billion for the EPA, roughly a $900 million increase over the President's completely inadequate request. As Members know, the President had proposed more than half a billion dollars of cuts for the agency. We restore most of the cuts and provide a number of critical increases. Those include a $437 million increase above the request for the Clean Water State Revolving Fund, $52 million above the request to clean up toxic and hazardous waste sites, $220 million for Clean Air State grants, $140 million for sewer and water grants in local communities, and $50 million for the new diesel emission reduction program.

This bill recognizes the importance of protecting and restoring a number of our Nation's most important water bodies by providing an increase of $65 million above the President's request for the Chesapeake Bay, the Great Lakes, Long Island Sound, Puget Sound, and 28 estuaries funded through the National Estuary Program and other grants for other targeted watersheds.

The bill provides an increase of $50 million for our cultural agencies to get them partially back to where they were in 1994. The National Endowment for the Arts will get a $35 million increase to $160 million and the National Endowment for Humanities would get an increase of $19 million for a total of $160 million.

One of our witnesses this spring, actress Kerry Washington, described the role of the arts in offering her a world beyond her inner-city neighborhood and giving her ''something to reach for and something to reach with.'' Hopefully, the money in the bill for the NEA and the NEH will give other young people the same kind of inspiration and opportunity.

Mr. Chairman, I want to draw special attention to our recommendations with regard to climate change. It is now clear that global warming is occurring and that its effects will likely alter how we live in very serious ways. This reality was confirmed at hearings held by the Interior Subcommittee in April where witnesses from the Interior Department, Forest Service and other agencies described climate-related changes already occurring on the Nation's public lands. These impacts include increased wildfires, changing precipitation and water availability patterns, increasing presence of invasive species, changing migratory patterns for many animals and birds and significant loss of habitat for many species.

In response to this challenge, the subcommittee has made a series of recommendations.

First, we included in the bill the same Sense of Congress resolution on climate change which I offered last year and which was accepted by the Appropriations Committee during the 109th Congress. This appears as title V of this bill. It recognizes in statute that climate change is a reality, that human activity contributes to it in significant ways, and that this country must take action to address this very serious problem.

Second, the bill provides $264 million for various climate change activities throughout the bill, an increase of $94 million over the 2007 level; $199 million is provided for EPA climate programs; $67 million for the Department of the Interior, principally for the U.S. Geological Survey; and $22 million for the Forest Service.

Third, we set aside $2 million for the EPA to begin to develop the framework for regulation of greenhouse gases. The Supreme Court ruled in April that the agency has the authority to regulate greenhouse gases under the Clean Air Act. This bill does not mandate the form of these regulations or set a specific deadline for producing the final regulation, but in law it says the process must begin in earnest during 2008.

Lastly, we establish a new temporary 2-year Commission on Climate Change Adaptation and Mitigation and appropriate $50 million for its work. This commission will be chaired by the president of the National Academy of Sciences, Dr. Ralph Cicerone, a world-renowned authority on climate change, and will focus on the science issues related to how the world adapts to the reality of climate change. Its role is essentially that of a public-private advisory committee to identify the highest priorities for climate science investment for 2008 across the government. $5 million is provided to cover the cost of the commission for 2 years, with the remaining $45 million to be distributed to jump-start climate science at the various Federal agencies.

In summary, the message of this bill with respect to climate change is it is time to quit talking about the problem and start doing something about it.

Members should understand that this bill is not all increases. The subcommittee bill includes reductions below the 2007 level totaling over $400 million. This includes $135 million cut from construction programs throughout the bill and termination of a number of programs, including the Land Owner Incentive Program and Private Stewardship Program at the Fish and Wildlife Service.

Mr. Chairman, as Members know, consideration of this bill was delayed for a while as the committee complied with the agreement to include Member projects in committee reports prior to bills being considered on the floor of the House. House Report 110–187, part 2, filed on June 22, fulfills this requirement. This report lists 228 projects requested by the Members of the House with a total cost of approximately $114 million. The financial disclosure certifications for these projects have been made available to the public, and we believe the filing of the report meets all requirements under clause 9 of rule XXI.

Mr. Chairman, I want to emphasize that the $114 million in this bill for projects constitutes only four-tenths of one percent of the roughly $28 billion in this bill. When Senate projects are counted later, the total allocated to such projects will be less than 1 percent, or roughly eight-tenths of one percent.

As I said during the consideration in the full committee last week, many Members will, unfortunately, be disappointed by the project list included in this report. Based on the agreement reached earlier this year with House leadership, funding for Member projects has been reduced by 50 percent compared to funding for similar projects in 2006.

Because of this requirement to reduce funding for projects, Mr. TIAHRT and I agreed to concentrate limited funding, with a few exceptions, on critically needed water and sewer infrastructure grants and historic preservation grants. These are the two areas where we get the most requests. Projects requested in these areas were individually reviewed on a nonpartisan basis by our joint staffs working together to ensure that each project was fully justified based on both the quality of the proposal and the needs of the

communities. In the end, however, due to the limited amount of funding, hundreds of worthwhile projects could not be accommodated. I wish we could have done more, but this is the hand we were dealt.

I would just add to that, when Christine Todd Whitman was the head of the EPA, she said the backlog on these sewer infrastructure projects was $388 billion. So we are spending $140 million. It is just a little dent in this huge requirement that we have out there.

Mr. Chairman, before yielding to other Members for remarks, I want to say how much I have enjoyed working with Mr. TIAHRT as the Interior and Environment Subcommittee's new ranking member. We sat together for over 100 hours of hearings over 3 months, and we have met together privately with many of the agencies. It has been very hard work, but I think because of these efforts, we have a very good bill which should be supported by every Member of the House. I look forward to many years as chairman working with Mr. TIAHRT as my ranking member, or vice versa.

I also want to recognize the hard work of our exceptional staff on both sides of the aisle who have worked together as a bipartisan team throughout this process. I want to mention the staff: Mike Stephens, Chris Topik, Greg Knadle, Delia Scott, Beth Houser and Martin Brockman on the majority; Deb Weatherly, Dave LesStrang and Steve Crane for the minority; Pete Modaff and Kelli Shillito on my personal staff; and Amy Claire Brusch on Mr. TIAHRT's staff.

Before I finish here, I just wanted to say that I am very proud of this bill. I think it is a good bill; and as, Mr. Natcher said, it is a good bill and everybody ought to vote for it.

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

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Chairman DICKS is to be commended for the reasonable manner in which he has conducted the business of the Interior Appropriations Committee and the personal consideration he has given me in my role as ranking member. It is a reflection of the experience he received while waiting 30 years to become chairman. We should all recognize the patience and expertise that Mr. DICKS brings to the floor of the House.

Mr. Chairman, the subcommittee's work this year has been a bipartisan collaborative effort. But in spite of the comity reflected in much of the subcommittee's work, the minority does have genuine policy differences with the Democratic majority and a divergence of views over the level of funding necessary to address the critical needs of this bill.

Our 38 subcommittee hearings revealed many unmet needs and urgent priorities. Still, while we have an obligation to be good stewards of our Nation's environment and public lands for future generations, we also have an obligation to be good stewards of our tax dollars. In that respect, I believe this legislation falls short.

The 302(b) allocation for this bill is $27.6 billion, a $1.9 billion increase over the President's budget increase and a $1.2 billion increase over the enacted fiscal year 2007 Interior bill. The enacted fiscal year 2007 Interior bill itself was $400 million over what the House passed last fall.

The initial subcommittee allocation, which was $858 million above the fiscal year 2007 enacted level, though very generous, would have resulted, I believe, in a better, more balanced bill. The additional $335 million added to the subcommittee's already charitable allocation is simply unnecessary, and, more importantly, unsustainable. No matter how well-intentioned, this overly generous allocation will cause many of the same problems down the road that this subcommittee has been trying to resolve in recent years, namely, huge backlogs in operations and maintenance.

The circumstance is, in many respects, similar to the homeowner who receives a big bonus and uses these extra funds to buy a bigger house for his family. The bigger bonus is welcome and unexpected. Buying a bigger house seems like a great idea at the time. But down the road he realizes he can't depend on getting a bonus every year, and he finds himself unable to afford living in this new house. He, like this subcommittee, risks becoming overextended and unable to pay the bills. The difference is the homeowner goes bankrupt and a new owner takes over. The government fails to keep up with the new property, and the property soon becomes listed on a maintenance backlog.

It is human nature that we want to create new programs to build new structures, to buy new land. Yet it seems no one worries about the future cost of maintaining them. Over the years, this subcommittee has learned through good oversight that too little money can do real harm. The same is true for too much money.

We believe that the subcommittee should strive for a balance, and that is precisely what the original subcommittee allocation achieved. We ought to provide enough money to allow the agencies to carry out their primary mission. We should focus on taking care of what we presently have in the public trust. We have to give careful, thoughtful consideration before purchasing something new. Again, we must strive for balance. As this bill goes on to conference with the Senate, I am hopeful that the majority will be sensitive and responsive to this challenge.

In many areas this legislation has achieved balance. I applaud Chairman DICKS for his focus on the operating accounts within this bill. There has clearly been an erosion in this area, due in part to the absorption of the pay and fixed costs over the years. However, I believe the subcommittee should move more cautiously in providing funds for new land acquisition and construction. While there are high priority needs in these areas, it is important that we focus on the core mission of these agencies and not become overextended.

The subcommittee risks creating a larger problem down the road by hastily expanding current areas that we cannot oversee or creating new ones that we cannot maintain. Many will recall that when Congress provided these agencies with too much funding too quickly in the early to mid-nineties, they lost focus. The result was a huge backlog, redundant programs and large unobligated balances, many of which still remain, and numerous operational shortfalls. Our job is to provide for core needs, be vigilant about oversight, and avoid the mistakes of the past.

I recognize that Chairman DICKS and Chairman OBEY have a special place in their heart for the great open spaces of this country, and I know that they appreciate the grandeur of our national parks; and I join both chairmen in support of the $198 million increase in the operations budget for the National Park Service.

I am also very pleased with the needed attention in this bill that it provides to the Native Americans. There are many unmet needs in Indian country, in education, healthcare, law enforcement, methamphetamine treatment and other areas; and this bill does a great deal to address those priorities. I also believe it is critically important to restore full funding for Urban Indian Health Clinics, and this bill does exactly that.

While this bill is positive in many respects, I would be remiss if I didn't outline several specific areas where I would have written the bill differently. The fire season is upon us once again and catastrophic fires out west are again commanding national headlines, like the South Lake Tahoe fire just yesterday. It is appropriate that this bill provides additional funding for wildfire preparedness at the Bureau of Land Management and the U.S. Forest Service.

Subcommittee hearings this year demonstrated that there is a great interest and great concern over the ongoing wildfire suppression challenge which is presently burning up about 45 percent of the Forest Service budget. In light of the large subcommittee allocation and the tremendous anticipated need during this fire season, I think the subcommittee could have done even more to address fire preparedness and fire suppression problems, because being prepared can avoid the need for fire suppression.

□ 1130

Mr. Chairman, while reasonable people may disagree over the cause, there is clearly a need for more focused science on climate change. I believe

Chairman DICKS would agree that our response to climate change must look at long-term solutions rather than simply trying to provide for a quick fix.

The USGS is the science agency for the Department of the Interior, and I believe they should manage any additional funds directed to address this issue for the department. While I have the greatest respect for Chairman DICKS, I am concerned about the inclusion of the global climate change sense of Congress resolution in this bill. My concern is based on the simple fact that it does not reflect a consensus opinion of many climate change experts who testified before the subcommittee this year. It proposes conclusions and solutions to a problem that is not yet fully understood. Historically, mandatory market-based limits suggested in the language simply have not worked.

I believe we need to make wise, science-based decisions rather than merely respond to the heated rhetoric of political dialogue of the day.

As one agency scientist testified this year, our greatest need is to focus on the gaps in credible scientific information. Without understanding the complete scientific data, we will be unable to solve the problems created by climate change, and it will create a false hope presenting bad solutions to the wrong problems.

America needs to secure its own sources of energy, be it from oil, natural gas, coal, nuclear, renewable or other sources. A strong and vibrant economy and the well-paying jobs that go along with it are closely linked to reliable and preferably inexpensive energy sources.

If we want to help American working families to continue to build and strengthen our economy, we must provide them with the tools they need to pursue reliable sources of energy. I believe responsible use of our resources is precisely the right course. The approximately 43 million outer continental shelf acres under lease generally account for 20 percent of America's domestic natural gas. To address the growing demand for domestic sources of natural gas, the gentleman from Pennsylvania (Mr. PETERSON) last year offered a commonsense amendment in full committee which was supported on a bipartisan basis.

Republicans and Democrats alike agreed that the United States needed to lessen its dependence on foreign sources of natural gas. Mr. PETERSON will soon be offering the same amendment on the House floor, and I urge its adoption.

Many heard me say over the past few months how fortunate I have been to be selected as the ranking member of the Interior, Environment Appropriations Subcommittee. Not only do I have the privilege of working with Chairman DICKS, but I have had the pleasure of working with a fine appropriations committee staff.

First, I would like to thank Debbie Weatherly and Dave LesStrang here beside me on the Republican staff for all of their hard work and dedication not only to crafting this bill, but also preparing me for this new subcommittee in this inaugural role as ranking member. This spring would have been a very difficult learning process but for their guidance.

Many of you know Debbie and her impeccable stewardship of this appropriations bill during the Republican majority. She is also one of the most beloved and respected committee staffers I have ever come across. The fact that Members across the aisle continue to consult her is a testament to her depth of knowledge. I have appreciated all of the time she has spent with me over the past few months. I know that her husband, Glenn, has missed her, and I am glad he will soon get to see her more often.

I am also extremely grateful to Dave LesStrang who has taken on Interior Appropriations as part of his portfolio for Mr. LEWIS. Like Debbie, Dave is one of the most respected and well-liked staffers on the Capitol campus. I thank Mr. LEWIS, and especially Dave's wife, Elaine, and his sons Matthew and Michael for their patience in allowing him to spend so much time on the important work of this subcommittee.

Let me also commend Steve Crane of the minority staff for his guidance on issues related to offshore oil and gas drilling. Steve's expertise on these issues is exceeded only by his knowledge of anything related to the Boston Red Sox.

I am also grateful to the majority staff led by Mike Stephens. They have been cooperative and effective in not only crafting this bill, but also in helping me and my staff become acquainted with the Interior, Environment appropriations process. The entire Interior staff is to be commended for fostering a spirit of teamwork in crafting this legislation. Chris Topik, Delia Scott, Greg Knadle, Beth Houser, and Martin Brockman are bright, friendly, dedicated and among the most knowledgeable staffers on the Hill. I am pleased that once this bill is passed, they will finally have a weekend to themselves.

I would be remiss if I did not also point out the many contributions of Pete Modaff and Kelli Shilito of Chairman DICKS' staff, as well as Jeff Kahrs, AmyClaire Brusch, and Melissa James of my own staff.

In closing, Mr. Chairman, while I have real policy differences and spending concerns related to this legislation, it is our hope that between now and the conference negotiations with the Senate later this year, we can address those issues of disagreement and seek a bipartisan consensus on a reasonable, sustainable subcommittee allocation. Our sincere desire is to work with Chairman DICKS to fashion a responsible, balanced conference report worthy of broad bipartisan support.

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

Mr. DICKS. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. CHANDLER) who is a valued member of our subcommittee.

Mr. CHANDLER. Mr. Chairman, it is a pleasure today to rise to my feet to support what I think is a wonderful Interior, Environment Appropriations Act, and it has been a tremendous pleasure to work with Chairman DICKS who, after 30 years of waiting, is now the chairman of this subcommittee and has done a first-rate job on this bill. And the staff, I can't say enough about the staff. They are, as Mr. TIAHRT said, amongst the best on Capitol Hill.

Each year Congress considers anew the needs of many Federal agencies that carry out essential work on behalf of our citizens. This year our subcommittee, under Chairman DICKS' leadership, held extensive hearings on virtually every budget item under the subcommittee's jurisdiction. What we found were serious budget shortcomings that require our immediate attention.

In the area of conservation, this bill does wonderful things for our environment. It protects habitats through a 14 percent increase in funding for national wildlife refuges, and a 10 percent increase in funding for the Forest Legacy Program which enables our private forest owners to have an economically feasible alternative to selling their land for development.

In addition, the committee's bill also directly protects endangered species and migratory birds.

In the area of environmental protection, Mr. Chairman, in this legislation we make strong investments in programs that protect our environment. The Superfund program cleans up our Nation's most contaminated sites.

The increasing frequency and cost of wildfires is consuming more and more of the Federal budget. We take steps in this bill to prevent fires from ever occurring.

This Congress has paid a lot of attention to the issue of climate change, and our subcommittee is no exception. We take steps to advance research concerning this critical issue.

In the area of human health, deteriorating water infrastructure across the country endangers the health of our citizens and that of our environment. This bill will begin to address the problems in our communities by funding the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund. Funding these programs will allow States and localities to upgrade their drinking water and wastewater facilities.

In the area of cultural identity, this bill takes steps to preserve our cultural heritage and educate our citizens about our history. The National Park Service sees historic funding increases in advance of its centennial celebration in 2016. The funding levels of the National Endowment for the Arts and Humanities have each been raised by 28 percent to help these programs recover from deep cuts over the last decade.

The fund for historic preservation is provided with $82 million, including $45

million for State historic preservation offices, the highest amount in that account since 2001.

In many ways each of these efforts add significantly to our understanding of who we are as Americans. I believe it is incredibly important to preserve and to celebrate our heritage, and this is a wise investment of the taxpayers' dollars.

Fiscal responsibility. Being good stewards of the taxpayers' money is at the heart of our duty as representatives of the American people. After years of fiscal mismanagement, we have restored pay-as-you-go rules while investing in critical priorities. Investing in critical priorities. Reinvesting our money now, whether through cleaning up a town's drinking water or keeping our ecosystems in balance will save us money in the long run and will make our country a better place to live. That is what being a good steward is all about.

This is a good bill, and every Member should vote for it. Mr. Chairman, I believe that this legislation is a responsible investment in our future. It protects our environment, it protects our health, and it celebrates our heritage.

Chairman DICKS and the excellent staff led by Michael Stephens ought to be commended for working so diligently to produce this bill. It is a tremendous bill. It is, in my view, true stewardship of the resources we have been given, and I am very proud to support it.

Mr. TIAHRT. Mr. Chairman, I yield the gentleman from California (Mr. LEWIS), the distinguished ranking member of the Appropriations Committee, such time as he may consume.

Mr. LEWIS of California. Mr. Chairman, I want to congratulate both the chairman and the ranking member for a fabulous product that is reflected in this bill. The Interior appropriations bill is, by tradition, one of the most bipartisan bills among all of the bills that our committee considers each year. The House is, indeed, fortunate that the work of this subcommittee this year falls to Chairman NORM DICKS and Ranking Member TODD TIAHRT. They are not only good friends, they are capable legislators who recognize the value of bipartisanship. Clearly they do not agree on each and every single piece of this bill relative to policy or funding; but nonetheless, when they disagree, they recognize the value of communication and sharing information.

What makes this relationship even more valuable is it also extends to the professional staff on both sides of the aisle. The working relationship of Chairman DICKS and Mr. TIAHRT, coupled with a reasonable allocation, could produce a very fine product.

In this instance, however, an excessive subcommittee allocation has thrown this bill out of balance. More money does not always guarantee a better bill. In this instance, in fact, just the opposite is true. This subcommittee allocation for this bill is $27.6 billion, a $1.9 billion increase over the President's budget request, and $1.2 billion increase over the enacted fiscal year 2007 Interior bill. This subcommittee allocation represents exactly the kind of unfettered spending that so closely identifies the differences of philosophies between House Republicans and House Democrats.

And who is going to pay for this increased spending? In fiscal year 2004, 50 percent of the total Federal tax burden was shouldered by the 65 million households earning between $24,000 and $65,000 a year. The vast majority of these taxes are being paid by individuals between the ages of 45 and 54, and with incomes between $55,000 and $77,000 a year. These are middle income families, many of them from the sandwich generation shouldering the financial burden of supporting both young children and aging parents.

Middle income families end up paying the bill for expanded government. The 302(b) allocation for this bill guarantees years of payments middle income families do not want it and cannot afford.

Mr. Chairman, the Interior bill has great potential of being a truly bipartisan bill. My hope is that Chairman DICKS and Ranking Member TIAHRT will work with their Senate counterparts in conference to fashion a conference report that the House can support and the President will sign.

Mr. DICKS. Mr. Chairman, it is a great honor for me to yield 3 minutes to my friend, the gentleman from California (Mr. GEORGE MILLER) who has been one of the strongest environmentalists in this House.

□ 1145

Mr. GEORGE MILLER of California. I thank the gentleman for yielding. I want to thank him and the ranking member for bringing this bill to the floor and certainly thanking the staff that has worked with all of the Members on this legislation. I think this is a very good bill. I think this bill reflects the priorities of America, that we would once again start reinvesting in the Clean Water Revolving Fund so that people and communities can meet their obligations for clean water. And as millions of Americans set out across America with their families to visit the national parks, this bill makes legislation about the importance of those national parks, about the value of those national parks and the importance that we lay out a plan over the next 10 years to restore them and to reinvest in them so that the visitors a decade from now will have the same experience or a better experience when they visit the national parks as people do today.

The national parks have far too much neglect in terms of the backlog of projects that need to be done, to enhance them, to improve them and to protect the national parks. The stateside of the Land and Water Conservation allows the Federal Government to be a partner with local communities on their priorities for the protection of open space and the enhancement of recreational opportunities, to improve the quality of life in our communities. We have seen this very, very successful program to enhance the communities, to enrich the experience for families in those communities.

Finally, I would say in the Indian education programs where again as Indian tribes and others have more and more say in the education of their young people, where they're bringing about very innovative programs, to see us again invest in those programs. What we see now is we have a record number of Indian children who have gone on to college, who are enrolled in college, who are getting advanced degrees. We've got to continue to improve that program and this legislation does it.

I also want to thank the committee for recognizing the Rosie the Riveter World War II Home Front National Park. This is a park that's growing in popularity. It tells the incredible and magnificent story of the women who came to the shipyards in California to build the ships to win the war in the Pacific and what that meant to us as country, as a culture, what it meant to the integration of the workforce during World War II, and certainly what it meant in terms of supplying our troops with the materials necessary to win the war in the Pacific.

We have seen women from all across the country come with their daughters, with their granddaughters, with their great granddaughters and explain to them, this is where I worked, this is where we built and launched a ship a week in these shipyards. It's remarkable the ceremonies that are held there, to see these women, to come there and to leave their historical documents, to leave their letters home, to leave their welders' cards and their ironworkers' cards with the museum, and now we will be able to share all of that with the public as part of a greater effort in the National Park Service to develop the home front national park system all across the country where those who were on the home front during the war enabled us to successfully win and prosecute the Second World War.

I want to thank the committee and the members.

Mr. TIAHRT. Mr. Chairman, I would like to yield 4 minutes to the cochairman of the Parks Caucus, who has a great passion for our national park system, the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. I want to thank the subcommittee chairman and ranking member for plussing up our National Park Service. We are at a very critical junction. We are approaching the 100th birthday, in the year 2016, of the National Park Service.

Why do I say we're approaching? Because there are certain moments in time where you can gather and build public support for something that will last from generation to generation. When the first kind of preserved areas were preserved at Yellowstone and the Yosemite Grant and a few of those in the 1800s, it took dramatic intervention from Theodore Roosevelt and the creation under Stephen Mather of the National Park Service. Then it really took in the World War II era, the Great Depression era, the different relief projects that built much of the architecture in our parks because we put people to work, and much of the historic architecture that we see in our national parks came in the WPA and CCC programs. Then nothing really much happened until it started to approach the 50th birthday. When I say ''started to approach,'' when you did Mission 66 and most of the visitor centers you see in our parks today, most of the lodging that you see, much of it at least in our parks, much of the road infrastructure, the sewage infrastructure, everything, came heavily out of this Mission 66 commitment. But you don't just do that in 1 year. If you wanted to be prepared for the 50th birthday, you started a decade ahead. We are getting inside that decade. If we are going to have a vision of where our National Park Service is going to be at 100 years and where it's going to go, we need to start making the investments now.

I support, as our Parks Caucus does, the Centennial Act, which also would as part of this build a better foundation as to how we're going to fund parks. But this particular bill puts $50 million in above what we would normally get to start this process. Because if we don't start now, by the year 2016 we won't be able to be ready for the 100th birthday. Part of the question which the National Park Service has been going around talking to Americans all over the country is, where do you want our Park Service to be? How is it going to be different? We need to preserve our natural sites. We have preserved many of those, but we can expand that. We need to expand our cultural sites because our history is a constantly evolving thing, just as Congressman MILLER just referred to, the Rosie the Riveter Park and that type of cultural heritage. As we look at Hispanic sites, at African American sites, at Angel Island and various Asian sites, as we look at more urban sites and what's the role of the National Park Service in urban sites, but also how are we going to deal with the Internet age. How can we expand?

The National Park Service has more fish and wildlife, has more natural resources at Carlsbad Caverns with bats. How can we use this at other places with grizzly bears, with wolves, with frogs, with trees? And we can learn much of science. How can we interconnect that with our educational institutions? How can we take the Park Service in its 100th birthday to the next level? What are we going to do with interpretive rangers? What are we going to do with our visitor centers? How can we make our heritage, cultural and natural, something that we can preserve for generations and generations?

To do that, we need to do that now. We need to start laying the foundation in these appropriations bills, what this bill does. We also need to be looking at a permanent way so the Park Service doesn't have the up-and-down cycles, where we pass additional land things, they don't have money to do it. We give them new homeland security things, and they don't have enough money to do it. We say we want this done and that done by a Park Service but don't give them the annual funds to do it.

I'm very pleased that it's in this bill. I hope this is the start of moving towards the 100th birthday. It's a very good start. I thank the chairman and the ranking member for doing that.

Mr. DICKS. Will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Washington.

Mr. DICKS. I just want to commend the gentleman for his leadership on the National Parks Caucus. This issue should never be partisan. I'm glad we can work together with Mr. TIAHRT to strengthen our parks and to enact the Centennial Challenge.

Mr. SOUDER. Thank you.

Mr. DICKS. Mr. Chairman, it gives me great pleasure to yield 4 minutes to the chairman of the Natural Resources Committee, a fellow member of the class of 1976 and also a person who had to wait 30 years to be chairman, my good friend from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the distinguished chairman of the subcommittee for yielding me the time and certainly commend him for his leadership as well as that of the full committee chairman, Mr. OBEY.

Mr. Chairman, for over a decade while our Government lingered in Republican control, America's investment in itself, in those programs that provide for the most fundamental needs of our citizens, has been literally on the chopping block. As a result, Americans are coping with diminishing services and declining opportunities. Those programs that fall under the purview of the Natural Resources Committee, which I chair, are no exception. In fact, they have been particularly hard hit. As a result, our ability to preserve for future generations these unique places that are a rich part of America's past is diminishing. Our means of ensuring the thoughtful conservation and balanced development of our resources has been undercut. And our ability to protect our treasured natural vistas and irreplaceable wildlife has suffered mightily.

But this year we have turned the corner and that is due in large part, as I have said, because of the leadership of our distinguished appropriations Chair, DAVE OBEY, and the chairman of the Interior appropriations subcommittee, my classmate and dear friend, NORM DICKS. I thank and commend Chairman DICKS for his outstanding efforts on the bill before us today. It is a good bill, it's a great bill that will move us in a positive direction.

It is most remarkable for its differences from Interior bills of recent years. It has been a very long time since we have seen a bill that provides funding levels that come anywhere close to providing for the Nation's real and growing conservation needs. And while this bill is constrained by the government's overall budgetary limitations, it is an honest effort that provides needed nourishment to important accounts that were on a forced starvation diet.

I am particularly pleased and encouraged to see that Chairman DICKS has substantially increased funding for our national parks, these national treasures that hold a special place in the hearts of many Americans, but recent funding for them has not reflected their true value. This bill reverses years of disinvestment, helping to ensure that parks funding does not come at the expense of other programs. It also reverses a decline in staffing and visitor services, providing an increase in seasonal and permanent employees.

In addition, support is improved for the endangered species program and other accounts that are critical to saving God's creatures from extinction. This money will go a long way toward ensuring the Endangered Species Act is implemented as it was originally intended.

In what signals one of the most obvious and commendable departures from Republican priorities of recent years, this bill includes a 13 percent increase for the office of the Inspector General at Interior. That increase responds to the kinds of gross problems that I have been probing in our committee hearings this year with respect to Interior's inexcusable failure to collect moneys due the American people from Big Oil.

This appropriation measure also honors our Federal trust responsibilities to Native Americans. It restores badly needed dollars for the Indian Health Improvement Fund and the Urban Indian Health Care Program. It also recognizes, Mr. Chairman, the importance of the Indian Housing Improvement Program by ensuring that the program is not eliminated as the administration had proposed. The tribes have suffered under the bare-bones budget of recent years, but this bill thankfully attempts to set things back on the right course.

Finally, I am very encouraged to see funding increases for the long-neglected Land and Water Conservation Fund as well as for Payment in Lieu of Taxes. The stateside grants, in particular, have suffered greatly at the hands of the administration budget butchers.

Again, I commend Chairman NORM DICKS for crafting a serious appropriation bill that helps our Federal agencies conserve our natural and cultural heritage for generations to come, and I commend the ranking member, Mr. TODD TIAHRT, for his working with our chairman as well.

Mr. DICKS. Mr. Chairman, how much time is there on both sides?

The Acting CHAIRMAN. The gentleman from Kansas has 10½ minutes remaining. The gentleman from Washington has 3 minutes remaining.

Mr. TIAHRT. Mr. Chairman, I yield back the balance of my time.

Mr. DICKS. I yield the balance of my time to the gentleman from New Mexico (Mr. UDALL), who is also a valued member of our subcommittee and a very good friend, and a great tennis player.

The Acting CHAIRMAN. The gentleman from New Mexico is recognized for up to 3 minutes.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Let me also say that our chairman is an incredible tennis player, and I always like to be on the same side of the net with him rather than on the other side.

I would like to first of all congratulate NORM DICKS and TODD TIAHRT for their leadership and their bipartisan cooperation on this bill. We haven't seen this kind of leadership in a long time, I think it's very impressive, and I want to applaud it.

Let me also say that we have done some very significant oversight in this subcommittee of the appropriations. We have tackled a variety of issues. We've had all the Departments in. We've taken a very, very hard look at the kinds of things that are going on in these Departments. We also haven't seen that in a long time. One of the things that Chairman DICKS and Ranking Member TIAHRT have done is restore the public witness day. That's something that's very important and hasn't been around for about 10 years, where every member of the public can walk in and comment and tell us what their point of view is. Much of those points of views that were reflected in the committee are specifically in this bill.

I also want to thank Mr. Stephens and all of the staff. They've done a pretty incredible job. What this bill is about is the stewardship of our natural resources. This is a bipartisan tradition that started many years ago, over 100 years ago with Teddy Roosevelt and the first chief of the Forest Service, Gifford Pinchot. This was a Republican tradition and started out as a Republican tradition, and we hope that Republicans will join us in a bipartisan way on this bill rather than picking it apart, because this moves the country in a very, very important direction, and this bill also reflects the Nation's values that we haven't seen reflected in the appropriation bill over the last 6 years.

□ 1200

Let's just look at what's happened over the last 6 years. The Forest Service is down, 35 percent. This bill isn't able to restore all of that, but we start working back up. The EPA, a cut of 29 percent.

There we're talking about law enforcement and doing things about cleaning up air and water and toxics, an unconscionable cut in the EPA of 29 percent. This bill moves it back in the right direction to restore those enforcement capabilities, and a cut in the Interior Department of 16 percent over the last 6 years.

This bill once again starts to move us back in the right direction. This bill is about protecting public lands, protecting wildlife, recreation, and clean air and clean water.

One of the other things that I think this bill does that is very important is fund the National Park Service. I urge all of my colleagues, Republican and Democrat, to support this bill. It's a good bill, and they have done a great job at pulling it together.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in support of H.R. 2643, the proposed Fiscal Year 2008 appropriations for the Department of Interior, Environment, and other related agencies. I commend Chairman NORMAN DICKS, and his Appropriations Subcommittee for the work he has done in responding to the needs of the Department of Interior in carrying out its mission to protect our Nation's resources.

As Chairwoman of the Natural Resources Subcommittee on Insular Affairs which has jurisdiction over all U.S. territories, I want to especially acknowledge the work of Chairman DICKS to increase funding to Interior's Office of Insular Affairs so it can respond to the changing needs and priorities of our U.S. Insular areas and the relationships we have with the freely associated states in Micronesia.

The Subcommittee on Insular Affairs convened an oversight hearing in February over that portion of the President's proposed Fiscal Year 2008 Interior budget which had a direct effect on the Department's ability to assist our U.S. territories and freely associated states. In addition to the Department officials, the governors of American Samoa and Guam, and the Resident Representative of the CNMI provided testimony in support of the work of the Office of Insular Affairs with a caveat that more resources should be given to them to enhance the work it does for U.S. territories.

I am pleased that the Appropriations Committee was able to increase such resources for the Department to expand its efforts in assisting economic development. I also point out that the increases in this budget will respond to specific requests, such as strengthening the judicial systems in the Pacific, addressing the needs of Marshall Islanders adversely affected by our nuclear testing program carried out in the 1950s.

Notwithstanding the above, I would be remiss if I did not express my strong disappointment that my requests for funding for critical infrastructure needs in my own Congressional District was not included in the bill. While I recognize that the subcommittee had difficult choices to make, I look forward to continuing to work with the Chairman and Ranking Member should there be opportunities to fund additional priority projects as the bill moves forward.

The Department of Interior's budget meant to benefit development and accountability in our U.S. territories is a small portion of what is being considered today. However, the increases carry out the mandate of the Interior Department is significant to improving the lives of our fellow Americans in those outlying jurisdictions. Again, I applaud the work of the Appropriations Committee and urge passage of H.R. 2643.

Mr. SIMPSON. Mr. Chairman, in accordance with House earmark reforms, I would like to place in the RECORD a listing of the congressionally-directed projects in my home state of Idaho that are contained the report of the FY08 Interior, Environment and Related Agencies Appropriations Bill.

The project provides $500,000 within the Environmental Protection Agency, State and Tribal Assistance Grants to the City of Twin Falls for the Auger Falls Wastewater Treatment Project.

Funding such as this is critical to assisting rural Idaho communities in upgrading their water and wastewater treatment facilities. In the case of Twin Falls, this funding is required to comply with unfunded mandates passed down by this Congress and federal agencies. The State of Idaho, under court order, has implemented Total Maximum Daily Load (TMDL) limits for phosphorus compounds on all significant discharges to the river. The City of Twin Falls Wastewater Treatment Plan, with a daily discharge of approximately 7.1 million gallons of treated wastewater per day, is one of the largest dischargers of phosphorus on the Middle Snake River and periodically exceeds the EPA TMDL limit. The City is planning to meet its TMDL limits through the use of natural treatments on city owned property, in the form of constructed wetlands and habitat creation.

This funding will allow the City of Twin Falls to develop the beneficial wildlife habitats that will function as wastewater treatment systems to further reduce nutrients in City wastewater. This will ensure that the wastewater does not exceed the Environmental Protection Agency's Total Maximum Daily Load mandates for the City's wastewater discharged into the Snake River.

I am proud to have obtained this funding for Idaho and look forward to working with Idaho's communities in the future to meet their water resource challenges.

I appreciate the opportunity to provide a list of Congressionally-directed projects in my district and an explanation of my support for them.

(1) $500,000 City of Twin Falls for the Auger Falls Wastewater Treatment.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong support of the Interior Appropriations Bill; especially do I support the increase in funding for the National Endowment for the Arts.

I know that we have great concern for National Security, Homeland Security, funding for military warlike activities, education, health, other social welfare issues, infrastructure improvements, job creation and all other aspects of life; however, it is not my feeling that these concerns out-weigh the need to keep art and culture high on our list of concerns.

Art is a connector, a bridge builder, a motivator, a stimulator, an activator and a way

for people, especially our children to have experience that otherwise they would never ever have the opportunity to have.

Art is, and should be a great part of every child's learning experience and it is our opportunity to make sure that is available.

Mr. MARKEY. Mr. Chairman, I rise in opposition to any amendments that would strike the longstanding existing moratoria on offshore oil and gas drilling along the East and West Coasts.

When you look at these amendments, you see that they are particularly empty of any promise to reduce our dependence on foreign oil. Right now, without these amendments, drilling is already allowed in areas holding roughly 80 percent of the estimated oil and gas resources. In fact, of the 8,000 active leases oil companies hold in the Gulf of Mexico, more than 6,000 have yet to begin producing oil. So if you are worried about making sure that the oil and gas industry has access to the Outer Continental Shelf, stop worrying. They already have more leases than they know what to do with. They have been given the right to drill for the vast majority of oil and gas offshore and are not even producing from the majority of leases they hold in the Gulf. The oil companies should begin producing on the leases they already hold, not looking to acquire new ones in environmentally sensitive areas that do not even have large estimated oil and gas resources.

Moreover, let's not forget the Republican leadership just rammed through an offshore drilling bill in the waning hours of the last Congress as a going out of business bonanza for big oil. That legislation opened up additional areas in the Gulf of Mexico holding 1.26 billion barrels of oil and 5.83 trillion cubic feet of natural gas. But barely six months later, drilling proponents are back for another bite at the apple, once again attempting to give away our important coastal areas away to Big Oil.

G.O.P still stands for the Gas and Oil Party.

It is highly misleading to suggest that we can solve the problem of our oil dependence or high gas prices with more drilling, when the real answer is not more drilling, but using technology to make our cars and SUVs more energy efficient. After Congress mandated a doubling of fuel economy standards from 13.5 to 27.5 miles per gallon, our dependence on foreign oil went from 46.5% in 1977 to 27% in 1985 but we are now back up to 60%.

We should be making our vehicles more efficient, not giving away our public lands to big oil companies that are making record profits. Soon, this House will have an opportunity to go on Record on the Markey-Platts legislation, which would mandate a 35 mile per gallon combined fleet fuel efficiency standard—an improvement that will allow us to reduce our consumption by roughly the same amount of oil that we currently import from the Persian Gulf by 2022.

I am pleased that the underlying bill once again includes language authored by myself and Mr. HINCHEY that would give oil companies a strong incentive to renegotiate the faulty leases from 1998 and 1999. The Government Accountability Office has estimated that these leases could cost the American taxpayers more than $10 billion. The House has gone on record time and time again in overwhelming support of putting real pressure to renegotiate on every company holding these leases. Last year, the House adopted the Markey-Hinchey royalty relief fix that is included in this bill by a vote of 252–165 and earlier this year this body passed the royalty fixes contained in H.R. 6 by a vote of 264–163. It is time to put an end to big oil's free ride. I urge opposition to any amendments that would open up our coastlines to drilling and strongly support passage of the underlying bill.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows.

H.R. 2643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $888,628,000, to remain available until expended, of which not to exceed $92,129,000 is available for oil and gas management; and of which $1,500,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which $2,800,000 shall be available in fiscal year 2008 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

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

I am prepared to yield to my distinguished colleague from Tennessee, the chairman of the Science and Technology Committee.

Mr. GORDON of Tennessee. I want to say that I share the gentleman's concern about the issue of climate change and about the impact that it may have on our Nation.

My committee held three hearings on the working group reports, the Intergovernmental Panel on Climate Change, IPCC, released earlier this year. The Committee on Science and Technology is marking up a bipartisan bill tomorrow authored by Mr. UDALL and Mr. INGLIS, the different Mr. UDALL, H.R. 906, to restructure the U.S. Global Change Research Program to provide more policy-relevant information to Congress and to regional organizations, State and local governments, and to businesses and organizations that are developing and implementing adaptation mitigation strategies.

The Global Change Resource Program authorized in the Global Change Research Act of 1990 has guided our government's climate science agenda for the past 17 years. It has had many successes. Much of the research that has been summarized in the IPCC reports emerge from this program, and I commend the gentleman for producing a bill that makes additional money available for climate change.

I fully support the allocation of an additional $50 million for the important task of developing adaptation and mitigation strategies. We need to lessen the impact of climate change on our Nation.

However, the structure authorized in the bill for determining the research agenda and allocating the funds is not compatible with either the existing structure of the program or the bill the Science Committee will be marking up tomorrow.

Mr. Chairman, I have a responsibility to lead the Committee on Science and Technology in a fashion that produces good, consensus-based legislation. I take that very seriously. In the spirit of cooperation, and in the interest of comity, I will not support a motion to strike the climate change commission language from the bill with the understanding that you will agree to work with our committee as we go forward to allocate these funds in a manner that is compatible with authorizing legislation.

I am confident that H.R. 906 will provide a solid foundation for reaching the goal that you and I share, addressing the challenge of the climate change through applications of a solid foundation of science on adaptation and mitigation.

Mr. DICKS. Will the gentleman yield.

Mr. GORDON of Tennessee. Certainly.

Mr. DICKS. I appreciate your concerns and want to assure the gentleman and his committee that we are very open to making changes to ensure the funds are spent in a manner which reflects the legislation coming from the Science Committee.

I look forward to working with you and your staff over the next few months to coordinate our joint efforts in climate science. I want to congratulate the gentleman on working on a consensus basis. We tried to do that in the interior bill, and the chairman knows that he has my word on this issue, and we will work this out.

Mr. GORDON of Tennessee. Mr. DICKS, we do have a bipartisan bill, and we look forward to working with you in a bipartisan manner to make this good bill even better.

Mr. KIND. Madam Chair, I move to strike the last word.

I just want to take a moment to congratulate the Chair and the ranking member and the entire committee for the wonderful job they did in regards to the stewardship of our public lands.

If you take a look at the budget, and this was eloquently stated by my friend from New Mexico, whether it was the National Park Service, whether it was the National Wildlife Refuge, if you take a look at funding for our public lands in recent years, it has been static at best and having severe consequences in regards to the management of our national park system but also the national wildlife refuges.

As one of the cochairs of the Congressional Wildlife Refuge Caucus, along with my colleagues, JIM SAXTON, MIKE CASTLE, MIKE THOMPSON, we have taken it upon us to try to educate our fellow colleagues in both the House and the Senate with regard to the real challenges that we are facing throughout the refuge system.

While there are over 500 refuges nationwide right now, over 20 percent of them are not staffed and not offering any educational value to visitors, more refuges being prepared to be mothballed in the future, serious staff cuts with the agency budget, given the limitation of funds that they have seen.

Now with this $56 million increase, the first increase since 2003 when we celebrated the centennial anniversary of the creation of the refuge system, this will go a long ways as far as stemming the cuts in personnel, staff, educational opportunities, but also the importance of maintaining and operating these refuges which are currently facing about a $3 billion backlog in routine maintenance and operation.

I commend the committee, again, for their devotion and their attention to this very serious issue. But they are also recognizing we have another centennial anniversary coming up, and that's for the park service in just a few years, and a lot of work that needs to be done to bring that up to par so that they are worthy of the public attention and hopefully the increased visits that will lead up to this centennial anniversary of the national park system as well.

I just want to take a moment to commend one park service person in particular, who my family and I had the privilege of spending Father's Day Sunday with, and that was at the Antietam National Battlefield, just outside of Washington here.

The gentleman's name is Mike Gamble, and he works for the Park Service at the Antietam Battlefield. He was a 30-year history teacher for a local high school. He has been with Antietam Battlefield now for the last 9 years conducting tours and offering services to the visitors.

If there is anyone with greater depth of knowledge of what took place, that crucial battle, the Battlefield of Antietam, the bloodiest day in American history, I don't know who that could be.

He was incredibly well versed, extremely interesting, very educational, and even for my 9 and 10 year-old little boys, he brought that battlefield to life with great personal relevance in their lives. It's people like Mike and those who serve in our park service, whether it's Civil War battlefields or national parks or in our refuges, that really make this the great monuments to civilization that we have in this country.

Mr. DICKS. Would the gentleman yield?

Mr. KIND. I would be happy to yield.

Mr. DICKS. I want to commend the gentleman for his leadership, particularly on the wildlife refuges. We have had a cut over the last few years of over 600 employees. I couldn't believe the testimony this year of the people saying these refuges are in dire need, you have got to do something.

That's why we are trying to put money back into these important areas. It's only a small amount, the work is absolutely essential. I appreciate the gentleman's leadership and his work in presenting our committee with information on the wildlife refuge.

Mr. KIND. Again, I appreciate this gentleman's leadership and the committee's work in regards to refocusing our attention on a great need in our Nation.

I wanted to also mention to my colleagues that I, along with the other cochairs of the Wildlife Refuge Caucus, recently introduced legislation called the Repair Act. We had a nice hearing before the Natural Resources Committee last week that would hopefully provide singular focus on one of the great threats facing our refuge system, and that's invasive species, plants, animals. What we are trying to do is establish an important public and private partnership by working with friends groups, with Federal, State, local agencies, but other nonprivate organizations, so we can develop a battle plan to deal with these invasive species, try to get out ahead of the curve, which is one of the great threats facing the entire refuge system today.

So I would hope my colleagues would take a look at the legislation that we have recently introduced. Hopefully we will have the cooperation of the committee, be able to move it to the floor for consideration, so we can start providing a singular focus and a good plan in place to deal with the invasive species threat that we are facing in this Nation.

Again, I thank the committee for the work that they have done, they have produced a good product here, and I would encourage its passage.

Mr. BISHOP of Utah. Madam Chair, I move to strike the last word.

One of the issues that we are dealing with this in this particular budget deals with the question that we have that deals with both immigration as well as the processes of that immigration. We are talking this time about immigration, and the devastating impact that it has.

One of the things we missed is the impact on land of immigration. Our land managers have documented, pleaded their efforts before and in the past on some of the problems that we seem to be facing with immigration. We have illegal trails that are going across the desert that are leading to erosion. Literally our resources are being washed away.

Where that is not happening, trash is being left behind by illegal border crossers. We are talking about plastic bottles, shoes, cars, even vehicles at some times. That is not necessarily the habitat of endangered species. We seem to be having devastating fires taking place started by abandoned camps.

Even last week, 1,900 acres in the Buenos Aires National Wildlife Refuge was burned, and it is believed that its was started by illegal immigration cooking fire. The Coronado National Forest, in testimony last year before the Appropriations Committee, has 60 miles of contiguous border with the Mexican border. In this national forest, there are 12 separate rangers, eight wilderness areas, 203 threatened and endangered sensitive species, and the staff said that the resources are suffering significant adverse impacts due to illegal border traffic. Even livestock and closure fences, meant to try to separate livestock from endangered species, are being torn down.

Probably the most specific and egregious of all those examples is given by the National Park Service. The Organ Pipe Cactus National Monument, one-third of that monument is closed to visitors because of the threats of assault by AK–47-packing drug runners is too great. Land managers and biologists responsible for the park must be escorted by armed personnel to do their work in the park.

If we had machine-gun toting bandits or terrorists walking through Yellowstone or Yosemite, we would not tolerate that. But that is the reality that we have today, and the land managers are asking for tools to do their job.

That, indeed, is an issue of significance that needed to be addressed in this particular bill. Perhaps at some point in the future we can actually address that particular issue and that difficult problem and see if we can move forward to a resolution of that and establish priorities that we want to have border security and the impact, the negative impact it's having on public lands, we need to make sure that we move forward as a government to stop that and suppress that.

Mr. TIAHRT. Will the gentleman yield?

Mr. BISHOP of Utah. I will be happy to yield to the ranking member.

Mr. TIAHRT. I thank the gentleman from Utah for bringing up this very important issue.

We have heard in testimony in the Interior Committee that not being able

to maintain the security of our borders has had an impact on our park service and Interior lands. We need to do a better job of maintaining our borders. I thank the gentleman for his efforts in trying to make this country more safe by maintaining our borders.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind Members to refrain from trafficking the well while a Member is under recognition.

AMENDMENT OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BISHOP of Utah:

On page 2, line 15, insert after the dollar amount ''(increased by $11,055,800)''.

On page 11, line 21, insert after the dollar amount ''(increased by $4,738,200)''.

On page 18, line 23, insert after the dollar amount ''(increased by $11,055,800)''.

On page 67, line 8, insert after the dollar amount ''(increased by $4,738,200)''.

On page 96, line 14, insert after the dollar amount ''(decreased by $31,588,000)''.

Mr. BISHOP of Utah (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. DICKS. Madam Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved.

□ 1215

Mr. BISHOP of Utah. Madam Chair, we just mentioned a few things that are significant to this particular issue and tried to mention some of the important points that we are making. We need greater control on the Park Service and BLM land on our border areas that is being devastated by illegal border crossing.

The amendment that I am proposing goes directly to that goal and that purpose by committing $30 million towards law enforcement activities. Actually, it's $31.5 million toward law enforcement activities by agencies who are on our southern border.

We, as a government, have a responsibility to prevent illegal border crossings. We also have a responsibility for land managers to be managing the land in that particular area.

Now, this amendment that I have does move money around. I feel sorry for that. The particular area in which I am transferring the money is something that bothers me personally.

I met my wife during a community theater. When I was in the legislature in Utah, I was the one that instituted a percent for the art programs so that 1 percent of all our construction monies went for arts to be considered. I have been a supporter of the Utah Arts Council.

I also think it's appropriate that local dollars fund art programs so that local control can be there on the process level.

With this particular amendment, it still leaves a $4 million, $4.5 million, roughly $4 million increase in the National Endowment for the Arts over last year's funding base, so there still is an increase. But in addition to that increase, there is $30 million that will go to enforcement of our borders, enforcement of our borders that is necessary to protect the land that is there. It is a matter of priority.

Now, CBO has scored this one. I'm convinced there is probably no PAYGO efforts, but that may be one of the issues we want to talk about. But the bottom line is still this: We need to prioritize what we're doing with this budget. And this is a tremendous area that has been de-emphasized and needs to be re-emphasized. And I contend that this is the appropriate way to put that emphasis there.

POINT OF ORDER

Mr. DICKS. Madam Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DICKS. Madam Chairman, the amendment filed by the gentleman may not be considered en bloc under clause 2(f) of rule XXI. The rule states in part that amendments may only be considered en bloc if they do not increase either budget authority or outlays in the bill.

While the amendments proposed by the gentleman are offset fully in budget authority, the combined effect of the changes would increase outlays by $8 million, in violation of paragraph 2(f). The amendments are, therefore, not in order to be considered en bloc.

The CHAIRMAN. Does any other Member wish to be recognized on this amendment?

The Chair will make a ruling. To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels of budget authority or outlays in the bill. Because the amendment offered by the gentleman from Utah (Mr. BISHOP) proposes a net increase in the level of outlays in the bill as argued by the chairman of the Subcommittee on Appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

In addition, $20,000,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from $1,866 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, $34,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $888,628,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $6,476,000 to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $18,634,000 to be derived from the Land and Water Conservation Fund and to remain available until expended.

AMENDMENT OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BISHOP of Utah:

Page 4, line 1, after the dollar amount, insert ''(reduced by $17,015,000)''.

Mr. DICKS. Madam Chairman, I reserve a point of order against this amendment.

The CHAIRMAN. A point of order is reserved.

Mr. BISHOP of Utah. One of the issues with which we struggle in this legislature deals with simply the concept of prioritization. And what I'm talking about in this particular issue is money put into the budget above and beyond what the President recommended, but money put into this budget for new acquisitions, not taking care of what we already have, but new acquisitions.

Now, I'm going to contend here that what we need to do is prioritize so that what we do is put our money in what we already have and make sure that we are doing the best we have with our parks and public lands.

I have a picture right here of a facility that's not in my district, but it is in my State. Dinosaur National Monument is actually in the Second District of Utah. This particular facility is a beautiful facility. I was there before it was condemned. I was there. So you could go in there with all my kids and look at the dinosaur bones that are still in place in the mountainside as it has been scraped away so you can see the prehistoric history of this country. It's a wonderful place. It is a wonderful exhibit. It's a great learning experience, all of which has been closed because this building has been condemned and we don't have enough money to fix the facility.

This facility should be fixed before we put 17 million new dollars into new programs somewhere else. This facility should be fixed before we expand what we are trying to do. We need to take care of what we have already identified as important and significant and make sure it takes place.

And that, my fellow Members of this House, is the reason I'm proposing this amendment, that we simply reprioritize to do what's most important, and we fix what we have first and make

sure that is functioning before we put any new additional money into acquisition of new land, new properties and new proposals.

Mr. DICKS. Madam Chair, I withdraw my point of order on this amendment, but I would like to be recognized for 5 minutes in opposition.

The CHAIRMAN. The point of order is withdrawn.

The gentleman is recognized for 5 minutes in opposition.

Mr. DICKS. Madam Chairman, this amendment, if it were adopted, would eliminate nearly all land acquisitions that are high-priority projects that need to be done. It would leave only $1.6 million in the acquisition account, not even enough to continue to staff the program.

These are not new projects. These are inholdings. These are inholdings within lands that are owned by the Bureau of Land Management, and these are very important from both an environmental perspective and to lock up land. That's why the BLM favors the acquisition of these inholdings.

So I urge a ''no'' vote on this amendment.

Mr. TIAHRT. Madam Speaker, I move to strike the last word.

I think that the gentleman from Utah (Mr. BISHOP) has made a good point and reinforced what I was saying in my opening statement that we can get overextended in the Park Service and acquire more than we can take care of.

The beautiful building that he used in his example provides a wonderful purpose is now closed because we have not been able to maintain it. My concern, in getting overextended, is that we build new buildings and acquire new land that we are unable to maintain and we get into the same problem that we're trying to correct today.

So I thank the gentleman for offering his amendment, and I think it makes a valid point.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was rejected.

Mr. MURPHY of Connecticut. Madam Chair, I move to strike the last word.

Madam Chair, I was going to offer an amendment today, but would like, rather, to speak on the subject of the amendment.

Madam Chair, I'd like to thank Chairman DICKS for all of his hard work on this bill.

Last week, Madam Chair, I was joined by Representative GERLACH and Representative PITTS as we relaunched the Bipartisan Land Conservation Caucus. And as one of the new co-Chairs of that caucus, I'm thrilled that the Interior Department budget that Mr. DICKS and his subcommittee have put together includes a major new investment in open space preservation funding, and I applaud their work here.

But protecting these spaces, once preserved, is a time-consuming, expensive, and often complex process. We're lucky in this country, especially in New England where I hail from, to have amazing partners in this process, which are local land trusts. These land trusts were started by community members who want to preserve and protect the regional character of their special part of the world. Since their creation, they've grown into full-fledged partners in the conservation effort. Many of these trusts across the country have expanded and now have up to 10 or 20 full-time staff members; however, many still remain very small volunteer organizations with no staff support. For example, of the 128 land trusts in Connecticut, 103 of them are comprised solely of volunteers, the largest number of volunteer trusts in the country. It's these small land trusts that do most of the on-the-ground work, saving historic sites and priceless vistas that are so important to our regional character in New England.

However, in recent years the burden on these small land trusts has grown tremendously. In addition to their original task of seeking out lands to preserve, they are also now bound by IRS red tape and heavy enforcement duties. These land trusts are now responsible for ensuring that any conservation donation qualifies for the tax deduction offered by the IRS. These tax deductions have caused legions of landowners to choose to put valuable conservation easements on their land; however, a local volunteer land trust with no paid staffers cannot be expected to do the IRS's work for them to evaluate and sign off on every donation.

In addition, these small land trusts are now required to enforce and patrol the easements that they already hold. As more and more land is put into easements, more and more burdens are put on local land trusts to make sure that these easements are enforced. In Connecticut, there are now over 24,000 acres of land with conservation easements, and more and more land is added every year.

If the government is going to rely on these land trusts to do the administrative work associated with these easements for programs like the Land and Water Conservation Fund and Forest Legacy, it makes sense that we should partner with them to help them with these administrative duties.

I had planned on offering an amendment that would have allowed 1 percent of all land and water conservation funds appropriated by the Bureau of Land Management to be available to competitive grants to volunteer land trusts across this country. That money could be used in order to help them with some of the administrative costs that have been imposed.

Mr. DICKS. Madam Chairman, will the gentleman yield?

Mr. MURPHY of Connecticut. I yield to the gentleman from Washington.

Mr. DICKS. I want to commend the gentleman from Connecticut for his leadership on the land trust. This is close to my heart. My youngest son, Ryan Dicks, works for the Cascade Land Conservancy in the State of Washington, and I'm very familiar with the work that these important agencies do.

And I want you to know that in our bill we have $62 million in the Forest Legacy account, and we also have $268 million for land and water conservation grants, of which 50 million is for the Stateside program. And though I can't accept your amendment this year, I want the gentleman to know that I want to work with you and see if there's some way that we can help these important entities do the job that is so important in preserving lands that are important to the American people.

Mr. MURPHY of Connecticut. Madam Chair, reclaiming my time. I thank the chairman very much for his offer to help. This is a historic investment in this bill in open space preservation and land preservation funding. I thank the chairman and his committee for their commitment to this very important issue, and I look forward to working with him to make sure that we are doing all we can to help those land trusts make the best use of this new historic and incredibly important commitment to land preservation and open space preservation.

Mr. SAXTON. Madam Chairlady, I rise to strike the last word.

Madam Chairlady, I would like to engage my distinguished colleague from Washington, Chairman DICKS, in a colloquy regarding funding for an important conservation project in the district I represent.

The State of New Jersey has only 3 percent Federal land ownership and is also the most densely populated State in the country. From national parks and wildlife areas to soccer fields and city playgrounds, our investments in conservation, preservation, wildlife and recreation pay dividends each and every day.

The coastal areas of our Nation are under extreme pressure for development. The Third District of New Jersey, where the Edwin B. Forsythe National Wildlife Refuge is located, is no exception. It is vital that we assist our States and local governments in a true Federal/State/local partnership to purchase tracts of land like the one within the Forsythe Refuge boundary, environmentally valuable land that can be bought now but most likely will be lost permanently for future use in the very near future.

I appreciate the challenges that the subcommittee faced in this difficult budget year; however, I am hopeful that we will recognize the importance of this project to the people that I represent and New Jersey as a whole.

We have a responsibility to our children to ensure that green spaces remain to provide clean air and water and ample opportunities to enjoy wildlife and the great outdoors. The economy of the district I represent depends on a vibrant and healthy economy.

I yield to my friend from Washington.

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Mr. DICKS. I appreciate your yielding.

Madam Chairman, I thank my colleague from New Jersey for bringing this important project to my attention. I will be pleased to consider this funding need should additional funds become available in conference. And I also want to congratulate the gentleman for his outstanding leadership on many important issues dealing with conservation and the environment. And I particularly appreciated his cosponsorship of our bill that has just been reported out of the Natural Resources Committee in protecting our wildlife.

The gentleman is certainly an important leader from New Jersey, and we want to work with him.

Mr. SAXTON. Madam Chairman, I thank the chairman very much for his comments, and I appreciate our ongoing partnership and effort on issues such as this.

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

Madam Chairman, I wish to enter into a colloquy with the distinguished chairman of the subcommittee regarding the Indian Arts and Crafts Museum funding within the Department of Interior.

Chairman DICKS, I stand here today in support of the continued funding of the 2008 Interior appropriations bill for the three Regional Indian Arts and Crafts Museums that are currently operated by the Indian Arts and Crafts Board. Congress passed the Indian Arts and Crafts Act, which created and charged the Indian Arts and Crafts Board with promoting the Indian arts and crafts movement and with protecting the integrity of the art from nonIndian counterfeiters selling products advertised as ''Indian made.'' To aid in this mission, the board operates three regional museums including the Southern Plains Indian Museum in Anadarko, Oklahoma; the Museum of the Plains Indian in Browning, Montana; and the Sioux Indian Museum in Rapid City, South Dakota.

In 1935 Congress recognized, under the first Indian Arts and Crafts Act, the unique and culturally rich art of the American Indian is vital to the importance of the economic welfare of tribal communities. The production and sale of these items provide an entrepreneurial opportunity to one of the most economically challenged groups of our society. These three museums play an essential role in promoting the ideals set forth in the Indian Arts and Crafts Act by creating interest in the Native American heritage, helping Indian artisans gain access to an interested market, and bringing members of the Indian arts community together to celebrate and preserve this way of life.

The collections showcased by the museums are extensive in their display of American Indian artwork and artifacts. And to preserve the history and integrity of these priceless collections, the museums must stay intact and the collections under their roofs must stay in Federal control.

I stand today in full support of appropriations to support the mission of the Indian Arts and Crafts Board and insist that the funding and operation of the three Regional Indian Arts and Crafts Museums remain a continued, imperative part of this mission.

Mr. Chairman, it is the understanding of the committee that Congress charged the Indian Arts and Crafts Board with developing and expanding the market for the products of Indian art as well as protecting the integrity of such items through prohibiting and investigating instances of misrepresentation of ''Indian-made'' products.

Mr. DICKS. Madam Chairman, will the gentleman yield?

Mr. LUCAS. I yield to the gentleman from Washington.

Mr. DICKS. That is correct.

Mr. LUCAS. Mr. Chairman, it is the understanding of the committee that the funding and operation of the three Regional Indian Arts and Crafts Museums in their housing, preserving, and promoting Native American history, art, and culture is clearly an essential part of the mission that Congress charged the Indian Arts and Crafts Board with.

Mr. DICKS. That is correct.

Mr. LUCAS. Mr. Chairman, I want to clarify that that it is the intent of the committee that the money provided for the fiscal year 2008 Interior appropriations bill for the continued functions of the Arts and Crafts Board does include the operation of those three museums.

Mr. DICKS. The gentleman is correct. It is the intent of the committee to continue the operation of the three museums, and I appreciate the gentleman's interest in artwork on this important issue.

Mr. LUCAS. Madam Chairman, reclaiming my time, I thank the chairman and the ranking member and the committee for their very diligent work this year.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $110,242,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section

211(b) of that Act, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation and hazardous fuels reduction by the Department of the Interior, $806,644,000, to remain available until expended, of which not to exceed $4,000,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $9,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

Section 28 of title 30, United States Code, is amended: (1) in section 28 by striking the phrase ''shall commence at 12 o'clock meridian on the 1st day of September'' and inserting ''shall commence at 12:01 ante meridian on the 1st day of September''; (2) in section 28f(a), by striking the phrase ''for years 2004 through 2008''; and (3) in section 28g, by striking the phrase ''and before September 30, 2008,''.

Sums not to exceed one percent of the total value of procurements received by the Bureau of Land Management from vendors under enterprise information technology-procurements that the Department of the Interior and other Federal Government agencies may use to order information technology hereafter may be deposited into the Management of Lands and Resources account to offset costs incurred in conducting the procurement.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $1,104,572,000, to remain available until September 30, 2009 except as otherwise provided herein: *Provided*, That $2,500,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: *Provided further*, That not to exceed $18,763,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $12,926,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2007: *Provided further*, That of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: *Provided further*, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $31,653,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $43,046,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided*, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, $81,001,000, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,202,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, as amended, *(16 U.S.C.* 4401–4414*)*, $42,646,000 to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act, as amended (16 U.S.C. 6101 et seq.), $5,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301–6305), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6301–6305), $10,000,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally-recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $85,000,000, to remain available until expended: *Provided*, That of the amount provided herein, $7,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That $5,000,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary

shall, after deducting said $12,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant if its comprehensive wildlife conservation plan is disapproved and such funds that would have been distributed to such State, territory, or other jurisdiction shall be distributed equitably to States, territories, and other jurisdictions with approved plans: *Provided further*, That any amount apportioned in 2008 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2009, shall be reapportioned, together with funds appropriated in 2010, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That, notwithstanding any other provision of law, the Service may use up to $2,000,000 from funds provided for contracts for employment-related legal services: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That, notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including expenses to carry out programs of the United States Park Police), and for the general administration of the National Park Service, $2,046,809,000, of which $9,965,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $100,164,000, to remain available until September 30, 2009, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, environmental studies, and comprehensive facility condition assessments; and of which $4,000,000 shall be for the Youth Conservation Corps and the Public Lands Corps (Public Law 109–154) for high priority projects.

AMENDMENT NO. 16 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. HASTINGS of Florida:

Page 18, line 23, after the first dollar amount, insert ''(reduced by $1,000,000) (increased by $1,000,000)''.

Mr. HASTINGS of Florida. Madam Chairman, I rise today to offer an amendment with my good friend, Congressman MICHAEL CASTLE of Delaware, to the Department of the Interior, Environment, and Related Agencies Appropriations Act for fiscal year 2008.

Our amendment designates $1 million of the increase in appropriations to the National Park Service for operations and grants affiliated with the National Underground Railroad Network to Freedom.

Madam Chairman, Members on both sides of the aisle agree that the National Underground Railroad Network to Freedom is a phenomenal resource of the National Park Service. Interest in the network continues to grow within affiliates in 28 States and the District of Columbia now operating since its inception in 1998. More opportunities than ever are now available for families throughout the Nation to engage in interpretive learning experiences related to the significant triumph of the underground railroad.

Madam Chair, the President's request of $493,000 for the operation demonstrates a slight increase for the network, but the true problem lies in the lack of grants for affiliates. The grant opportunities for network affiliates have only been funded three times since the establishment of the network in 1998 and woefully less than the $2.5 million authorized in the establishing legislation.

Our amendment is not just about preserving black history. Madam Chair, it is about preserving American history, and we cannot let our history be forgotten. Indeed, once Congress establishes a phenomenal program such as this, it should be ready to take the necessary action to ensure its perpetuity. This is our past and we must be faithful stewards of it.

I would like to thank Chairman DICKS and Ranking Member TIAHRT for their help in bringing this timely amendment to the floor today.

Madam Chairman, I would like to, at this time, yield to my friend, Mr. CASTLE.

Mr. CASTLE. Madam Chairman, let me thank the gentleman from Florida tremendously for his work on this. And I, too, rise in strong support of the Hastings-Castle amendment expressing congressional intent that the operations and grants budget for the Underground Railroad Network to Freedom program receive adequate funding.

I understand Chairman DICKS and Ranking Member TIAHRT are willing to accept the amendment; so I will be brief.

By helping local communities share the stories of the men and women who resisted slavery through escape and flight in the underground railroad, the Network to Freedom is a tremendous historical resource. Without continued and adequate funding, efforts to operate and provide grants to support a variety of underground railroad preservation and interpretive projects throughout the United States will be greatly diminished.

Promoting programs and partnerships to commemorate this time in history and educating the public about the historical significance of the underground railroad are vital. It is for this reason we offer this amendment today.

Again, I would like to thank the distinguished gentleman from Florida. We in Delaware have a lot of involvement with the underground railroad during that time. I think it is a significant part of our history.

Mr. DICKS. Madam Chairman, will the gentleman from Florida yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Washington.

Mr. DICKS. Madam Chairman, we are prepared to accept the amendment.

I want to commend the gentleman from Florida and the gentleman from Delaware for their outstanding leadership. This is a very important issue. And as we understand it, this would come out of existing funds within the park service?

Mr. HASTINGS of Florida. That is correct.

Mr. DICKS. With that understanding, Madam Chairman, we accept the amendment.

Mr. TIAHRT. Madam Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Kansas.

Mr. TIAHRT. Madam Chairman, I want to thank the gentleman from Florida and commend him on his leadership on this issue and also the gentleman from Delaware (Mr. CASTLE).

I think this is a very important time in American history that we need to capture and preserve for future generations. So congratulations. We have no objection to this amendment.

Mr. HASTINGS of Florida. Reclaiming my time, thank you, Chairman DICKS, Ranking Member TIAHRT, and Governor CASTLE.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 32 OFFERED BY MR. WEINER

Mr. WEINER. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 32 offered by Mr. WEINER:

Page 18, line 23, insert ''(increased by $1,000,000)'' after the first dollar amount.

Page 39, line 17, insert ''(reduced by $1,000,000)'' after the first dollar amount.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WEINER. Madam Chairman, I doubt I will take the full 5 minutes.

As remarkable as it might seem to anyone who is listening to these remarks, there is one national park in our country that was closed after September 11 that remains closed to this day.

We all remember that after September 11, there was kind of a general lockdown. We weren't sure what was going to happen next. National parks throughout the country were closed. That included this building. It included the White House. It included, frankly, monuments, memorials, and parks throughout the country.

Almost immediately thereafter, with some changes to security, some more enhanced like this building, some less so like some national parks, every single one of the national parks and institutions was reopened, except for one: the Statue of Liberty. Perhaps the single most symbolic of all parks, the Statue of Liberty remains closed to this day. It is true you can take a ferry and go around the Statue of Liberty. It is even true that you can go to its base, walk inside, and tap Lady Liberty's toes. But the Statue of Liberty and its iconic stairway that leads to the very top, to the crown, where all of us or so many of us remember standing on our tiptoes to see that regal view, remains closed today.

Now, my colleagues, you might be wondering how could it be nearly 7 years after September 11 the park is still closed? Let me tell you a few reasons why it is not the case.

First of all, there has been plenty of money. This committee and private beneficiaries have raised over $20 million for security enhancements, for changes. In fact, we all remember after September 11 a foundation was formed, Folger's and American Express and all kinds of institutions, the Daily News, my hometown newspaper. Kids were gathering up pennies and dimes and nickles. So there was no shortage of money. But we do know what there appears to be a shortage of, and that is imagination or courage on the part of the National Park Service.

We in this House, by a resounding fashion last year, 266 of us voted to say open up Lady Liberty to her crown. But the National Park Service, after years of kind of thinking about it and scratching their chin and twiddling their hair and flipping through papers, last year, at the urging of Mr. DICKS and others, finally sent this body a letter that said, ''we have concluded that the current access patterns reflect a responsible management strategy in the best interests of all our visitors.''

□ 1245

Well, that is bureaucratic speech, saying to Congress and the American people, take a hike, we're going to do what we want. Saying to the chairman of the committee, the ranking member, 266 of us, We don't care what your views are, we don't care about the private donations, we don't care about the reasonable accommodations that can be made, we're not opening up the Statue of Liberty.

And I say reasonable accommodations because there are things that can be done. Look, there is no doubt about it, there are narrow staircases, there are narrow passageways, not as narrow as this building, and there are sensitive locations, not as sensitive as the White House, but we've figured out ways to accommodate visitors, although in a limited fashion, in those places.

My colleague, Congressman SIRES, who is here today to offer this amendment with me and who I, regretfully, have to admit, according to the Supreme Court, that the Statue of Liberty is in his district. Although I would point out that Lady Liberty's caboose faces New Jersey, not her proud crown. But I want to thank him for all that he has done and for seeing that this is a national issue.

Let me just say this in closing: you know, we have heard it thrown around a lot, We mustn't let the terrorists win, We mustn't let the terrorists win. Can you imagine the symbolic sacrifice and the symbolic surrender we have made by saying that, because there are security concerns, we're not going to reopen the Statue of Liberty? How many of us don't remember the experience of climbing those narrow staircases?

So what does this amendment do? This amendment says, you say you can't do it? We're going to give you another million dollars to do it. It takes $1 million and strikes it from the administration's account, puts it in the National Park Service account and says, if you need more money, here it is.

I also want to thank my colleagues on the Resources Committee, subcommittee Chairman GRIJALVA, full committee Chairman RAHALL, for considering and tentatively agreeing to do hearings to look into this.

This is simply wrong. And to my chairman, Mr. DICKS, and to my ranking member, Mr. TIAHRT, there are no stronger advocates for the National Park Service than they, no stronger protectors of the national budget than they.

This is not a frivolous idea. This is Lady Liberty. This is making sure we restore the dignity of our National Park Service everywhere, but particularly in this most symbolic place.

Mr. SIRES. Madam Chair, I move to strike the last word.

I really want to thank Congressman WEINER, this has been an issue that is close to his heart, for offering this amendment.

Let me start my remarks talking a little bit about 9/11. I was the mayor of a small community across from New York, and I was a citizen. I watched as the Towers burned. I will never forget that vision in my mind. It was a symbolic blow to the Nation's spirit. But we have recovered our spirit. Today, America stands strong and proud again. And an important part of the recovery is due to the fact that we were able to get back to work. In short, we got back our lives.

As the Secretary of the Interior, Ms. Norton, said on September 12, 2001 while standing at the Hoover Dam, ''Even though atrocities such as those of September 11 can affect us, they cannot close us down.'' That is why I am cosponsoring this amendment today.

The only national park that remains closed from 9/11 is the crown of the Statue of Liberty. I hope that with this amendment we will open up the crown for visiting once again.

Yes, it is symbolic, but symbols are important. And let me say that there are three sites that most immigrants, when they come to the area, like to look at. One is the Statue of Liberty, the other is going up the Empire State Building, and the other is Niagara Falls. We can go to the other two, but we cannot go all the way up to the Statue of Liberty.

I thank my friend from New York for proposing this amendment and for his time.

Mr. DICKS. If the gentleman will yield, I want to commend the gentlemen from New York and New Jersey for their leadership, and I urge that the committee adopt this amendment.

Mr. WEINER. Will the gentleman yield?

Mr. SIRES. I will yield.

Mr. WEINER. I want to offer my gratitude to the chairman, who has been helpful to us all throughout, and the ranking member, Mr. TIAHRT, for all that they have done.

Mr. DICKS. And by the way, we have a new director of the National Parks Service. I think it may be good to give her an opportunity to review this, too. So I think we ought to give her another chance to look at this.

Mr. SIRES. We do have the Statue of Liberty in New Jersey, and we have the better side facing New Jersey.

Mr. TIAHRT. Will the gentleman yield?

Mr. SIRES. Absolutely.

Mr. TIAHRT. I would like to say I have no objection to this, and I appreciate the gentlemen from New York and New Jersey for attempting to open up the steps of Liberty once again.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The amendment was agreed to.

Mr. OLVER. Madam Chairman, I move to strike the last word.

First I want to commend the chairman and the ranking member for bringing forward a very good bill. And I want to also commend the chairman and the ranking member for agreeing to the amendment that has just been adopted. But I want to put that a little bit in context here.

I have to say that I was surprised and somewhat chagrinned by the characterization of the ranking member of the full committee when he described this legislation, this whole legislation, as having an excessive and overgenerous allocation. I don't really think that that is the case, and the Park Service programs within this bill are a perfect example of that.

We are coming up on the 100th anniversary of the National Park Service and have a lot of work to do to bring that up to a state of good repair, the facilities of the National Park Service up to a state of good repair.

The Park Service embarked on a program to try to repair some damage that has been done, particularly in the fiscal years 2005 and 2006. The reduction in budget compared with what would be, including inflation, the necessary funding to keep the maintenance of service in the Park Service programs is close to 20 percent in those two fiscal years. And in fiscal year 2007, we were able to virtually level fund the budget for programs within the Department of the Interior and the Park Service at just no increase. But now this year, with this legislation, there is an additional $105 million in the legislation for the increase in the Park Service's base funding which should allow them to begin to make some additions in the maintenance, the backlog of maintenance, which is so well described in the previous amendment, and the need at one of our greatest, most important national monuments, the Statue of Liberty, to make that available to the public.

We have hundreds of millions of people in total that visit our national parks, our national monuments, our historic sites, our fish and wildlife refuges, and the maintenance backlog is in the billions of dollars level, of which $105 million to deal with the backlog needs in the Park Service's accounts is only a small portion of what is needed to bring up our facilities that serve those hundreds of millions of the public who visit at all these variation locations each year, to bring them up to a state of good repair. So I think that it is important that we provide those monies.

I know there will be other amendments. I will be supportive of those amendments, which also increase the amounts that can go, reasonably, into state of good repair for our facilities under the Park Service for those national parks, historic sites and national monuments that we so badly need in good repair for the visitation and for the education of the public.

The Park Service system is a national treasure, and it must be preserved and valued for our future generations.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KING of Iowa:

Page 18, line 23, insert ''(increased by $100,000,000)'' after the first dollar amount.

Page 58, line 3 insert ''(reduced by $62,000,000)'' after the dollar amount.

Page 59, line 3 insert ''(reduced by $160,000,000)'' after the dollar amount.

Page 66, line 23, insert ''(reduced by $1,000,000)'' after the dollar amount.

Mr. DICKS. Madam Chair, I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. KING of Iowa. Madam Chair, the amendment that I offer here today is an amendment that reaches out and directs $100 million to the National Parks Service for the purpose of putting up barriers on our border. This comes from one of my multiple trips down to the region where I sat and talked with a number of the park officers and visited the border parks that we have. And I can take you down through the pieces of this argument, but I think the centerpiece of it was addressed by Mr. BISHOP of Utah, when he talked about one-third of the Organ Pipe Cactus National Monument being set aside off limits to American citizens, to American tourists because it has been so inundated by illegals and by drug smugglers and drug traffickers and litter that when I asked to go to that area, they said it's not safe, we don't have the personnel to take you. So it's essential that we protect these national treasures that we have, these national parks and national monuments.

I want to reflect upon an example here, Madam Chair, and that is this poster that I have. This shows the entrance to the lesser long-nosed bat cave. It's one of four maternal bat caves in the United States. And this is an endangered species. This is a location where illegals used to go in and hole up. And their constant presence there drove the bats out. The 4,000 bats that lived here were driven to other places. They found $75,000 in their budget and volunteer labor and went to build and construct this barrier around the bat cave to keep the illegals out. The bats returned, thankfully. But we have other species, and we have this precious area.

And if I can reflect back, Madam Chair, just upon my notes with a meeting with the director of one of our national parks on the border. First, he said we were concerned about disease, hoof and mouth disease, for example, as I am. But from 1978 to 1984, there wasn't much of a problem with illegal traffic. By 1989, activity had picked up. By 1999, 13 miles of fence were stolen. By the year 2002, ''everything went haywire.'' The numbers increased dramatically, 20 to 25 cars at any one time abandoned, litter all over the parks, 20,000 pounds of drugs recovered just on that refuge alone. And his question is not, what are you going to give me? But what can I cut in order to save these national parks?

So I've made a recommendation on what to cut, Madam Chair, and it reaches out into three different areas to come up with $100 million so that we can protect these national parks along our border from this traffic. When it gets so bad that the litter is so bad that we won't let Americans drive by on the road and look, when it gets so bad that a Member of Congress can't get an escort with enough armed personnel to go down into one-third of the Organ Pipe Cactus National Monument, the location where Park Officer Chris Eggle was killed in the line of duty in order to intercept a drug smuggler across the border, I call upon this Congress, Madam Chair, to do something. And the director of this park said to me, a year or two or five ago, I would have said don't build a fence, don't build a wall, I don't want that mark across my monument. Today I say, that's what will preserve the rest of it.

So I think that makes my strongest argument. We need to find the funds to protect our precious national resources. There should be not one square foot of a national park that an American citizen is off limits to because we can't protect it from infiltrators that come from across the border to smuggle drugs and commit crimes.

So I would urge adoption of this amendment.

Mr. DICKS. Madam Chairman, I rise in opposition to the gentleman's amendment.

First of all I want to say that I am a strong supporter of our national parks. And our committee takes a back seat to no one. My problem with this amendment is the source of the offset.

The bill provides a $223 million increase for our national parks, for the 10-year $3 billion Centennial Challenge effort to restore the parks for the 100th anniversary of the founding of the Park Service.

□ 1300

The bill also includes $50 million in discretionary funds for the Centennial Challenge projects. These funds will support enhancements in our parks beyond the funding necessary for core operations. This is the best bill for the parks in decades, but I cannot support

a wholesale gutting of the important work done by the Environmental Protection Agency. The gentleman's amendment would severely cut two of EPA's most important programs. He proposes to reduce by $160 million the Superfund program that cleans up toxic waste sites across our country.

Currently, there are over 1,400 Superfund sites. More than 6 million people live within 1 mile of a Superfund site and 76 million live within 4 miles of these sites.

Our bill increases Superfund above the request. Why? Because as the Superfund program matures, the remaining sites are more complex, take longer to clean up, and require more funding. How do we explain the proposed reduction to those 76 million Americans? Do you ask them to wait even longer to remove the hazardous substances in their neighborhoods?

The amendment would also cut EPA's core environmental programs, those funded through the environmental programs and management account.

The account funds the activities which are the backbone of the Nation's environmental programs. EPA sets pollutant abatement standards. It issues permits to control these standards. It enforces those permits to ensure compliance with environmental standards. This account funds programs that control toxic air pollutants which threaten to poison our cities.

This account funds the Energy Star program, a program that most Americans know by name and trust, a program that has saved Americans $12 billion in energy costs in 2005 alone. This account funds the programs which license pesticides that control harmful exposures. This account funds programs which protect children, our most precious resource, from indoor air pollutants. With the geographic programs funded through this account, EPA helps to protect the great, and unfortunately threatened, waterways of our Nation

Madam Chairwoman, I am certainly a great supporter of the parks. I believe the underlying bill is proof of that. But I cannot support an effort to reduce the programs that are the fundamental basis for our Nation's environmental protection.

I urge a no vote on the gentleman's amendment.

The CHAIRMAN. Does the gentleman withdraw his reservation of a point of order?

Mr. DICKS. Madam Chairman, yes, I withdraw my reservation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

The Clerk will read.

The Clerk read as follows:

CENTENNIAL CHALLENGE

For expenses necessary to carry out provisions of section 814(g) of Public Law 104–333 relating to challenge cost share agreements, $50,000,000, to remain available until expended for Centennial Challenge signature projects and programs: *Provided*, That not less than 50 percent of the total cost of each project or program is derived from non-Federal sources in the form of donated cash, assets, in-kind services, or a pledge of donation guaranteed by an irrevocable letter of credit.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $62,881,000.

HISTORIC PRESERVATION FUND

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $81,500,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2009; of which $20,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts and of which $10,000,000 shall be for Preserve America grants to States, Tribes, and local communities for projects that preserve important historic resources through the promotion of heritage tourism: *Provided*, That any individual Save America's Treasures or Preserve America grant shall be matched by non-Federal funds; individual projects shall only be eligible for one grant; and all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations: *Provided further*, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $201,580,000, to remain available until expended: *Provided*, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108–108: *Provided further*, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation only if matching funds are appropriated to the Army Corps of Engineers for the same purpose: *Provided further*, That none of the funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation if any of the funds appropriated to the Army Corps of Engineers for the purpose of implementing modified water deliveries, including finalizing detailed engineering and design documents for a bridge or series of bridges for the Tamiami Trail component of the project, becomes unavailable for obligation.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2008 by 16 U.S.C. 4601–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $99,402,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $50,000,000 is for the State assistance program.

ADMINISTRATIVE PROVISIONS

If the Secretary of the Interior considers that the decision of any value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, misinterprets or misapplies relevant contractual requirements or their underlying legal authority, then the Secretary may seek, within 180 days of any such decision, the de novo review of the value determination by the United States Court of Federal Claims. This court may make an order affirming, vacating, modifying or correcting the determination.

In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for possessory interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

A willing seller from whom the Service acquires title to real property may be considered a ''displaced person'' for purposes of the Uniform Relocation Assistance and Real Property Acquisition Policy Act and its implementing regulations, whether or not the Service has the authority to acquire such property by eminent domain.

Section 3(f) of the Act of August 21, 1935 (16 U.S.C. 463(f)), related to the National Park System Advisory Board, is amended in the first sentence by striking ''2007'' and inserting ''2009''.

Mr. KIRK. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise today just to support this legislation which increases funds, provides programs that protect our national forests and parks and enhance our clean water infrastructure. The bill also provides more than $1.3 billion for Great Lakes restoration and protection programs and an increase of $32 million over fiscal year 2007.

Providing water, jobs, food and recreation for more than 40 million people, the Great Lakes are one of our Nation's most valuable natural habitats. It is critical that we continue to support programs and provide funds that ensure the restoration and preservation of this National treasure.

Now, in this bill we fund the Great Lakes Legacy Act, which is a critical component of this ecosystems restoration. It provides funds for the cleanup of the most polluted sites in the region. There are 26 of these sites designated

officially as areas of concern located wholly within the United States and then five more inside Canada. From six of the projects that we receive funding since the program's inception, the EPA estimates that over 1.2 million cubic yards of contaminated sediments will be removed.

Madam Chairman, I really want to thank Chairman DICKS and ranking member TIAHRT for working with me to increase funds above the President's request to provide $37 million for this program, which is an increase of over $7 million last year.

I also want to thank these gentlemen for providing an increase of roughly $3 million to the National Great Lakes Program Office to fund additional staff to implement the Legacy Act. The aid will help us to eliminate the backlog in reviewing proposals to speed up the cleanup of polluted sites.

Madam Chairman, I just want to thank the two gentlemen. I am in favor of this legislation.

Mr. DICKS. Madam Chairman, if the gentleman will yield, first of all, I appreciate the gentleman's support for our overall bill, but I want to acknowledge his leadership on the Great Lakes. We have some incredible programs in the Great Lakes. The gentleman has come to us and offered a very positive amendment. We are concerned in my part of the world about Puget Sound. Our vice chairman, Mr. MORAN, is concerned about the Chesapeake Bay. We are concerned about all of our National estuaries. But the Great Lakes are particularly important, and I appreciate the gentleman's input on this issue.

Mr. TIAHRT. Madam Chairman, if the gentleman will yield, I also want to congratulate the gentleman from Illinois for his persistence in pursuing environmental issues in the Illinois area as well as across the United States. It is very important that we have clean air and clean water for our children and grandchildren.

The gentleman's leadership has been excellent. Also I want to acknowledge his special recognition of the Great Lakes and taking care of them. He has been worried about the fish life as well as the quality of the water. I congratulate the gentleman in these efforts there.

Mr. KIRK. Madam Chairman, reclaiming my time, this is a very good bill. I want to thank both these gentlemen. I want everyone who is part of the 40 million Americans that depend on the Great Lakes for their drinking water to know that this appropriations bill is pro-Great Lakes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $1,032,764,000, to remain available until September 30, 2009, of which $63,345,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $32,150,000 shall remain available until expended for satellite operations; of which $8,023,000 shall be available until expended for deferred maintenance and capital improvement projects; and of which $187,114,000 shall be for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; for energy-related or other authorized marine-related purposes on the Outer Continental Shelf; and for matching grants or cooperative agreements, $153,552,000, to remain available until September 30, 2009, of which $82,371,000 shall be available for royalty management activities; and an amount not to exceed $135,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That to the extent $135,730,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach $135,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That for the costs of administration of the Coastal Impact Assistance Program authorized by section 31 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1456a), MMS in fiscal years 2008 through 2010 may retain up to three percent of the amounts which are disbursed under section 31(b)(1), such retained amounts to remain available until expended.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,403,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

ADMINISTRATIVE PROVISIONS

The eighth proviso under the heading of ''Minerals Management Service'' in division E, title I, of the Consolidated Appropriations Act, 2005 (Public Law 108–447), is amended by inserting ''and Indian accounts'' after ''States'', replacing the term ''provision'' with ''provisions'', and inserting ''and (d)'' after 30 U.S.C. 1721(b).

None of the funds in this Act shall be used to transfer funds from any Federal royalties, rents, and bonuses derived from Federal onshore and offshore oil and gas leases issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.) into the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund.

Notwithstanding the provisions of section 35(b) of the Mineral Leasing Act, as amended (30 U.S.C. 191(b)), before disbursing a payment to a State, the Secretary shall deduct 2 percent from the amount payable to that State and deposit the amount deducted to miscellaneous receipts of the Treasury.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $117,337,000, to remain available until September 30, 2009: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants

to States, moneys collected in fiscal year 2008 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $52,774,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $2,093,545,000, to remain available until September 30, 2009 except as otherwise provided herein, of which not to exceed $80,179,000 shall be for welfare assistance payments: *Provided*, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $149,628,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2008, as authorized by such Act, except that federally-recognized tribes may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed $487,500,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2008, and shall remain available until September 30, 2009; and of which not to exceed $66,822,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided further*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $44,060,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2007 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to grantees that enter into grants for the operation on or after July 1, 2007, of Bureau-operated schools: *Provided further*, That any forestry funds allocated to a federally-recognized tribe which remain unobligated as of September 30, 2009, may be transferred during fiscal year 2010 to an Indian forest land assistance account established for the benefit of the holder of the funds within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2010.

□ 1315

AMENDMENT NO. 30 OFFERED BY MR. SHAYS

Mr. SHAYS. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. SHAYS:

Page 31, line 11, after the dollar amount, insert ''(decreased by $1,000,000) (increased by $1,000,000)''.

Mr. SHAYS. Madam Chairman, this amendment would designate $1 million for the Office of Federal Acknowledgment, bringing the total for the office from $1.9 million to $2.9 million, enabling the bureau to hire two additional teams of investigators to speed up the review process for petitions. Presently, there are seven active petitions and nine waiting petitions, but there are 79 uncompleted petitions and there are letters of intent for 147.

The fact is in the last 10 years they have granted to only two tribes through the process, and, as I remember, seven tribes were denied, out of a total of nine. This is a long process. It requires individuals with tremendous expertise to evaluate these petitions.

I would note that when we create an Indian tribe, we create a sovereign nation. We create an independent nation within these United States. So this is very serious business.

I would just point out that already this year we have bypassed the Bureau of Indian Affairs in one legislation that created acknowledgment for six tribes, and in a second legislation acknowledging another tribe. The argument was that the Bureau of Indian Affairs simply couldn't act as quickly as it needs to.

Mr. DICKS. Madam Chairman, if the gentleman will yield, the gentleman has raised an important issue here, and we are prepared to accept his amendment.

Mr. TIAHRT. Mr. Chairman, if the gentleman will yield, I want to thank the gentleman from Connecticut for working with the committee on this very important issue. Truly they have a backlog. Without your looking into this issue, we never would have made the kind of progress that is going to be made because of your efforts. So I want to congratulate the gentleman, and I have no objection to the amendment.

Mr. SHAYS. Madam Chairman, reclaiming my time, I just want to acknowledge the good work of both the chairman and ranking member, not just on accepting this amendment, obviously, but the tremendous work in terms of the arts, in terms of our natural resources.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $207,983,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2008, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): *Provided further*, That in order to ensure timely completion of replacement school construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction of the replacement

school: *Provided further*, That this Appropriation may be reimbursed from the Office of the Special Trustee for American Indians Appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 107–331, 108–447, 109–379, 109–429, and 109–479, and for implementation of other land and water rights settlements, $39,136,000 to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $6,276,000, of which $700,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $85,506,098.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations and regional offices) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any federally-recognized tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding 25 U.S.C. 2007(d), and implementing regulations, the funds reserved from the Indian Student Equalization Program to meet emergencies and unforeseen contingencies affecting education programs appropriated herein and in Public Law 109–54 may be used for costs associated with significant student enrollment increases at Bureau-funded schools during the relevant school year.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $136,413,000, of which $35,262,000 for activities related to the Financial and Business Management System shall remain available until expended, and of which not to exceed $15,000 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

AMENDMENT NO. 14 OFFERED BY MR. DICKS

Mr. DICKS. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. DICKS:

Page 39, line 17, after each dollar amount, insert ''(reduced by $5,000,000)''.

Page 55, line 22, after the second dollar amount, insert ''(reduced by $5,000,000)''.

Page 58, line 3, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 60, line 24, after the dollar amount, insert ''(increased by $15,000,000)''.

Page 61, line 16, after the dollar amount, insert ''(increased by $15,000,000)''.

Mr. DICKS. Madam Chairman, I offer this amendment on behalf of myself and a number of distinguished Members from the Border Caucus. The committee has supported EPA's Mexican Border Program since its inception in 1995. Since that time, we have provided over $800 million for infrastructure projects along the border. I am proud of that and believe this program is an important one.

The bill as reported by the committee included $10 million for water and waste water infrastructure projects along the U.S.-Mexican border. This is the amount requested by the President, but $40 million below the level provided last year. Our committee took this action because of concerns about a slow spending rate in the program. Since that time, a number of Members, including a distinguished member of the committee, Mr. RODRIGUEZ of Texas, have provided new information on this program.

Specifically, the reforms recently made to the design, approval, and construction process will ensure the funds are spent more quickly. Because of that information, I am pleased to offer this amendment on their behalf, which provides an additional $15 million for this program, for a total program of $25 million in fiscal year 2008.

It is never easy to find offsets for these types of amendments. That said, my amendment includes three programs in order to provide the necessary increases for the border program. The reductions are as follows:

Within the Department of Interior Salaries and Expense Account, $5 million from the Financial and Business Management System, which has been delayed by the Department.

Within EPA's Science and Technology Account, $5 million from the new Water Technologies Breakthrough Fund.

Within EPA's Environmental Programs and Management Account, $5 million from Operations and Administration.

With this additional funding, I hope we will see many new water and waste water infrastructure projects along the border. This committee has been and will continue to be very supportive of this important program.

Again, I thank the Members from the border States, especially Mr. RODRIGUEZ, a member of the full committee, for bringing this issue to my attention. I urge a ''yes'' vote on this amendment.

Mr. TIAHRT. Madam Chairman, if the gentleman will yield, I do not have any objection to this amendment, and I would commend the chairman on his leadership in this area.

Mr. HINOJOSA. Madam Chairman, I rise today in support of the amendment offered by my friend, Chairman NORMAN DICKS. I want to commend him for the wonderful job he did in putting this bill together. I also want to thank him for his willingness to work with me and the other members of the House Border Caucus to address a serious need in the border region.

This amendment would increase funding for the U.S.-Mexico Border program to $25 million. This program was created under the NAFTA treaty to

help border communities cope with the environmental effects of the treaty. Since its inception, the fund has been used to improve wastewater and drinking water infrastructure. It has provided technical assistance to 130 communities. It has eliminated 300 million gallons per day of untreated or inadequately treated discharges, equivalent to that of 6.8 million persons. A recent audit found that for every dollar placed into the BEIF fund, $1.85 has been leveraged from other sources. Every dollar used under the fund by the U.S. is matched dollar for dollar by Mexico.

This funding is desperately needed to begin the planning for new water and wastewater projects along the U.S.-Mexico border. Most of the communities in my district are very small with the majority of residents living below the poverty level. They don't have the financial means to build water and wastewater infrastructure on their own. The U.S.-Mexico Border program is their only avenue to protect the health of their citizens and bring economic development projects to their community.

While the U.S.-Mexico Border program has had some institutional problems, which have hindered its ability to release funds to these communities, Congress has made reforms to the program and funds are finally flowing to communities. All of the funds currently in the program are allocated to projects and by the end of 2008 all of the money will have been disbursed. Without the funds in this amendment, new communities would not be able to begin the 5-year process.

In my district, several communities like Mercedes, Donna, Weslaco, Pharr, and others have received help from the U.S.-Mexico program to build and modernize their wastewater systems. As a result, large economic development projects are underway because the communities finally have the infrastructure to provide services to new employers.

Again, I want to thank Chairman DICKS for offering this amendment and urge all of my colleagues to support it.

Mr. ORTIZ. Madam Chairman, I rise in support of the Interior Appropriations bill before us today which includes money for South Texas to address water and wastewater issues along the Border.

I particularly thank Chairman NORM DICKS—who, on behalf of the Congressional Border Caucus, offered to increase funding for the Environmental Protection Agency's (EPA) Mexican Border program for safe drinking water grants by $15 million, providing a total of $25 million for these important grants.

NAFTA brought both challenges and windfalls to South Texas. As South Texas became the front door for international trade, the unemployment rate—at that time in double digits—fell to its present rate as jobs and opportunities became more widely available.

NAFTA also brought about greater growth and entire new industries, some cross-border industries. Congress' concerns about the border infrastructure for water and wastewater brought about the Border Environment Cooperation Commission (BECC) as part of the North American Development Bank. BECC funding has become a resource for border communities, whose infrastructure now bears the national burden of NAFTA; and NAFTA benefits the entire national economy.

These funds added to the Interior Appropriations bill today assist communities in addressing public health and environmental conditions along the U.S.-Mexico border. This money has been instrumental in getting almost seven million people connected to improved water and wastewater systems, ensuring improved living conditions for the residents of Texas, as well as other border states. Through these funds, 54 wastewater projects and 16 drinking water projects have been built.

In my South Texas district the City of San Benito, the Brownsville Public Utilities Board, Olmito Water Supply, El Jardin Water Supply Corporation and the City of Los Fresnos have benefited from these funds.

Mr. CUELLAR. Madam Chairman, I commend Chairman NORM DICKS and Ranking Member TODD TIAHRT for putting forward a good piece of legislation.

I want to especially thank Chairman DICKS for offering his amendment to increase funds for Border Environment Infrastructure Fund (BEIF).

Since 1997, this important program has provided essential funding support for drinking water and wastewater infrastructure in the U.S.-Mexico border region.

Every project receiving BEIF, whether located in the U.S. or Mexico, has provided an environmental and human health benefit for American citizens.

$491 million of BEIF, 54.2 percent to U.S. projects and 45.7 percent to projects in Mexico, for the implementation of 54 certified projects valued at $1.4 billion, many of which are located in rural communities and designated colonias.

The need in these communities is great.

The projects resulting from the BEIF allocations have provided a direct benefit to around 7.5 million people.

Even with such significant accomplishments, the need for water and wastewater infrastructure continues to exist along the U.S.-Mexico border.

Nearly $1 billion of existing water infrastructure needs have been documented.

Even with the leveraging strength of BEIF, which has historically brought $1.85 to each BEIF $1.00, we anticipate that less than 5 percent of these eligible needs will have an opportunity for funding without this amendment.

Without the opportunity to access these sources of funding, the health and environment of our communities will continue to suffer.

I want to once again thank Chairman DICKS for offering this amendment, and urge my colleagues to support his action.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. DICKS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CANNON

Mr. CANNON. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CANNON:

Page 39, line 17, insert ''(decreased by $23,000,000)'' after the first dollar amount.

Page 44, line 23, insert ''(increased by $20,148,000)'' after the first dollar amount.

Mr. DICKS. Madam Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. A point of order is reserved.

Mr. CANNON. Madam Chairman, I rise in support of this amendment that I offered on behalf of myself, Mr. MARK UDALL, Mr. ROB BISHOP, Mr. MATHESON, Mr. HELLER, Mr. SALAZAR, and Mrs. MUSGRAVE. This bipartisan amendment will redirect roughly $20 million in departmental salaries and expenses to the Payment in Lieu of Taxes program to bring the total appropriation to nearly $253 million.

I am pleased to be working with this bipartisan group and thank my colleagues for their support. All of us have something in common. We represent some of the 1,900 counties spread across every State but Rhode Island that have public lands that rely on the Payment in Lieu of Taxes program to mitigate the impact of the lost tax revenue resulting from Federal land ownership.

The Federal Government owns nearly 650 million acres of land, mostly in the West. We have a map here that shows all the land owned or held in the trust by the government in red. It is important to see exactly how much of the land in the West is owned by the Federal Government. In fact, the amount of land owned by the Federal Government is amazing.

This is an amazing amount of Federal ownership and control by the Federal Government. That means that we do not tax those lands and that means that in the Western United States we pay less per child for education, but we tax our people more per family because we are supporting the Federal Government. In other words, we don't tax these lands; we tax ourselves more.

As the chairman of the Western Caucus, I know all too well that my fellow colleagues throughout the West are struggling with these issues, and also in many districts in the East, where there is a great deal of public lands.

It is only fair that we pay a reasonable amount in lieu of taxes to cover this shortfall. The Payment in Lieu of Taxes program was created in 1976 to provide payments to counties to make up for property taxes they were prevented from collecting on Federal lands located within their boundaries.

This year, the administration's budget proposal proposed to cut PILT by $34 million, to a paltry 56 percent of the authorized level. The past few years have seen Congress achieve historic levels of PILT funding. We are grateful to Chairman DICKS and Ranking Member TIAHRT for their efforts to restore PILT to the fiscal year 2007 enacted level.

While the appropriation currently in the bill is significantly above the administration's recommendation, it is far from what it should be, and our counties are bearing the brunt of it. While the Department's administrative budget has nearly doubled since 2001, PILT funding levels have not kept pace, and this is not acceptable.

It is imperative that we raise funding so that our rural counties won't have to continue to foot the bill for lands owned by the Federal Government. I urge all my colleagues to support this bipartisan amendment to bring PILT funding levels to nearly 70 percent of the authorized amount and to support the counties that host public lands.

Although I will continue to fight for full funding for PILT, this amendment is a step in the right direction and adds a modest sum to the PILT program, a sum that is important to Americans who live in public lands communities, as well as to all the visitors who visit our public lands.

Mr. DICKS. Madam Chairman, if the gentleman will yield, I rise to say that we will be willing to accept this amendment.

I do want to point out to the gentleman, though, this bill already funds PILT $43 million above the level requested by the President. We have heard over and over again from various speakers on your side of the aisle that we have to get this bill down, not up.

But this is a very important program in the West, and therefore I am willing to accept it. But I want the gentleman to think about this in that context.

Mr. CANNON. Madam Chairman, reclaiming my time, I very much appreciate the gentleman's point. The fact is, this is much higher than the President's proposal. I appreciate that. Our job here is to balance how we fund these various programs. The inequity that has been perpetrated on Western counties, where you see these massive amounts, including in your State, of public lands that are not adequately supported by a tax base is very important.

I thank the gentleman very much for his support thus far.

Mr. TIAHRT. Madam Chairman, if the gentleman will yield, I want to thank the gentleman from Utah and also the gentleman from Washington, Mr. DICKS, the chairman of this subcommittee, for understanding the depth of this problem. We do need to put additional funds into PILT, because the Payment in Lieu of Taxes has created shortfalls for school systems, for local municipalities and for counties.

I want to commend the gentleman from Utah for his effort. We have no objections to his amendment.

Mr. CANNON. Madam Chairman, I thank the gentleman, and urge support of my amendment.

Mr. DICKS. Madam Chairman, I withdraw my reservation.

Mr. BISHOP of Utah. Madam Chairman, I move to strike the last word.

Madam Chairman, I appreciate the opportunity of just saying a word on this particular amendment. I am also very grateful to both the ranking member as well as the chairman of the subcommittee for understanding the significance of this important amendment.

Let me say that this is another map that is similar to the one that was already done, except this time I chose the blue color. Everything that is in blue is the amount of land owned and controlled by the Federal Government in each State. You will notice that there is a proclivity of this kind of blue color in the West.

Some of those that don't live in the West don't really understand what the significance or the problem is in dealing with the Federal Government on so much particular land.

I also want you to know that this was not necessarily the way it was supposed to be. When every one of these Western States entered the Union, their enabling act said the land would go to the Federal Government until such time as it shall be disposed and each State was supposed to get a cut of the amount of money gotten by the Federal Government. So this is not the way it was supposed to be.

But it was changed in the 1970s when the Federal Land Management Policy Act was produced. The trade-off in that was for Payment in Lieu of Taxes. So this land would be compensated, in exchange for the Federal Government keeping those lands, without having to go back through the States to deal with it.

Now, we would actually be more happy if we had all the lands. If indeed these Western States that have their lands controlled by the Federal Government could tax them at even the cheapest open value space, this is the amount of money that we would be able to accommodate for ourselves and solve our own problems.

This bill has $232 million for PILT, Payment in Lieu of Taxes right now. So you look at it. If Idaho was simply able to put a tax on the Federal land in their State, they would create more than that money by themselves. Utah could get $116 million every year by ourselves, Nevada $118 million every year by themselves; and that is only for public education. It would be even more for general taxes. So the States could actually handle it themselves.

What I am trying to say is I appreciate everyone finally realizing that PILT money is not free, it is not loans, it is simply not welfare for the West. It is money that was really owed to these particular States and that our goal should not be simply the $22 million more in this particular amendment, but to fully fund PILT, which should be $375 million in the first place, or allow the States to have the flexibility to actually go after the true value of these types of lands that happen to be there.

So I appreciate everyone recognizing the significance of this, and I appreciate everyone realizing that this is money that is owed to the States so they can control and they can actually pay for the services they have to provide, even though they don't have the land resources to deal with it.

Mr. HELLER of Nevada. Madam Chairman, I rise in support of this important bipartisan amendment.

The PILT program compensates counties for the loss of income resulting from Federal lands.

This is something my constituents know a lot about because nearly 85 percent of Nevada's land mass is owned by the Federal Government.

PILT funds are used for critical services on public lands counties such as search and rescue on public lands, infrastructure, education, and many other important functions.

For many years the PILT program has been woefully underfunded.

Again this year, the administration requested a paltry $198 million for this program, which is more than $150 million less than the authorized level.

While the $20 million we are seeking to raise PILT funding by will not entirely make up for the funding shortfall, every penny counts to the counties and families that live in public lands States.

I urge my colleagues to support this amendment, prioritize the PILT program, and take a step towards adequately compensating the communities that host public lands.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. CANNON).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $78,292,000, of which: (1) $69,816,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $8,476,000 shall be available until September 30, 2009 for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost

sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

Mr. BOREN. Madam Chairman, I move to strike the last words.

Madam Chairman, I would like to engage in a colloquy on the subject of community tribal schools.

In 1969, Congress declared that Indian education programs run by the Bureau of Indian Affairs were a national tragedy and a national challenge. No one could dispute the fact that decades of neglect had left both programs and facilities in shambles.

Starting with the Self-Determination Act of 1975 and tribal local control of programs, the extent of the problem became apparent. Congress, to its credit, stepped up with increased facilities programs for schools serving Indians.

To ensure objective distribution of scant resources and to better serve students, Congress directed BIA to create a priority-based ranking system. BIA did so, but only with a facilities program which assessed then-current programs and looked to the adequacy and safety of facilities. Failure in either area meant an unhoused student ranking and a priority ranking on the list.

After the Tribal Schools Grant Act in 1988, tribes began taking over BIA schools and reworking their programs. They expanded services and also added new attendance areas. These changes had an unanticipated effect. They impacted the BIA ranking system, as the formula did not properly account for new students, listing them as unhoused students and skewing the BIA ranking system.

□ 1330

In 1995, Congress instituted a temporary moratorium on new programs in order to freeze current rankings and to allow the BIA time to catch up to the increasing demand for repairs. The moratorium was to last just one Congress with the BIA making policy recommendations on how to address this growing problem.

The BIA, unfortunately, never made the recommendations and the moratorium preventing modified tribally run academic programs has continued for over a decade.

Madam Chairman, Indian country remains concerned that public school academic programs are not enough for many Native American children who so often have special needs due to family, social, academic, and other problems. There are numerous cases where a tribe is in better condition to operate a school, providing first-class education while also meeting the cultural sensitivity needs these students may have.

But even if the tribe is willing to fund all construction and maintenance costs for a first-class facility, the moratorium prohibits them from being able to operate as a Federal grant school. The BIA has also interpreted the moratorium language as prohibiting the reestablishment of a preexisting program.

Chairman DICKS, children are the future of any nation, including tribal nations, and community tribal schools are an important step for a tribe's successful future. I ask that you would work with me to address this problem and that Congress require BIA to adhere to the fiscal year 2006 Interior Appropriations bill directive to develop recommendations to adjust the ranking system to allow for new schools, new students, and expanded programs.

Mr. DICKS. Madam Chairman, will the gentleman yield?

Mr. BOREN. I yield to the gentleman from Washington.

Mr. DICKS. I appreciate the gentleman's interest in improving Indian education. This is an issue that both Mr. TIAHRT and I have great interest in, and we have made a special effort to increase funding for education programs in this bill.

I would be happy to work with the gentleman on the issue that he has raised here today, and thank him for his dedication to Indian country and better education for young students.

Mr. BOREN. I thank the chairman.

Mr. MORAN of Virginia. Madam Chairman, I move to strike the last word.

Chairman DICKS, I am very appreciative of your willingness to address in the conference report for the fiscal year 2008 appropriations bill a concern that you share with me for the humane treatment and preventive management of wild horses and the condition of western range lands.

I yield to the gentleman from Washington.

Mr. DICKS. Yes, the gentleman is correct, I share his concern.

Mr. MORAN of Virginia. As you know, Mr. Chairman, there have been significant advancements in the development of technologies that allow safe and effective application of contraceptive medicines to wild horses to allow wild horse populations to be maintained at sustainable levels. I believe these medicines have been used in pilot programs running for years as a result of the partnering of private organizations like the Humane Society of the United States with the Bureau of Land Management.

Mr. DICKS. The gentleman is correct.

Mr. MORAN of Virginia. I believe that contraceptives could potentially be effective and also would be a more humane approach to managing wild horses than the current strategy that relies primarily on rounding up wild horses and placing them in pastures where they must be fed for years until they die of old age at a cost of over $20 million a year.

It is also my understanding that the BLM signed a memorandum of understanding in October of 2006 outlining a large scale pilot program that will expand the pilot wild horse management effort.

I would like to thank you for working with me to see that the Wild Horse and Burro Management Program does not get such a large budget cut as was proposed by the administration. It is my understanding that BLM will be able to move forward with that pilot program under this act; is that correct, Mr. Chairman?

Mr. DICKS. Yes, the gentleman is correct.

Mr. MORAN of Virginia. I wish to thank you again, Mr. Chairman, for your help in clarifying these points and for your willingness to address this in conference to ensure more humane and effective management of our treasured wild horse herds, while maintaining our public range lands in a sustainable manner which protects watersheds and native plants and wildlife.

Mr. DICKS. Again, I want to thank the gentleman from Virginia (Mr. MORAN) who is the vice chairman of our committee and very valued and esteemed member and someone whom I have enjoyed working with for many years, going back to our staff days in the other body.

Mr. MORAN of Virginia. The enjoyment is mutual, and I learned so much when you were chief of staff to the chair of the full committee of the Senate, and I could not be more pleased that you are chairing this bill.

Mr. TIAHRT. Madam Chairman, I move to strike the last word.

Madam Chairman, I understand the gentleman from Virginia's concern about Northern Virginia being overrun by horses, but there are those of us in Kansas who do enjoy seeing those flowing manes and hearing those pounding hooves across the plains. So in your attempt to move towards horse contraception, I hope you are not going to be horsing around too much with the population so that we can still have those beautiful animals running across the plains of Kansas.

Mr. MORAN of Virginia. Madam Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. The gentleman's wit is deeply appreciated by the Member from Virginia. I don't think we have a current problem with being overtaken by wild horses in Northern Virginia; but I appreciate your support as well for this humane approach in dealing with the wild horse and burro population.

Mr. TIAHRT. Madam Chairman, reclaiming my time, I am looking forward to working with the gentleman from Virginia in satisfying the needs of controlling our wild horse population.

Mr. SIMPSON. Madam Chairman, I move to strike the last word.

I wish to enter into a colloquy with the chairman of the Interior Appropriations Subcommittee.

Mr. Chairman, I am very pleased that this legislation increases the funding

for loan repayment for health professionals within the Indian Health Service. As a dentist, I am keenly aware that the IHS dental program has the highest vacancy rate at 34 percent. The loan repayment program has proven to be a successful recruiting and retention tool for dentists and others. However, there is a related issue that I would like to discuss.

Within the next few years, 65 percent of the IHS dental specialists, including pediatric dentists and oral surgeons, will be eligible for retirement. These dentists are in great demand because Indian people have some of the highest oral disease rates in the world. A 1999 IHS survey found that 79 percent of Indian children 2–4 years old had a history of dental decay; 68 percent of adults had untreated dental decay; and 61 percent of elders had periodontal disease.

The dental specialists are a vital component in the IHS dental program. In addition to treating patients, they also train the general dentists for treating complex cases that arise daily in IHS hospitals and clinics.

I hope it is possible to provide additional support for the dental residency program so they can fill these vacancies before reaching crisis proportions.

Mr. DICKS. Madam Chairman, will the gentleman yield?

Mr. SIMPSON. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for highlighting the issue and for his concern for improving Indian health care. We agree this is an important issue, and we will work with you to address it.

I might mention that one of the programs over the years that I have been a big supporter of is the National Health Service Corps, which allows people to be trained and work in rural areas. I think there is a multitude of ways to attack this problem, and I appreciate the gentleman's leadership on this issue and guarantee him that we will work hard to do as much as we can because we agree with you that the need for dental care is a very high priority in Indian country.

Mr. SIMPSON. I thank the chairman of the subcommittee.

Mr. TIAHRT. Madam Chairman, will the gentleman yield?

Mr. SIMPSON. I yield to the gentleman from Kansas.

Mr. TIAHRT. I want to thank the gentleman from Idaho for hitting on a topic that was very important in our hearing process because we heard from not only dentists, but also the medical community that we have a shortage in many other parts of the medical industry including nurses, anesthesiologists, et cetera. But dentistry is one area where they had an acute shortage. And so your leadership is very important in this area. We want to work with you in support of these efforts to make sure that we have enough medical providers in Indian country.

Mr. SIMPSON. I thank the ranking member and the subcommittee.

Mr. DINGELL. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise in strong support of the legislation. I want to commend and congratulate and thank my two good friends, Chairman DICKS and OBEY for their extraordinary leadership. They have produced the finest Interior Appropriations bill I have seen in years, and we owe our two colleagues a great debt of gratitude.

First of all, there is a large increase in the Fish and Wildlife Service to address problems like staffing of refuges of which 221 of the 547 have no staff whatsoever. It will provide $56 million which will give our refuges the staff necessary to keep this wonderful system the national treasure it is.

It is also a wonderful piece of legislation by giving $223 million more to the Park Service, a desperately needed situation. The Clean Water State Revolving Loan Fund is funded at $1.1 billion over the President's request, desperately needed in a time when our Nation is seeing our waters get dirtier and less safe and less enjoyable for our people.

The bill reverses years of budget neglect, and provides much-needed increases for public health programs administered by EPA. It increases funding for Superfund toxic waste cleanups, something which is a massive problem to our people, both in terms of safety and the environment. It brings forward brownfield revitalization efforts and addresses the problem of leaking underground storage tanks and will protect the health and environment of the American people.

I want to tell my good friend how grateful we are and thank him for what he has done. I would also like to express my support for EDDIE BERNICE JOHNSON's amendment to prevent EPA from finalizing a proposed change in existing rules limiting toxic air pollution.

This is a great bill and I salute the gentleman from Washington (Mr. DICKS) for his extraordinary ability, remarkable hard work, and great service.

Mr. DICKS. Madam Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Washington.

Mr. DICKS. I want to thank the gentleman for his extremely kind words. I just want to say to him that I have appreciated working with him over the years; and we in the Pacific northwest appreciate his great efforts on behalf of the salmon recovery initiatives and our Northwest Power Act and all of the other major environmental legislation that the gentleman from Michigan, the dean of the House, has enacted during his long and illustrious career. I am proud to work with him and with anyone else who wants to make the environment of the United States better for all of our citizens. I thank him for his great leadership.

Mr. DINGELL. I thank the gentleman for his kind words.

Mr. TIAHRT. Madam Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Kansas.

Mr. TIAHRT. I would like to thank the grand gentleman from Michigan for coming down here and talking about the importance of this bill; and also acknowledge what a leader you have been on environmental issues over the years and we appreciate your service to the country and your leadership here on the floor.

Mr. DINGELL. I thank the gentleman for those kinds words, and I want to utter in return the great respect and affection I have for the distinguished gentleman and for the outstanding work he does here. I am proud he is my friend.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Ms. CASTOR) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6. An act 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.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $5,362,000 to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $59,250,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $43,822,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For the operation of trust programs by direct expenditure, contracts, cooperative agreements, compacts, and grants, $182,542,000, to remain available until expended, of which not to exceed $56,384,000 from this or any other Act, shall be available for historical accounting: *Provided*, That

funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, ''Operation of Indian Programs'' account; the Office of the Solicitor, ''Salaries and Expenses'' account; and the Office of the Secretary, ''Salaries and Expenses'' account: *Provided further*, That funds made available through contracts or grants obligated during fiscal year 2008, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $15.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $10,000,000, to remain available until expended, and which may be transferred to the Bureau of Indian Affairs and Office of the Secretary accounts.

DEPARTMENT-WIDE PROGRAMS

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $232,528,000, of which not to exceed $400,000 shall be available for administrative expenses: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

□ 1345

AMENDMENT OFFERED BY MR. LAMBORN

Mr. LAMBORN. Madam Chair, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAMBORN:

On page 44, line 23, after the dollar amount, insert ''(increased by $160,000,000)''.

On page 96, line 14, after the dollar amount, insert ''(reduced by $60,000,000)''.

Mr. DICKS. I reserve a point of order against the amendment.

The CHAIRMAN. The point of order is reserved.

Mr. LAMBORN. Madam Chairwoman, this amendment would eliminate funding for the National Endowment for the Arts and increase the funding for the Payment in Lieu of Taxes, or PILT program. This amendment recognizes the difficult fiscal situation that our government is facing. Many of my colleagues and I are finding opportunities to reduce funding in areas to offset increases in others, and we are working to trim Federal spending wherever possible. The Interior appropriations bill has the largest increase over the President's request of any of these appropriations bills, and I will support efforts to bring the cost down as they arise.

Now, the opposition to the NEA should not be perceived as opposition to the arts. True art can survive in the private sector without Federal handouts. The NEA did not even exist before 1965, and look at all the wonderful artists in American history who survived and thrived before that time. Artists have a constitutional right to be creative, but free speech does not mean that the taxpayer has to fund it. Even if I did support the NEA agenda, at a time when fiscal restraint is crucial, we must closely examine how and where we are spending taxpayer money. As such, I feel it is not only appropriate but necessary to question some of the funding in this bill and see if it can be either reduced or redirected to more worthwhile programs.

Much of the land contained in the rural counties in Colorado and out west, including much of my congressional district in Colorado, is largely owned by the Federal Government. In fact, more than one-third of Colorado, 24 million acres, is owned by the Federal Government. This removes much of the land in these counties from any ability to generate revenue to pay for basic government services like law enforcement or fighting fires. At a time when we are facing record spending, this commonsense amendment simply lets Americans know that we are willing to make tough choices.

My amendment would reduce all of the $160 million in funding for the NEA while offering a modest $52 million increase to this much-needed PILT program. This still reduces the overall cost of this spending bill by over $100 million and sends a message that in this budget environment we are willing to tighten our belts as any American family or business would.

I know many of my colleagues support the NEA. I simply believe the government has no business funding art with taxpayer dollars, especially in light of our difficult budget circumstances. My colleagues that support the NEA should put their money where their mouth is by making private donations instead of doing so with the hard-earned tax dollars of working men and women.

With that, Madam Chairman, I offer this amendment and I ask for support on it.

POINT OF ORDER

Mr. DICKS. Madam Chair, I insist on my point of order.

The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays by $140 million in the bill.

The CHAIRMAN. Does the gentleman wish to withdraw his amendment?

Mr. LAMBORN. Madam Chair, I would ask unanimous consent to withdraw this amendment and offer another one in lieu which I hope would satisfy that point of order.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. LAMBORN

Mr. LAMBORN. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAMBORN:

On page 44, line 23, after the dollar amount, insert ''(increased by $52,000,000)''.

On page 96, line 14, after the dollar amount, insert ''(reduced by $160,000,000)''.

Mr. DICKS. Madam Chair, I reserve a point of order on this amendment.

The CHAIRMAN. The point of order is reserved.

Mr. LAMBORN. Madam Chairwoman, I won't repeat the points that I just made a moment ago, other than to say that the dollar amounts have been changed in this subsequent amendment and I believe they answer the gentleman's point of order. It is offered for the same reason. Let's take NEA money that can be privately funded through the private sector and put it into the counties that are sometimes losing dollars when so much land is federally owned and let's improve the PILT program by $52 million.

Mr. DICKS. Madam Chairman, I rise in very strong opposition to this amendment. The principal purpose of this amendment is to block the long overdue increase in funding for the National Endowment for the Arts provided in the bill. The gentleman is correct that the bill reported by the committee provides $160 million for the NEA, an increase of $35 million over the 2007 enacted level. I am very proud of that increase which I think is fully justified and broadly supported by the Members of this body.

It is important for Members to realize as they consider the committee's action that the $160 million recommended only partially restores cuts made to this agency a decade ago. In fact, the amount in this bill is still $16 million below the level provided in 1993. After adjusting for inflation, the amount recommended is $100 million below the level in 1993, as displayed on the chart in front of the Members.

As we debate the amendment, Members should also note that the National Endowment for the Arts has been transformed since the arts funding debate of the 1990s. Two gifted chairmen have reinvigorated the NEA into an agency with broad support. Chairman Bill Ivey, appointed by President Clinton, negotiated and then implemented bipartisan reforms in NEA's grant structure to ensure that funds go to activities for which public funding is appropriate. Dana Gioia, the current

chairman, then energized the agency with many new programs and a commitment to reach beyond the cultural centers of our major cities. Last year every single congressional district received NEA support through innovative programs such as American Masterpieces, Operation Homecoming and the Big Read. Today, NEA is truly a national program with outreach efforts to every corner of America and every segment of our society.

Each of us has different reasons to support the arts. Some will describe their support in terms of the inherent joy of the arts as a personally enriching experience. Others support the arts as engines of job development and economic growth. It is equally important to emphasize that except for a few members of the Flat Earth Society, there is little opposition to Federal funding for the arts and for the humanities. The culture wars are over. For each of the last 7 years, with the help of many Members in this Chamber, a bipartisan majority of the House has voted to increase funding for the NEA. During the last 2 years, Ms. SLAUGHTER's and my amendments to add funds were adopted by voice vote without opposition.

Mr. Chairman, I do not normally include quotes in my floor remarks, but I was struck in preparing for this year's arts debate by a quote attributed to actor Richard Dreyfus at the Grammy awards ceremony:

''Perhaps we've all misunderstood the reason we learn music and all the arts in the first place. It is that for hundreds of years, it has been known that teaching the arts helps to create the well-rounded mind that Western civilization, and America, have been grounded on. America's greatest achievements in science, in business, in popular culture, would simply not be obtainable without an education that encourages achievement in all fields. It is from that creativity and imagination that the solutions to our political and social problems will come. We need that well-rounded mind now. Without it, we simply make more difficult the problems we face.''

I believe Mr. Dreyfus is right, and the committee has acted to provide the funding so arts can reach even more broadly into American communities with a richer variety of programs.

I urge defeat of the gentleman's amendment.

POINT OF ORDER

Mr. DICKS. I want to insist on my point of order.

The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

The CHAIRMAN. Does any other Member wish to be heard on the point of order? Or the amendment?

Mr. LAMBORN. Madam Chairwoman, I would ask for a ruling from the Chair because I believe that it is in order.

The CHAIRMAN. The Chair will rule.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels of budget authority or outlays in the bill. Because the amendment offered by the gentleman from Colorado proposes a net increase in the level of outlays in the bill, as argued by the chairman of the Subcommittee on Appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,954,000, to remain available until expended: *Provided,* That hereafter, notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: *Provided further,* That hereafter such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $6,224,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided,* That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further,* That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided,* That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further,* That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within 30 days: *Provided further,* That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further,* That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 104. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 105. No funds provided in this title may be expended by the Department of the

Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 106. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, except that total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 107. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No federally-recognized tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2008. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 108. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by 16 U.S.C. 460zz.

SEC. 109. The Secretary of the Interior may hereafter use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 110. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Kempthorne litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 111. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Kempthorne to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Kempthorne.

SEC. 112. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally-operated or federally-financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 113. Notwithstanding any implementation of the Department of the Interior's trust reorganization or reengineering plans, or the implementation of the ''To Be'' Model, funds appropriated for fiscal year 2008 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima-Maricopa Indian Community, the Confederated Salish and Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation through the same methodology as funds were distributed in fiscal year 2003. This Demonstration Project shall continue to operate separate and apart from the Department of the Interior's trust reform and reorganization and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. 458aa–458hh: *Provided*, That the California Trust Reform Consortium and any other participating tribe agree to carry out their responsibilities under the same written and implemented fiduciary standards as those being carried by the Secretary of the Interior: *Provided further*, That they demonstrate to the satisfaction of the Secretary that they have the capability to do so: *Provided further*, That the Department shall provide funds to the federally-recognized tribes in an amount equal to that required by 25 U.S.C. 458cc(g)(3), including funds specifically or functionally related to the provision of trust services to the federally-recognized tribes or their members.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

SEC. 115. None of the funds made available in this Act may be used to issue any new lease that authorizes production of oil or natural gas under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) to any lessee under an existing lease issued by the Department of the Interior pursuant to the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note), where such existing lease is not subject to limitations on royalty relief based on market price.

Mr. DICKS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD and open to amendment at any point.

The Acting CHAIRMAN (Mr. DAVIS of Alabama). Is there objection to the request of the gentleman from Washington?

There was no objection.

AMENDMENT OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PETERSON of Pennsylvania:

Page 50, line 3, after the period, insert ''The preceding sentence shall not apply with respect to natural gas offshore preleasing, leasing, and related activities beyond 25 miles from the coastline'':

Page 50, line 7, after the period, insert ''The preceding sentence shall not apply with respect to natural gas offshore preleasing, leasing, and related activities beyond 25 miles from the coastline''

Mr. PETERSON of Pennsylvania (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PETERSON of Pennsylvania. This amendment, I believe, is one of the most important issues that we will deal with in this Congress. It's about having affordable, available, clean, green natural gas, the fuel that we take for granted. It's the fuel that heats about 60 percent of our homes, 70 percent of our businesses, and is the major building block to all the industries that are left in this country.

The petrochemical industry, 55 percent of their operating cost is natural gas. The polymers and plastic industry, 45 percent of their operational cost is natural gas. And fertilizer can be as high as 70 percent of their cost is natural gas because they use it as a fuel and they use it as an ingredient to make their product. It's an ingredient in all those products.

Clean, green natural gas now generates about 20 percent of our electricity. That didn't used to be. Biodiesel consumes huge amounts of natural gas in the production cost. Ethanol, 96 percent of the plants that make ethanol use huge amounts of natural gas. We are consuming more natural gas in this country than we're able to produce.

The chart on the left with the red, that's the gap that's growing, because we as a country, 26 years ago, Congress decided that we shouldn't produce energy offshore. Every country in the world produces both oil and gas offshore. Now, they have setbacks. But they all use offshore production because it's the cleanest, best, safest way to produce energy, and there's huge amounts out there.

Now, for this country to have the highest natural gas prices in the world almost is insanity, because we have lots of it, but we have chosen to lock it up and not produce it. This is the clean, green fuel. It's greener than biofuels. It's what we use to generate electricity when the wind doesn't blow. It's what we use to generate electricity when the sun doesn't shine for solar. It's what we use to make hydrogen for the hydrogen vehicles that are oncoming. It's the bridge to our future because it's clean, it's green. No NO_X, SO_X and a third of the CO_2 that all other energies project. For this country not to open up its Outer Continental Shelf to natural gas, my amendment opens it up from 25 miles on out.

That doesn't mean it's going to be drilled. It would still have to be in the 5-year plan, but it would open it up.

Let me tell you, folks, we're going to do this sometime. It depends on whether we do it in time to save the millions of jobs that are leaving. Dow Chemical's energy bill went from $8 billion in '02, natural gas bill, to $22 billion in '06. They came to our committee the last 2 years and begged for release. Produce natural gas. We didn't. They just invested $30 billion that they wanted to invest in America for working men in America and working women in America to have a good job. They're putting it in Saudi Arabia, Qatar and Libya, because natural gas is a fraction there of what it is here. It is absolute insanity for America to starve itself of the clean, green fuel that has never foiled a beach.

California, New Jersey and Florida will protest the most. It will never foil a beach. A gas well has never foiled a beach. It has never washed up on a shore. It's a gas. And they are the three States that are the largest consumers and who have switched their electric generation to gas and helped cause the problem that have protested the production of clean, green natural gas.

My amendment is the amendment that can keep America competitive. It can keep us strong as a nation. It can keep American working people working in their jobs, in their factories. But if we don't pass my amendment, we will lose millions of jobs in this country; in fact, all of the manufacturing jobs. I lost a plant this year that made clay tile. Natural gas prices. I got a letter the other day from a guy who reformed steel, and he said if it continues to go up, it has went up three times in the last 2 years, 300 percent.

□ 1400

He said, if it goes up any further, I am out of business. I can't make sign posts. I can't make bed rail anymore out of recycled steel rail.

Folks, clean, green natural gas is more America's fuel that can keep this country strong and growing and environmentally green.

Mrs. CAPPS. Mr. Chairman, I rise in opposition to this amendment.

I rise in very strong opposition to both amendments by my colleague from Pennsylvania (Mr. PETERSON) which eliminate current protections for sensitive, coastal marine areas for new offshore drill for oil and gas.

Under these amendments, we could literally see the push for new drilling off our coast begin almost immediately. Though oil and gas companies awash in profits from our open constituents profits would have us believe that all the offshore resources are off limits today, that we are only talking about drilling for natural gas and not oil, and also that today's high gas prices demand this new drilling, these arguments don't hold up under scrutiny.

First, the industry already has access to the vast majority of natural gas in the Outer Continental Shelf, already has access to it. Indeed, according to the Bush administration, about 80 percent of the known reserves are located in areas where this drilling is already allowed. Furthermore, the oil and gas industry already owns the drilling rights to more than 4,000 untapped leases in the Gulf of Mexico alone.

Second, there is no such thing as natural gas-only drilling. Drilling for gas, natural gas, means drilling for oil.

Even the Bush administration and the energy industry have dismissed so-called gas-only drilling as unworkable. This is what the American Association of Petroleum Geologists has to say about gas only drilling. This is a quote, ''There are a lot of times when you drill for oil, and find gas instead—and the other way around. You never know for sure what you're going to find until you're in there.''

Here is another quote from the former head of Minerals Management Service. ''While gas-only leasing sounds appealing, as a practical matter, it may remain difficult to implement in a manner that reflects sound public policy.''

Now, finally, new drilling off our coast is not going to lower gas prices today or any time in the near future. It would take an estimated 7 years for natural gas from new leases to come online, 7 years. Serious energy efficiency measures, and more use of renewables, this would reduce demand and bring down prices much faster.

Mr. Chairman, President Bush has promised to end our oil addiction. Yet, energy prices and industry profits are at record highs. The predictable result of a strategy of focusing on supply and ignoring demand. The Peterson amendment to drill within miles off Florida, California and other coastal States is just more of the same. With 3 percent of the world's resources, 25 percent of the world's demand, it should be obvious there is no way we are going to drill our way out of this problem.

We need to use energy in smarter ways to improve fuel efficiency of our cars and trucks, invest more of the development of new, cleaner technology. In doing so, we would be generating way more jobs, the kinds of jobs and growth that will ensure our continued preeminence in among the world's economies. Let us not sacrifice our most important treasures, our coastal economies, in a hopeless way to drill our way to energy security. It doesn't work.

I urge all my colleagues to protect our coasts by defeating both Peterson amendments.

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

Mr. Chairman, America needs to secure its own sources of energy, be it from oil, natural gas, coal, nuclear renewable or other sources. A strong, vibrant economy with well-paying jobs goes along with it. It's inextricably linked with reliable and preferably inexpensive energy sources.

Sadly, as Mr. PETERSON points out, we pay more now for natural gas than we ever have before in the history of this Nation. If we want to help workers and businesses that employ workers, we must continue to build and strengthen our economy and provide them with reliable energy resources.

If we want to have high-quality, high-paying jobs in America, and I think we all do, then we are going to need additional energy, and we are going to need additional natural gas. Do we have the resources? Yes, we have the resources. Can we produce it safely? Yes, we can produce it safely.

We have been producing gas, natural gas, in Kansas for over 100 years. Natural gas is very versatile. You can make so much from it. You can make fertilizer, you can make make-up, clothing, plastics, ethanol. But we mostly use it to produce energy or electricity, energy in the form of electricity.

I think when we look at this issue, we have to figure out, are we going to make energy available inexpensively, and, if we are, we are going to have to go to where the reserves are. This amendment opens up an area for us to produce natural gas, or it can be produced safely, and it's going to be essential if we are going to continue to grow our economy.

So I urge the adoption of Mr. PETERSON's amendment, because I think we know that we have proven reserves that can produce safely, natural gas. This is the time for us to send this message to America, that we are going to continue to build a strong economy, and we are going to give our economy the tools necessary to produce the jobs we need to continue to provide the hope and a source for continuing to complete dreams here at home.

I urge strong support of this amendment.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I move to strike the last word in opposition to the amendment.

Mr. Chairman, I have heard many times from the gentleman from Pennsylvania the suggestion that drilling for natural gas is low impact compared to oil drilling. In fact, he even called it clean on the floor today. Unfortunately, this opinion runs contrary to scientific findings on the matter. There are drastic and devastating environmental and economic repercussions that come with drilling into the ocean floor, drilling into the ocean floor.

Mr. PETERSON refers to the use of natural gas as a clean fuel, and that may well be true. But what we are talking about here is drilling into the ocean floor so close to our beaches, that is a problem for both my home State of Florida, as well as the rest of the Nation.

According to the Minerals Management Service, once exploratory drilling begins, the toxic impacts are similar for either oil or gas exploration or development. Drilling operations produce hundreds of thousands of gallons of

drilling muds that routinely discharge toxic metals such as lead, mercury and cadmium. None of those seem clean to me.

Water discharged from drilling and exploratory operations often contain dangerous levels of carcinogens and radioactive materials such as benzene, toluene and arsenic. None of those seem clean to me either. The impact is not just limited to the off-shore platform. Natural gas drilling requires onshore storage and processing facilities, including miles of pipelines, roads, ports, helipads and dorms.

The gentleman from Pennsylvania seeks to minimize the perception of the impact of drilling for natural gas, when the reality is that it would generate toxic poisons seeping into our oceans, have a significant impact environmentally on our coastline, and be a significant danger to opening the door, not just to gas drilling, but oil drilling as well.

I urge my colleagues to protect the oceans and breaches of the United States and oppose the Peterson amendment, both this one and the next one that is offered.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members are reminded that when multiple Members rise for recognition, priority is given, by custom, to Members who serve on the committee.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the passion of the introducer of this amendment. I understand his arguments. I should. We have talked about them at least twice a week for the last 3 or 4 years.

I agree with a lot of his argument, but the problem is that this amendment wouldn't solve most of those problems. It really isn't directed at those problems.

In the outer continental shelf, there are vast areas of the outer continental shelf that are available for drilling for oil and for gas.

But in the Gulf of Mexico, for example, there are some very environmentally sensitive areas that have been protected by this Congress since 1983. This amendment would undo those protections. In recent years, something very important has come about, and this is the military mission line. The Defense Department, the Air Force and the military who exercise and train in areas of the Gulf of Mexico tell us that east of the military mission line it would be disastrous for their training if we allowed drilling for oil or for gas.

Congress spent a lot of time this last year on this very subject, and Mr. PETERSON was part of the effort to come to a compromise. We came to a compromise finally. It wasn't easy.

Mr. PETERSON didn't really like the compromise, and I give him credit for standing up for that, but he agreed to it.

Now, this amendment would undo the compromise that Congress worked so hard on last year. This amendment is not going to solve the problems that the introducer of this amendment suggests exists today, problems that we are all pretty much aware of.

But this amendment could be a disaster for environmentally sensitive areas of the Gulf of Mexico and certainly would cause the degradation of necessary military training east of the military mission line in the Gulf of Mexico.

So I think that while Mr. PETERSON is very passionate, and he certainly understands the issue of natural gas, and the benefits of natural gas, I don't think that he really understands the need to protect certain areas from drilling for oil and for natural gas.

So I would hope that the Congress would once again step up to the plate on this issue, defeat this amendment, and let's get on with this good bill.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment. I have no doubt that the gentleman who has offered it is well intentioned, and he is clearly becoming a leader on moving our country to greater energy independence. But we will not get there by lifting the moratorium on drilling off the Atlantic and Pacific coasts. We will, however, invite great harm to established fishing and tourism industries, as well as the environment.

Off the coast of Virginia, we will interfere with the U.S. Navy's Virginia Cape Operations area in a way that the Department of Defense has warned us in unequivocal terms would be totally unacceptable and utterly incompatible with the operations that they are currently conducting. They could not conduct very sensitive essential operations off the coast of Virginia that are ongoing if we were to pass this amendment.

While it's technically feasible to drill for natural gas, there are also some fundamental, legal and economic questions about whether any drilling offshore could be limited to just natural gas.

But I want to focus particularly on the fact that this amendment can't possibly solve our energy problem.

The natural gas and oil estimated to be recoverable from the outer continental shelf will not result in lower natural gas prices. It simply takes too long to develop a natural gas field to affect prices in the short term. We are talking 1 to 3 years at least to develop a field. Natural gas from areas currently off limits to drilling won't reduce prices in the long term either, since there is not enough gas there compared to either annual U.S. production or consumption.

A Department of Energy study compared the price of natural gas with the OCS moratorium areas that are kept out of production, versus the price of natural gas, if all of the moratorium areas were opened for drilling in the 2007–2012 5-year plan.

□ 1415

With all of its supply and demand information, the Department of Energy's model modeling system predicted that the price of natural gas would be $3.26 per thousand cubic feet in the year 2020, without the gas under moratoria, and $3.22 per thousand if we eliminate the moratorium. In other words, we could only save 4 cents if this amendment were implemented.

Moreover, the vast majority, over 80 percent of the Nation's undiscovered but technically recoverable Outer Continental Shelf gas is already located in areas that are open to drilling. And that's according to the Interior Department's 2006 report to Congress.

According to the same report, there is an estimated 86 trillion cubic feet of undiscovered, technically recoverable resources in all the Outer Continental Shelf areas that have been withdrawn from leasing, compared to 479 trillion cubic feet of reserve appreciation undiscovered technically recoverable resources within the total Outer Continental Shelf belonging the United States.

These are technical words and statistics. What it says is that, at best, you can open up 20 percent, and the fact is, it wouldn't make but a pittance of difference in the cost of natural gas. Eighty percent of the Nation's undiscovered natural gas is already open to drilling.

The other thing that we're very much concerned about is what the drilling operations do to our environment. They discharge hundreds of thousands of gallons of what's called ''produced water'' that contain a variety of toxic pollutants, including benzene, arsenic, lead, naphthalene, zinc and toluene, and can contain varying amounts of radioactive material. And tons of air pollutants are emitted. It will also trigger the uncontrolled release of methane hydrates, a greenhouse gas that's 20 times more potent than carbon dioxide.

And then if you look at what drilling has done to the Gulf Coast, you will recognize that it's destroyed hundreds of miles of wetlands and sensitive coastal habitats. When they bring the channel transporting the oil or gas into the shore, it brings the saltwater into the fresh water and destroys the plant life which reduces erosion. Thus we lose several football fields of shoreline every day along the Gulf Coast.

Mr. Chairman, there are a host of reasons this amendment is a bad amendment. It should be defeated. We should follow the lead of the chairman of the subcommittee.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I greatly appreciate and respect, frankly, the passion and the consistent passion of the sponsor of this amendment. He's been very consistent and passionate to try to make sure that the United States is as independent from foreign sources of energy as possible.

However, I think we can do that without this amendment because there are many areas that are available for oil and gas exploration without this amendment. And this amendment overturns a longstanding bipartisan moratorium on new natural gas drilling in areas, in certain areas that are too close to sensitive coastlines.

Congress addressed this issue, as the gentleman from Florida had said a little while ago, Mr. YOUNG, year after year, and last year we had a huge battle and, I think, a compromise, which none of us thought was great, but it was a compromise, which I think kind of hopefully settled this issue at least for a while in that compromise.

This amendment would, unfortunately, allow for natural gas drilling way too close to our precious coastlines. It can potentially damage sensitive habitats. Just the byproducts of drilling itself can be potentially damaging, and it can be very damaging to the ecosystem and particularly, for example, to the economy of the State of Florida.

Mr. Chairman, tourism alone accounts for $57 billion to the economy of the State of Florida. Imagine what an impact if we were to do something that jeopardizes that vital industry for Florida, but also for the national economy.

And, again, there are many other areas that are available for oil and gas drilling without this amendment. So I would respectfully, and understanding the passion and where it comes, and obviously I understand that he's trying to do what he believes is right for the country, but I think we can do it in a way that also balances the coastlines' sensitivity to the environment that this will be close to.

I think the bipartisan arrangement compromise that we did last year does that and therefore, very respectfully I would ask for a ''no'' vote on this amendment.

Mr. GENE GREEN of Texas. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, before I get into my remarks, let me talk about some of the remarks and the comments that have been made. I know we've heard a study quoted about $3.50 natural gas. Right now if you can find $3.50 natural gas anywhere, we ought to buy it because now it's $6 to $7 per million cubic feet for natural gas right now. And so whatever studies talk about $3, $3.30, whatever, is really not relevant.

I represent a district that we actually have zero emitting natural gas wells in the Gulf of Mexico. Zero emitting for air pollution, zero emitting for water pollution. And I've offered many times to take colleagues who've never been to a natural gas offshore well to just come to the Gulf of Mexico, either off of Texas or Louisiana or maybe Mississippi or Alabama where folks also drill off the coast.

Natural gas is one of the cleanest producing fuels we can use. I'm a strong supporter of this Peterson amendment to allow the Department of the Interior to issue new leases for offshore natural gas in areas 25 miles off the coast. We're not talking about 3 miles off the coast. We're not talking about 10 miles. We're talking about 25 miles.

This amendment has less to do with fossil fuels and everything to do with helping Congress address our climate change and transition America to a clean energy future. If you are for renewables, if you're for cleaner power, if you're for low-emitting vehicles, if you're for reducing greenhouse gas emissions, then you should be increasing the access to the domestic natural gas supplies.

Demand for natural gas is already building across our economy, and proposals pushing cleaner energy will only accelerate the demand. That's because it takes a lot of natural gas to make the materials for our economy that make it more energy efficient. Insulation, weatherization materials, thermal windows, appliances, lightweight vehicle parts, low-resistance tires, compact fluorescent light bulbs, heat reflecting coatings, house wrap, the list goes on and on. All are made from materials that are directly made from natural gas.

It also takes natural gas to make materials that make wind turbine blades and solar panels to run biomass facilities and to run cleaner burn power plants.

One example is right here in the Capitol where our Speaker and majority leader directed the Chief Administrative Officer, our CAO of the House, to develop a green Capitol initiative. The CAO officer announced last week that his strategy to reduce CO_2 emissions from the Capitol power plant was to use natural gas instead of coal, which will lower CO_2 emissions by 30 percent from 2006 level. This is equivalent to taking 1,900 cars off the road each year.

Mr. Chairman, I urge my colleagues to back up their support for addressing both climate change and by supporting domestically produced natural gas in the environmentally responsible Peterson amendment.

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

Mr. Chairman, and my colleagues, this debate is a perfect example of why we have an energy crisis in the United States, a lot of people talking about energy and not using many facts.

I rise in strong support of the gentleman from Pennsylvania's amendment here to open up gas exploration and extraction of natural gas wells up to 25 miles, I guess would be the limit he proposes.

Let's just go back in history. I was in the Florida legislature on the Select Energy Committee in the State House when we had gasoline shortages and cars lined up. I voted to drill in the Everglades. My opponents remind me about that all the time.

Did you know we still drill in the Everglades? We do it safely, and we're taking oil out of the Everglades without any harmful effects on the Everglades or the environment.

You hear fear, not facts, being proposed here. Damage to the economy. Well, back in the 1990s I participated in a 100-mile set off, and we set that as the policy. That's back in the 1990s.

The technology we have today in extracting natural gas and oil, and this is about natural gas. It's not about oil, but the same holds true. We won't even go into the oil extraction.

But we have technology today they didn't even dream about a decade ago. Off the coast of Scandinavia, they're taking out oil and natural gas. They're using technology. There's nothing above the surface of the water. Twenty-five miles, you won't see that.

Some of the proposals for wind, I challenge you to go to Scandinavia, to some of the other places where they have these huge windmills and see the visual pollution that is created. So it can be done. We have the technology to extract it.

Let me give you the irony of Florida and the history again. So we came back here, and this isn't just a Republican, Democrat issue, people talking about something they know nothing about. We had a Governor Bush, we had a President Bush, and they argued over it and we changed the areas that were eligible for extraction. When you drill for oil, or in this case, gas, it costs you hundreds of millions or billions of dollars to drill.

Are you going to drill when you're playing this hokey-pokey, first we put our right foot out then we put our left foot out. It's going to be 100, it's going to be a 120, it's going to be 150 or you can't do it.

No. It's absolutely incredible that we have a vast supply of natural gas right off of Florida. We can do it; we have the technology to extract it. We built a billion-dollar pipeline, a billion-dollar pipeline. We can't hook up to it. We have the supply.

The trade deficit, nobody's even talked about the trade deficit. Most of the trade deficit is importing oil. Look at the huge part of it. So we're bankrupting the United States, sending our resources overseas.

We've got this in our back yard. It's clean. In Florida, during the 1990s, the Clinton policy for the country was to go to natural gas for energy production for our power plants. Twenty-eight of 34 electrical power plants planned from Florida are designed for natural gas. Now we're switching back to coal and oil. What a crazy, mixed-up policy.

And here the gentleman from Pennsylvania offers us an opportunity to tap into a clean resource that doesn't emit these gas emissions that are detrimental to the environment and, again, this nonsensical debate that takes place.

Stop the politics. We had the gentleman from Florida a few minutes ago. Cuba, 90 miles. Within 45 miles the Chinese will soon be drilling for energy

resources. What a goofed-up debate and policy.

Shame on us. And the American people are paying. Wait till they get their bills. It's not going to get better, folks.

They said, well, we'll just wait for some other technology. We have this here. Solar and wind and all these other things are necessary, and we should use them. I'm a big fan of nuclear, but we have a proposal before us that makes sense. Let's adopt it.

Ms. CASTOR. Mr. Chairman, I move to strike the last word in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to the Peterson amendment and in defense of Florida's economy and natural environment. New, off-shore oil and gas drilling so close to the beautiful Florida coastline and all of our Nation's waters must be voted down today, as it threatens our economy, our natural environment, and our strategy for a new energy policy.

Our economy, in Florida, and many of you know, Mr. Chairman, because so many take the time out of their vacation plans to come down to the State of Florida, enjoy their time away on our beautiful beaches. Our tourism economy in Florida is a multibillion dollar industry. It goes hand in hand with our multibillion dollar fishing industry. And it is absolutely worth protecting here today.

Our beaches, our coastal environment, our marine resources, in addition to our fragile ecosystems, all of this will be put at risk by these amendments here today if they are successful.

□ 1430

I am fortunate in my district to have a wonderful Department of Oceanography located at the University of South Florida. Here is what those researchers have warned:

It would only take 24 hours after a petroleum spill in the eastern Gulf of Mexico for oil to ''sully Florida's Panhandle beaches if the spill was swept up by the gulf's powerful Loop Current. This spill could travel around the Florida Keys and contaminate estuaries and beaches from the Everglades to Cape Canaveral.'' That is from the University of South Florida Department of Oceanography.

In addition to that, one only has to look back a couple of years to know that it is completely unwise to put these types of facilities in hurricane alley. The gulf coast and the east coast, these are the two most coveted offshore areas by the oil and gas industry. That is where the threat of hurricanes is the greatest. It could wreak havoc on what they're trying to do there.

In 2005, in that hurricane season, that was the first year in reported history that we had three category five storms: Katrina, Rita, and Wilma. In 2005 Hurricanes Rita and Katrina caused massive spills of oil and other pollutants that seriously affected production, refinery capacity, and the price of oil in the United States. The storms caused 124 oil spills into the waters of the Gulf of Mexico. During Hurricane Katrina alone, 233,000 gallons of oil were spilled. There were 508,000 gallons of oil spilled during Hurricane Rita. And the U.S. Minerals Management Service reports that Hurricanes Katrina and Rita destroyed 115 petroleum production platforms in the Gulf of Mexico. The storms also damaged 457 pipelines, connecting production facilities in the gulf, and bringing oil and natural gas to shore. A full year after Katrina, BP admitted that a damaged oil well valve in the Gulf of Mexico was still leaking oil. The knee-jerk reaction to throw up more rigs offshore, especially in hurricane-prone waters like Florida's gulf coast and the eastern seaboard is precarious at best and not smart energy policy.

As much as the oil and gas lobby would like us to believe that drilling near our beaches would be a panacea, the experts say that only a couple of weeks of oil and gas are available.

Mr. Chairman, we can be smarter. We can be more strategic. Where is the commitment to conservation in this country?

Just a minute ago, the Senate sent over its new energy bill. Well, it is time for this House to get to work on new alternative energies and not continue to fuel our addiction to oil and gas.

Let's oppose these amendments.

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

Mr. Chairman, I rise in favor of the amendment, and I am glad to speak on this.

I come from Odessa, Texas, an oil and gas province that produces an incredible amount of our country's natural gas and crude oil, and I make no apologies for that. My colleagues from Florida come from Florida and they defend their beaches, and they make no apologies for that, as they should not.

But let me talk about a couple of things I have heard on the floor this afternoon. One of them was the effect of time to market. In other words, if we drill today, it will take 6, 7, 8, 9 years in order to get that production to our gas pumps. The moratorium that we are talking about, Mr. Chairman, is dated 1998, 9 years ago. Had we been drilling since then, then that production would have, in fact, come to market and would be available to reduce our demand for that product.

We have also heard criticism on this floor this afternoon about oil company profits. They have been roundly criticized from both sides of the aisle in some instances, many times from the other side of the aisle. And the criticisms seem to be that those nasty, vicious, terrible oil companies are going to take those profits and drill, take those profits and try to produce additional crude oil and additional natural gas, as if somehow that is a negative in the way we do things.

That is kind of the free market process. If I make money doing something, then I should be taking those profits and putting them back into the ground to produce additional crude oil and natural gas.

We have also heard comments about the offshore facilities, the production facilities, drilling facilities, and what terrible things they are and the terrible things they do to the environment, on the shorelines and everything else. And that may or may not be true. But what I have not heard is the equal passion for the production facilities that take natural gas into those States. In other words, where is the passion against the gas pipelines, the roads, the infrastructure that takes that natural gas that is produced in Texas, produced in Louisiana, and puts it into your State? Where is that passion for all of that terrible infrastructure that benefits you?

We have also heard an appeal to conservation. Well, okay. If those States who do not want this drilling off their shores would begin to commit today to eliminate their use of natural gas, just simply say, okay, if we are not going to drill off our shores, then we are not going to use it either. Let's see the passion for your commitment to conservation.

We have also heard conversations about the importance of the tourism industry in Florida, and I don't doubt that. An incredible impact on that part of the world, a beneficial impact. How about those hotels that run their air conditioning programs off of natural gas? Where does that natural gas come from? Well, it comes from somewhere else. And what we are saying with the gentleman's amendment is that that vast bureaucracy that runs this process of leasing and coming to conclusions that it can be done safely would be unleashed.

Therefore, Mr. Chairman, I would urge adoption of my colleague's amendment.

Mr. KLEIN of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to Mr. PETERSON's amendment, which would end the longstanding moratorium of new drilling in the Outer Continental Shelf.

For the past 25 years, bipartisan legislation and executive memoranda have kept this area off limits, preserving one of the most sensitive ecological areas off limits to oil and natural gas drilling. The Peterson amendment would open new areas to natural gas drilling.

Although at first glance natural gas drilling may seem favorable to some, but I urge my colleagues not to be tempted by this fool's gold. There is no guarantee that natural gas drilling will only get natural gas. In fact, according to the American Association of Petroleum Geologists, when drilling for natural gas, ''There are a lot of times when you drill for oil and find gas instead, and the other way around. You

never for sure what you're going to find until you're in there.''

And certainly I think we all understand very clearly what would happen if oil was found instead of natural gas.

Mr. Chairman, as a representative with over 75 miles of coastline along South Florida's east coast, new drilling could be a death knell for our environment, for our economy, and our way of life.

During my time in the Florida legislature, I worked with colleagues from both sides of the aisle to keep the moratorium in place. I pledged zero tolerance then, and I still pledge that same zero tolerance against any attempts to open up drilling off Florida's coast. And, of course, it is not only Florida's coast we are talking about. I said I would not compromise and I would not capitulate; so I am here today with my Florida colleagues to oppose this amendment.

But, most importantly, now that I am here in Congress along with many others, this is a false choice. It is a false choice of saying either we have oil or gas to cool hotels or to provide energy or we do something different. I don't know about many of the other Members of this body, but I think there are a lot of people that have a lot of passion about this issue not only to stop drilling off the coasts but a passion to expand into alternative energy sources.

As a matter of fact, this Congress has already taken steps to say instead of huge billion dollar subsidies for oil companies, let's focus those resources on our scientists, our universities, our business entrepreneurs, whether it is wave power or ethanol, wind power, solar power, coal liquefaction, nuclear power. There are a whole lot of ideas. I don't know if any of them are good and any of them necessarily are not the right answer. But it could be any combination of sources of alternative energy that will get us through this.

So let's not put this as a question of it is either we drill off the coast or we don't have adequate energy for this country. We have the ingenuity. We have the innovation. We are very smart people. And there is nothing that Americans can't do if they put their nose to it.

So I would suggest today that this amendment is not a good amendment and, rather, we should focus our attention, our passion, our science, our energy, and our resources toward alternative energy sources to take this country into the next generation.

Ms. ROS-LEHTINEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to the amendment put forth about by my good friend from Pennsylvania (Mr. PETERSON), which would overturn a long-standing bipartisan moratorium on new gas drilling.

Under Mr. PETERSON's amendment, we could see drilling for natural gas as close as 25 miles from our precious coastlines. Despite claims by its supporters, the Peterson amendment is not a viable short-term nor long-term solution to our energy needs. Instead, this proposal could damage sensitive habitats and undermine the economic future of our coastal towns and cities.

In my own congressional district, I am privileged to represent such underwater treasures as the Florida Keys National Marine Sanctuary, the most extensive living coral reef system in the Continental United States.

In addition to its aesthetic value, this marine ecosystem also supports tourism and commercial fishing, the economic livelihood of the Florida Keys. Any offshore oil drilling near this area could place thousands of rare and vulnerable marine plant species in harm's way and could potentially cripple the local economy.

Furthermore, drilling structures along the gulf coast would be located in the middle of hurricane alley. Proponents of this amendment say that current production methods safeguard against any environmental damage resulting from a tropical storm or a hurricane. Mr. Chairman, as many of us know firsthand, sadly, there is no such thing as being hurricane proof. Given the scientific likelihood for stronger and more frequent storms in the gulf and along our Atlantic coast, offshore oil drilling presents a sizable risk of onshore damage and water pollution in the event of the next big one.

I encourage my colleagues' help in making sure that we can protect Florida's coastline as well as our Nation's ecosystem by voting ''no'' on the Peterson amendment.

My Florida colleague, my good friend (Mr. MICA), who, as he states, favors drilling even in the Everglades, says that it is fear versus facts. Well, Mr. Chairman, the fact is that the Florida Keys depends on the 4 million tourists who come to the area every year for its economic livelihood. The debate is not about fear. It is about economic reality. Our coastal towns and cities will be devastated financially with the adoption of the Peterson amendment.

I urge my colleagues to vote ''no'' on the Peterson amendment.

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

Mr. Chairman, I rise in support of the amendment.

I have heard a lot of facts from both sides for and against. And from a State that has been producing oil and gas off its coast in its coastal waters, on land, and every place else that is possible for well over 50 years, and I think Pennsylvania may have been the only State produced before Louisiana started, if you go back those 50 years, there is a lot that we could see environmentally that should have been done back there that would have protected America's wetlands, the estuaries and the marshes of South Louisiana.

That being said, now looking at today's technology, offshore drilling for oil or for gas is one of the cleanest that you will ever find. Yes, there are muds, there are liquids. But there are also liquids that are made from sugar. So my friends from Florida, we can keep that Florida industry healthy. It is biodegradable. It is something that can and is being used out there.

The thing that scares me the most, as we talk about energy independence, and the information that has been brought to the floor, is that we had, in an energy bill, a 125-mile barrier from Florida in the Gulf of Mexico, if I recall, in an energy bill this past year. While if you go 45 miles off of Key West, where those important fragile areas are down in that area, we have got China and Cuba in control of the oil and gas production. And that scares me even more so. And if you look in the latest weekly news, Russia is basically becoming dominant in the world for energy production, as are the countries in the Middle East.

□ 1445

If you look at their offshore drilling, I don't hear about all the oil spills. As a matter of fact, I went through Katrina, I went through Rita. And I heard the numbers, and I respect where the Member got the numbers because it was provided by somebody. But the only real oil spills I know of were in Chalmette, Louisiana, at the Murphy Oil Refinery and at the Phillips Petroleum Refinery, which are on land in Plaquemines and St. Bernard. Yes, there were some small oil leaks. There was probably more diesel fuel out of the tanks of some of those rigs that collapsed, but far less than what came out of the gas tanks in the ground in Chalmette, in St. Bernard, in Plaquemines, in Orleans Parishes and probably over on the gulf coast. Far more fuel leaked into the waters that flooded those cities.

As we move forward in this country and talk about energy independence, and when you pull up to that gas pump and you see that $3 figure up there, just remember those folks back home that are on fixed incomes, on Social Security, that are worried about how they pay the utility bill, much less how they fill their gas tank, whether they can buy the loaf of bread and milk or whether they need to have the gas in their car to get to the doctor.

We talk about tourism and fishing. The tourism in Louisiana has been better than it has ever been, particularly now that the industries have the technology. The fishing is phenomenal. Thirty percent of the seafood consumed in this country comes from the waters off Louisiana's coast, and we've been drilling for over 50 years. Deep water, shallow waters, coastal waters, inland waters, land-based, you name it. I implore everyone to think about this.

I respect tremendously my colleagues that have the fear of the environmental concerns. That is something that I share with you. But I've seen these oil companies. I've seen them in the past when they were awful; I've seen them today when they do an excellent job. The technology gets better

by the day. The last oil spills that were of any consequence were done by ships hauling oil in from the Middle East, Venezuela and other locations. It wasn't by oil rigs offshore.

We're talking about natural gas. You can perforate a drilling pipe at any point in time or elevation or depth that you want. You can drill through oil, you can drill through water, you can drill through rock, you can drill through whatever is below there and sample what's there before you open it up, and if it's not natural gas, then you keep drilling until you get to the sand that you're looking for, perforate, and, yes, bring only natural gas in.

Mr. Chairman, I thank you for the opportunity. I implore, if we're going to make this country energy independent, we have to find the means. And gas, this amendment, helps us.

Ms. GINNY BROWN-WAITE of Florida. I move to strike the last word.

I rise in opposition to Mr. PETERSON's amendment to allow exploration within 25 miles of the coast.

It was just around this time last year when the Florida delegation finally, most of us agreed to go along with the negotiation that had been hammered out which protected the gulf coast.

The gulf coast in the Tampa Bay area, which Mr. YOUNG and I both represent, was protected some 230-some miles where there would not be any exploration for gas or oil. Why? Because of several issues. Number one, military mission line, where regularly they are doing military exercises. Very, very important area to protect. Then eventually some of us who are very, very reluctant, but who realize that our friends on the other side of the aisle and even some people on this side would never go for anything in ANWR, so we can't stick our heads in the sand, so we agreed to 230 miles out.

But let me tell you that what we are asking for is a disaster here, a disaster in many ways. Will people ever believe us again? We said we came to an agreement that had protected the coast and given some protection to the east coast. Now we have an amendment here which shortens that area to 25 miles.

I represent eight counties; four of them are coastal counties along the gulf coast. Many of them have been hit by hurricanes. To have this kind of exploration this close to the shore, not only in Florida, but along the gulf coast, is asking for trouble. It's a bait-and-switch. It absolutely is a bait-and-switch. Those of us who agreed last year to have some exploration did not agree to the 25-mile amendment. And I guess if you can't get 25 miles, they will try for 100 miles. That's not what we agreed to do our share of exploration for domestic energy sources.

My colleague from south Florida was absolutely right about the tourism and fishing industry that would be affected, but also the very, very fragile habitat that exists, and one that we want to protect. Now, some would say Republicans aren't that concerned about the environment, but I, as somebody who received the Sierra Club award, I disagree. Republicans do care about the environment. That's one reason why we set up buffer zones that were certainly far greater than 25 miles.

And let me express a great fear: if we do this for gas, oil certainly will follow. And, you know, I just don't remember there being a lot of tourism in ANWR. But you're affecting States where there is a lot of tourism.

You know, the citizens' confidence in Congress is at an all-time low. If we do this bait-and-switch as suggested in Mr. PETERSON's amendment, it will be down to zero.

I urge my colleagues to vote against the Peterson amendment.

Mr. ABERCROMBIE. I move to strike the last word.

Mr. Chairman, I'm sure Mr. DICKS wishes by this time that this moratorium would disappear as an issue because it keeps coming up.

Mr. DICKS. Will the gentleman yield?

Mr. ABERCROMBIE. I will certainly yield.

Mr. DICKS. It was in 1984 when the gentleman created the moratorium off the coast of Washington and Oregon. I hope it never goes away.

Mr. ABERCROMBIE. That may be, and that makes my point. I certainly was not among the ones to create it; but I'll tell you, had I been here in 1984, I probably would have voted for it. I voted for these kinds of things before without thinking much about it because it was an easy vote, it was an easy vote as to come and say, well, environmental groups, they all know all about this, why get crossways with them when you have a good environmental record. I've gotten my awards, too, not because of my bright perception, but because I voted the right way without thinking much about it.

Why is this here in the Interior bill on appropriations? Why do we have members of the committee standing up ahead of time? I don't know that anybody on Appropriations knows more about it than the people on Resources or the Energy Committee. But why? Because we legislate on an appropriations bill, that's why.

And we didn't break any agreements down here. If the agreement was what was being broken, why is this moratorium again being put into the bill this year? If we had an agreement last year, you wouldn't need the moratorium.

Mr. DICKS. I have a parliamentary point. Limitations are appropriate on an appropriation bill. I just wanted to make sure the gentleman from Hawaii was reminded of that technical point.

Mr. ABERCROMBIE. And I quite agree on that technical point, that limitations are appropriate. We're trying to put some limitations on some of the fiction that's out here today. I can assure you of that.

I think I know something about tourism. I know that in order to have tourists, you have to have people with jobs that have sufficient discretionary income to be able to come and spend their money. But if we're destroying the industrial structure of this country, which is what we're about right now, there won't be anybody having the jobs to be able to come and spend the money on tourism or anything else.

And if you want them to arrive in automobiles, which we can't do yet because I haven't been able to get an earmark for that bridge from San Francisco to Hawaii, that's a bridge to somewhere, I can assure you, the question then would be, well, what are you going to be paying for your gasoline? You want to have a hybrid car, you're going to have natural gas. You have to have natural gas as the base. You want to have ethanol to be able to do it? You have to have natural gas for the fertilizer that's going to grow the feedstocks in order to create the ethanol.

Natural gas is the natural energy bridge to a natural energy future, to an alternative energy future. If we don't have natural gas, let me tell you what's going to happen. It's happening right now, and there has been references to it already. Europe and Russia are now making a deal to promote natural gas exploration and extrication from Russia to the European economy, to the European Union in the hundreds of billions of gallons in order to be able to compete with us. It's not just mythology that the Chinese, using inferior technology, will be some 45 miles off of Florida right now exploring natural gas, as the Canadians are already doing on the other side of the Great Lakes.

Every single industrial country in this world is producing natural gas right now except us. We are the ones that destroying ourselves, committing suicide on this. This is what is happening; the rest of the world is going to have an industrial base and an industrial complex that's able to compete, and we're destroying ourselves.

You're looking at a convert here. I went into the Resources Committee fully prepared to not only sustain the moratorium that's here, but to vote against Mr. PETERSON when he first brought up the idea of drilling for natural gas. But when I listened to him and I read all the facts involved, I decided that I had the wrong position. And what's required of us now is to become energy independent. We have to produce the energy in this country that is going to allow us to be independent, sufficient to be able to back up that Defense Department that we're talking about. The Air Force right now is spending an enormous amount of money on fuel that we have to import. If we can take the natural gas base for the Air Force right now, we stand a chance of producing fuel that can sustain ourselves.

We have to be energy independent in this country. And that means those of who us who have blindly supported, what were supposedly the right environmental proposals in the past have

to take an honest look at where we are today and what we can do to produce clean energy.

Mr. Chairman, I thank you for the time. I hope that when we get past this today, that we will deal with the bill that Mr. PETERSON and I will be bringing forward to produce natural gas in this country to produce a free and independent America.

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

I rise in opposition to this and any amendment that proposes to lift the moratorium on oil and gas leasing off our coast.

The moratorium has been a bipartisan, multi-State, bicoastal agreement for over 25 years, and as mentioned has been renewed annually since the 1980s.

The north coast of California along my district, and I want to point out that my district has the longest run of coastline, the most miles of coastline of any district in the lower 48 States, I want you to know that people don't want this moratorium lifted. And the businesses that operate up there can't afford to have this moratorium lifted. An oil or a gas spill off my district's coast could devastate one of the most unique marine ecosystems in the world, as well as the economy that depends upon it.

My north coast district is part of an upwelling zone found along the west coast. It's one of only four of these upwelling zones in the entire world. These upwelling zones bring nutrient-rich water to the surface, and they support an incredibly abundant and productive marine life, including fish. The ecosystem also supports some of the largest and the most economic fishing industries in the world. A spill in this area would be absolutely devastating.

The north coast of California also supports a large tourism industry, and that industry is vital to our local economy, our State economy, and it contributes mightily to our national economy. It's dependent upon pristine coves, pristine beaches and spectacular views, all of which would be threatened if this moratorium were to be lifted.

In addition, given the rural and rugged nature of my congressional district, an oil or a gas spill would be disastrous to an even greater extent because of the limited accessibility to get in and clean that up, as well as the limited resources that would be readily available for cleaning up a disaster of this magnitude.

Mr. Chairman, the north coast waters provide economic and biological benefits to our entire country, and they must be protected. Lifting this moratorium, as pointed out by previous speakers, does nothing to lessen our dependency on oil and gas. And more important, it does nothing to increase the research and use of alternative energy sources.

□ 1500

This amendment, and all of the other amendments that are proposing to lift this moratorium, need to be rejected.

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

Mr. Chairman, I appreciate so much my friend from Hawaii across the aisle pointing out what he did. I would like to pick up on that. We are not just talking about lower fuel costs. That is extremely important. We are talking about that.

We are also talking about jobs. In my district alone, we have a huge plant there. Their feedstock is natural gas. They produce plastics. They produce all kinds of great things. If we did an actual test and checked, did a survey, I would bet you that most of the jobs there are held by Democrats. So even if you just looked at it politically, my goodness, we are losing Democrats' jobs by not bringing down the price of natural gas.

On top of that, it does cost other jobs when you raise the price of natural gas. For a country like ours that has natural gas all up and down our coast, east, west, down around the Gulf, there is a tremendous supply west of Florida in the Caribbean. We have all this natural gas. Yet what breaks my heart is that I see we are building new liquid natural gas ports on our coast so we can bring it in and become more dependent on people who don't like us.

It makes no sense at all. It is clean burning. It helps the environment. Yes, my friend indicated that we ought to be drilling in ANWR. Yes, we should. The caribou proliferate when we give them a good warm place to mate, like the pipelines, as has already been shown.

Mr. Chairman, I appreciate my friend, Mr. PETERSON, bringing this amendment. I would like to yield the remainder of my time to him.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman.

Several things have been said that I think must be responded to. Oil and gas spills. Could someone here show me a gas spill? A natural gas spill? There is no recorded history of one. Natural gas comes out of the ocean floor and bubbles into the air all over the ocean all the time. But there is no spill.

The fact is you can't drill for gas without oil. I grew up around it. I have never made money in the oil business. I have never invested a dime in it. But I grew up around it. You drill a hole in the ground. You put a steel casing in the ground. You register every place you go through, coal, gas, oil, rocks. It is actually rocks that have oil and gas in them. Then you notch the pipe where you want to produce.

In Pennsylvania, there were three or four oil sands, and the gas is way below the oil in most places. There was a little bit of gas in the oil, but not a lot. You notch the pipe where you want to produce it. So if you want to produce gas, you notch the pipe and you produce the gas, and that is sand.

Natural gas is the future of America until we can grow our renewables. I am for wind. I am for solar. I am for biofuels. I am for hydrogen cars. But let me show you how small that is; 86 percent of our energy is fossil fuel; 40 oil, 23 gas, 23 coal. That is 86. Eight percent is nuclear. We are now at 94. Six is percent renewables. Listen closely, 6 percent renewables. Five percent is biomass and hydro. Wind, solar, hydrogen, and geothermal, our future, is 1 percent. If we can double it every 5 years, it will cost a lot, but I am for it. But we are still then at 2 percent.

How do we fuel this economy that is growing a need for energy by 2 percent, and we have countries like China and India that are growing at 15 to 20 percent, and their energy consumption is sucking up the world's supply? When the moratorium was put on, we had $2 gas and $10 oil. We were awash in it. It didn't matter.

Oil and gas is scarce today. There is a world shortage. Right now, they are predicting $79 oil this summer, which will be $3.50 gas without a storm in the Gulf, without a country being upset. The Wall Street Journal on Friday reported that if we have a storm in the Gulf and we have a country that gets upset that produces a lot of oil, we could have $85 to $89 oil. Do you know what that will do to home heating this winter? Do you know what that will do to travel costs? Folks, it is crisis time. Clean, green natural gas is the best alternative for a healthy America.

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

Mr. Chairman, I rise in opposition to this amendment. I appreciate the gentleman's passion on this issue, but I do not agree that this is the time or the place to overturn the 25-year moratorium protecting our Nation's best ocean beaches and fishing areas. I agree that energy supply is vital to our Nation and our economy, but so is the natural environment.

Our committee has looked at this issue closely. The President's budget request and this committee's bill maintains the existing drilling moratoria for oil and natural gas exploration. I want to say that again. The President, who has been the strongest advocate for oil and natural gas development in the history of the country, in his budget opposes lifting this moratorium. I think we ought to listen to him this time. This leaves substantial areas in the Gulf of Mexico and off of Alaska that are available for exploration.

Our bill also continues the exploration and development of public resources onshore on our public lands. We really do not need to lift the moratorium now. The protected areas do not have substantial reserves. The total technically recoverable resources on the OCS are estimated to be about 86 billion barrels of oil and 420 trillion cubic feet of gas. The amount under moratoria, or Presidential withdrawal, after January 9, 2007, is estimated to be 17.8 billion barrels of oil and 76.5 trillion cubic feet of gas.

I also point out, and maybe the gentleman from Pennsylvania disagrees with this, that the industry people I have talked to say it is impractical to pursue natural gas-only drilling, which does not involve oil. It simply is impractical to issue leases only for gas and not for oil, as well.

I think it is important that we do not start major new developments in areas that are entirely lacking drilling and energy infrastructure. These are large areas which are already leased and are available for development. Before we open large, new and sensitive areas to development, we should focus our Nation's efforts in places that already have access to existing pipelines and distribution systems.

Mr. Chairman, the Peterson amendment seems so very simple, but that is not a good approach to such a complicated issue. This amendment would not allow the various States to have meaningful input on drilling activities and the extensive development onshore which would follow.

Please join me and continue our protection of America's priceless coastlines. Please defeat this amendment.

Mr. Chairman, I will ask for a vote on the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. TIAHRT. 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 Pennsylvania will be postponed.

AMENDMENT OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PETERSON of Pennsylvania:

Page 49, line 25, insert ''and within 100 miles of the coastline'' before ''in the areas of''.

Page 50, line 7, insert ''and within 100 miles of the coastline'' before ''in the Mid-Atlantic''.

Mr. DICKS. Mr. Chairman, I ask unanimous consent that debate on this amendment, and any amendments thereto, be limited to 20 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Acting CHAIRMAN. The gentleman from Pennsylvania is recognized for 10 minutes.

Mr. PETERSON of Pennsylvania. Mr. Chairman, this amendment deals with 100 miles offshore. When we had the debate last year, I wanted to clarify something. Everybody kept talking about a compromise. We passed a major bill in the House that opened up the OCS for both gas and oil. The Senate passed what I call a little small bill in little pieces of the Gulf that President Clinton actually had in the 5-year plan, but never leased it.

In my discussions with the other body, we were always hoping to have a compromise, but we never had one. We never had a conference committee. We reluctantly agreed to take the Senate bill because it was something, and America needs something, so we took this small piece in the Gulf because it is some additional energy for America.

We will soon be 64 percent dependent on foreign, unstable countries. I hear on both sides of the aisle here that people are distressed about that. These are not our friends. These are countries that are not democracies. They are not real stable. We often lose energy when they just have their government topple or be out of favor for a while.

We are dependent on undependable countries of the world who are not our friends. They now set the price. OPEC is back in charge. OPEC turns the spigot and lets big oil make a lot of money. I said to somebody one day, big oil's best friends are Congress and OPEC.

□ 1515

Collectively, we have slowed up the ability to produce oil and gas. And when we slow up the ability to produce oil and gas, the price rises. And if you owned it when it was worth $30 a barrel and were able to produce it and make money, and government restriction of supply and OPEC's restriction of supply raises the price to $70, are you going to make money? You betcha.

If you want to drop prices down, open up supply. Wall Street traders run the price up. They set the price of gasoline, fuel oil, natural gas, oil. Wall Street. Why? Strategizing on it if they can buy it and sell it and make money today or tomorrow. We often pay 15 or 20 percent of our energy prices to Wall Street as they play with it because there are shortages. When it is plentiful, they don't monkey with it.

Folks, we need a plentiful supply of gas and oil for this country. Cuba is going to be producing with China and other countries 35 to 40 miles from the Keys, our most precious Florida parks. And we are going to stay completely 200 miles offshore.

Folks, this is insanity for this country to not utilize its resources, to be dependent on undependable countries who control our destiny. And as we grow the renewables, as we get more wind and more solar and more geothermal, it is going to be years, if not decades, before we have in sufficient quantity, and in the meantime we are going to need fossil fuels, and we need to produce them.

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

The Acting CHAIRMAN. The Chair recognizes the gentleman from Washington for 10 minutes.

Mr. DICKS. Mr. Chairman, I rise in strong opposition to the amendment, and I reserve the balance of my time.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, I want to support my friend Mr. PETERSON on this amendment.

I indicated in the last amendment, Mr. Chairman, that I had become a convert, not to everything that has to do with it, to just stand up and say, well, if it is going to be oil drilled anywhere or gas drilled anywhere, that I could care less, that doesn't make any difference. That is not true, and it is not the case.

In fact, what I have argued to the oil companies is, and I have said when I had the opportunity, why do you put these stupid ads in the paper that say we only make a return on investment the same as real estate agents? I said, there is a great way to go about saying why you got $30 billion in profits, that real estate agents are the opposition or the comparison.

I say, why don't you get up and say oil is $60 and $70 a barrel. We are rolling in money. We got so much money we don't know what to do with it. I feel like Huey, Louie and Dewey jumping into the piles of money for Scrooge McDuck. We got so much money we can't even begin to figure out how to spend it.

At that kind of money a barrel, what do you think the oil companies are going to make?

We have to have an energy supply in this country, and 100 miles out that is what we are going to have to do, because the opposition keeps on coming here against our energy independence. If we don't have energy independence, we are finished. We are destroying ourselves. Every other country in the world with a natural gas reserve out there, let alone with an oil supply, especially in the Outer Continental Shelves of their respective continents, are taking it and doing it and providing for their industrial expansion. That is what we are up against.

We are now in debt. You only have to go into the papers as recently as yesterday, the next globalization backlash. Wait until the Kremlin starts buying our stocks. We are in hock to the rest of the world, including Japan and China because they are owning this country because we have to import our energy. Energy independence is the key to freedom.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I appreciate very much the gentleman yielding me the time.

This amendment is aimed at the military mission line in the Gulf of Mexico. The only place that has a larger area of Outer Continental Shelf in the moratorium. Where the military mission line runs through the Gulf of Mexico.

Mr. MORAN spoke earlier of the flights that are training around Oceana in Virginia. I will speak to the training areas in the Gulf of Mexico that are used very, very effectively by the United States Air Force to train pilots in some of the newest, highest-technical aircraft that we have. That is what this amendment is about. It goes to violate the military mission line that we agreed on last year.

I don't get offended very often, but I am a little offended by this, for this reason: many of us in this Chamber voted for that bill last year, and we voted for it because it protected the military mission line in the Gulf of Mexico, as well as the environmentally sensitive areas. We voted for it because it provided a permanent solution to this issue of moratorium.

Now if the Peterson amendment passes, it hasn't been very permanent. By the way, Mr. PETERSON, and Mr. ABERCROMBIE, who is one of the architects of this agreement, agreed to this, and so we agreed to it as well because we thought that having a permanent solution was a good idea. But now this amendment goes back on the agreement.

That does offend me somewhat. When I make an agreement, I keep it, and most everybody in this House Chamber, when they make an agreement, they keep it. But these two Peterson amendments violate the agreement that brought most of us to vote for this bill last year.

Just one more point: if anybody thinks that drilling another well, and there are vast areas of the Outer Continental Shelf still available for drilling for oil and for gas, if anybody thinks another oil well in The Gulf of Mexico is going to bring down the price of gasoline, drive up to your gas station. Mr. PETERSON himself mentioned the fact that no matter what the supply would be, that the Wall Street traders control the price.

What are you paying for a gallon of gasoline today? A lot more than we ought to be paying. One more well, two more wells, 10 more wells aren't going to make a difference in the price of gasoline at the pump.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, I thank the gentleman for yielding.

This drilling will be conducted in an environmentally sound method. Any time you have got an industrial operation going on, you have got some risks, but these risks have been understood for years and years and years; and this industry is so much better today at drilling and producing crude oil and natural gas than they have ever been. And, quite frankly, they will get better tomorrow than they are today, and they will be better the day after tomorrow than they are today as well.

It is inconsistent to say on the one hand that it is a national security interest for this country to be dependent on foreign sources of crude oil and natural gas, and I agree with that. The inconsistency comes, though, when we say let's do whatever we can to limit domestic production of crude oil and natural gas. That position is inconsistent with each other, and I would argue with my colleagues that they should examine that inconsistency.

The time to market again has been mentioned again, as it was earlier. In 1998, when this moratorium was put in place 9 years ago, today all of that production that would have started in 1998 and 1999 when the price was low would be available to this country to use in hotels for air conditioning, in all of the multiple uses that the natural gas is used for.

So I urge my colleagues to agree with the Peterson amendment and vote for it.

Mr. DICKS. Mr. Chairman, I reserve my time.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I want to thank my Pennsylvania colleague for yielding to me.

This is similar to the earlier amendment, although I rise in strong support of this because it is for new leases, offshore natural gas and oil, at least 100 miles of the U.S. coast.

Supply and demand for our energy is out of control and our Nation needs more energy from all sources. Demand for natural gas is already building across the economy and proposals pushing cleaner energy will only accelerate this demand. Natural gas, again, is the most abundant clean-burning fuel to heat and cool our homes and businesses. We also need a lot of natural gas to make the materials that we make wind turbine blades out of and solar blades.

Opening the OCS would save $300 billion in natural gas costs over 20 years for customers and manufacturers. High natural gas costs are sending manufacturing jobs overseas following the cheap gas. When I had the Shell CEO of Western Hemisphere two years ago sit in my office and say they transferred jobs from their chemical facilities in our country to the Netherlands because of the high cost of our natural gas, because the North Sea gas was so much cheaper, that is why we need the Peterson amendments.

Environmentally conscious nations like Norway, Denmark, Canada, Japan and the United Kingdom are safely producing natural gas in their coastal waters. Why can't we do it?

No other country in the world can it do as responsibly as we can. I have been on oil and gas rigs and have seen so few discharges into the ocean. A medium-sized fishing boat will leak more in a year than we will see off some of our rigs.

This amendment is a major opportunity for us to respond to today's energy crisis and the climate change with a national solution. I urge my colleagues to support the oil and gas production on the Outer Continental Shelf and support the Peterson amendment.

The Acting CHAIRMAN. The gentleman from Pennsylvania is reminded that under the unanimous consent agreement, he need not remain standing after he yields during the debate.

Mr. DICKS. Mr. Chairman, I have no further speakers at this point, so I would like the gentleman to finish and then I will finish.

The Acting CHAIRMAN. The gentleman from Washington has the right to close.

Mr. PETERSON of Pennsylvania. Mr. Chairman, as we talk about the production of energy and as we talk about oil being so devastating and gas being so devastating, Norway, Sweden, Ireland, Great Britain, Canada, Australia and New Zealand are all known for being environmentally sensitive countries. They all produce offshore. All of them. We are the only nation in the world that has chosen to close up our energy supply. We are dependent on unstable, unfriendly countries who control our prices and control the future of our economy.

The working people of America are counting on us to give them affordable energy that they can heat their homes with and drive their cars and have a decent competitive job. That is what this is about. And I wish we could do it with wind. I wish we could do it with solar. I wish all of those things were bigger and could grow faster.

Folks, we need to produce energy if we want to compete in the new global economy.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. Again, I want to point out to the gentleman that we really do not need to lift the moratorium now. The protected areas do not have substantial reserves. The total technically recoverable resources on the OCS, the areas where we are drilling off of Alaska and in the Gulf are estimated to be about 86 billion barrels of oil and 420 trillion cubic feet of gas.

The amount under moratoria, or Presidential withdrawal, after January 9, 2007, is estimated to be 17.8 billion barrels of oil, which is about one-fifth, and 76.5 trillion cubic feet of gas, which is about one-eighth.

So the reason we have the moratoria is because we think those areas are more important from an environmental perspective, that we need to protect our oceans and beaches. The gentleman from California was here and talked about the north coast of California. I represent the northern coast of Washington State, and I put this moratorium in place, I think, in 1984 for both Washington and Oregon. Mr. AuCoin and I did at the time.

I have yet to have one citizen in my State ever come up to me and say, why don't you let us drill for oil and gas off the coast of Washington? Nobody has ever asked us to do that. They want it

protected. It has got fisheries. It is one of the most beautiful beaches and coasts in the entire Nation.

I went up to see what happened with Exxon Valdez and see that oil spill and all that oil in and around the waters up there and how it destroyed the herring reproduction and all of the other species.

I want to protect the coast of Washington. I want to protect the coast of Florida, the coast of Virginia. Yes, we will drill off of Alaska. We will drill off the areas where the oil and gas exists. And if the gentleman from Hawaii is so interested in this, I am sure we can work out something for him out in Hawaii.

Mr. PETERSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I will yield to the gentleman from Pennsylvania briefly.

Mr. PETERSON of Pennsylvania. Do you realize how long it has been since we have actually done a modern seismographic on the OCS? It has not been done in 40 years. We didn't have good seismographics then. We don't really know, but we know there is a lot out there. If we had modern seismographics, it is usually three to four times what we thought.

Mr. DICKS. Mr. Chairman, reclaiming my time, I think we should continue to work in the gulf and off of Alaska where most of the reserves exist.

I urge a strong ''no'' vote on this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON).

The amendment was rejected.

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

Mr. Chairman, I rise to engage in a colloquy with my colleague from Texas (Mr. HALL).

I applaud the good work that you have done, Mr. Chairman, to bring this Interior appropriations bill to the floor. There is a provision in the Interior appropriations billing that I fear will do harm to our ability to smoothly transition our Nation's energy infrastructure to the clean domestic energy future that we all desire.

In the debate on the Energy Policy Act of 2005, Mr. HALL introduced and shepherded through to enactment section 999, the Ultra-deepwater and Unconventional Natural Gas Research and Development Program. Today, more than 23 research universities and four not-for-profit research institutions are actively engaged in the implementation of this program.

A draft annual plan of research has been submitted to the Secretary of Energy for review and should be finalized within the next few weeks. That program is designed to foster collaborative research and development work by the best scientists and technologists in the country to develop the technologies that are necessary to find and produce the more than 1,200 trillion cubic feet of technically recoverable, but mostly unconventional, natural gas resources in this country.

I yield to the gentleman from Texas.

Mr. HALL of Texas. Mr. Chairman, I want to thank my colleague for those comments, and I would also point out this program will provide new technologies that will allow us to tap nearly 50 billion barrels of technically recoverable oil remaining in this country.

The United States has 55 years of natural gas resources in the lower 48, but much of it requires new technologies in order to produce it. Some 80 percent of these resources are on lands that are not subject to any access restrictions. New technologies will increase domestic energy supplies and increasing supplies will lower energy costs to consumers.

□ 1530

These technologies will enable less expensive, more efficient and more environmentally friendly domestic natural gas production. The universities and research institutions participating in this program are as follows: Colorado School of Mines; Florida International University; Jackson State University; Louisiana State University; MIT; Mississippi State University; New Mexico Institute of Mining and Technology; Penn State University; Rice University; Stanford; Texas A&M; University of Alabama; University of Alaska-Fairbanks; University of Houston; University of Kansas; University of Michigan; University of Oklahoma; University of South Carolina; University of Southern California; University of Texas; University of Tulsa; University of Utah and West Virginia University.

In addition, the following national labs are funded through this program: Idaho National Laboratory; Lawrence Berkeley National Laboratory; Lawrence Livermore National Laboratory; Los Alamos National Laboratory and Sandia National Laboratory.

Mr. LAMPSON. The Energy Information Administration has observed that this program will materially increase domestic natural gas and oil production. That increased production will more than pay for this research and development program by generating more royalty revenue from increased production of natural gas and oil from Federal lands that are already available, already available to be developed.

It is important to note, Mr. Chairman, that as this Congress grapples with the issue of providing robust funding to move toward increased energy independence, our Nation's energy companies are also investing in these similar research activities. Achieving energy independence isn't an easy task. It is going to take a significant investment from both public and private entities to move our Nation forward.

Mr. HALL of Texas. The House favorably voted on this provision in 2001, 2003, and 2005 and again on the conference report in 2005. Additionally, the House overwhelmingly voted last year to uphold the program by voting against an amendment to strike it by a vote of 161–255. These votes send a clear message that Congress supports this research and development program and all the benefits it will bring to the American public.

Like my colleague, Mr. LAMPSON, I have deep admiration and respect for Chairman NORM DICKS, and accept his assurance to work with us in the future for the greatest good for the greatest number.

Mr. LAMPSON. Mr. Chairman, we in this House are working hard on energy legislation to provide the tools that will help the Nation transition to clean domestic energy resources and more efficient use of those resources. We are making progress, but we must not lose sight of the scale of this challenge. We are concerned that by deferring funding for this program in 2008 in this Interior appropriations bill, the work of the program will be jeopardized, the anticipated increases in domestic natural gas and oil production will not be realized, and we will become even more dependent on foreign sources of energy while we are transitioning our Nation's energy infrastructure for the future.

Mr. Chairman, I have an amendment that will resolve this problem in the bill. However, in the spirit of comity, I will not move that amendment if I can have the commitment of the chairman to work to resolve this issue in conference so that this important program can move forward as it is authorized in the Energy Policy Act of 2005.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. LAMPSON. I yield to the gentleman from Washington.

Mr. DICKS. I appreciate the concerns you have raised. I commit to you to work with you to resolve this issue in conference so that this program can continue to be implemented as is authorized by the Congress.

And I would also point out to my good friend from Texas, both of my good friends from Texas, that there is still $47 million in 2007 money that has not yet been obligated.

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

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

Mr. DICKS. Mr. Chairman, I know that the gentleman is concerned about that, and is working to see that that money is obligated as well. We will work with you on this. It is a very important issue. I appreciate your hard work and interest in this subject.

Mr. LAMPSON. Thank you, Mr. Chairman.

AMENDMENT OFFERED BY MR. CONAWAY

Mr. CONAWAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONAWAY:
Strike sections 104 and 105.

Mr. DICKS. Mr. Chairman, I ask unanimous consent that debate on this amendment, and any amendments thereto, be limited to 20 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. PRICE of Georgia. Reserving the right to object, if I may ask a question as to the form of the unanimous consent request, is it my understanding that this 20 minutes would apply to every amendment to be offered hereafter?

Mr. DICKS. No, no, no, just for this one amendment.

Mr. PRICE of Georgia. I withdraw my reservation.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Acting CHAIRMAN. The Chair recognizes the gentleman from Texas for 10 minutes.

Mr. CONAWAY. Mr. Chairman, I yield myself such time as I may consume.

We have heard an awful lot of debate already about both of these sections. My amendment is straightforward and simple. It will strike section 104 and section 105 from this bill.

What the effect of that would be is to unleash the Interior Department's bureaucracy to begin running the leasing program that is provided throughout this legislation that is not related to what is being conducted today. This bureaucracy would make sure that the environment is protected and that these drilling operations are conducted in ways that will protect the military training lanes; and that these operations will be conducted in accordance with all of the vast array of regulations and rules that we have in place to protect the environment and protect the coastlines and produce this energy in a proper way.

Reference was earlier made about the oil spill in Alaska, and I would remind my colleagues that was the Exxon Valdez, a ship that ran aground that caused that oil spill and not directly related to the drilling and production phase of finding that crude oil.

As I said earlier, these operations can be conducted through environmentally sound methods. There is a significant amount of oil and gas to be found. I would prefer a 20 percent increase in anything, so to denigrate a 20 percent increase or 20 percent opportunity, I think, is misplaced in our arguments.

Cuba and the Chinese governments, along with other folks, are going to be drilling within 45 miles of Florida. That is not necessarily an excuse for us to also drill, but it is in recognition that the risk associated to the folks in Florida with not drilling are out of our control, and if we can control the drilling within 45 miles in ways that are appropriate, then we ought to do that.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. CONAWAY. I yield to the gentleman from Washington.

Mr. DICKS. Under your amendment, would you be able to drill in the Great Lakes or in the Chesapeake Bay or in Puget Sound or in the Long Island Sound?

Mr. CONAWAY. Section 104 and section 105, I don't know that it does the Great Lakes. But Puget Sound, I think we would be able to drill there. It would remove the moratorium that is in place now that prevents drilling in those areas, but I don't know that the Great Lakes is included.

Mr. DICKS. Okay. I knew that I opposed this amendment, but now I will oppose it with even greater fervor.

Mr. CONAWAY. I can include the Great Lakes if that will get you over the hump to agree to it.

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

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Mrs. CAPPS) who has been a strong supporter of the moratorium throughout her career and has been a real leader on this issue.

Mrs. CAPPS. Mr. Chairman, I thank the gentleman for his leadership on this issue.

Mr. Chairman, I rise in strong opposition to these amendments which eliminate, and I think we heard it clearly, eliminate the long-standing bipartisan moratorium that currently protects the Nation's most sensitive coastal and marine areas from new drilling.

I support the current ban not just because I think our coasts are beautiful, and they are, and not just because I believe our coasts provide valuable environmental habitat, and they do, I support the ban because I know our coastlines are the economic engines of our communities and that is being threatened by new drilling.

The people in these communities, I represent them. I know the value of their coastlines, and that is why they are so against new drilling in these areas. These amendments would mean drilling within 3 miles of the beaches of Florida, California, North Carolina, and other coastal States. It also means drilling where there isn't a whole lot of oil and gas, and where tens of millions of our citizens have made it clear they don't want more drilling.

Mr. Chairman, the congressional moratoria has been in place for 26 years and reaffirmed by Presidents George H.W. Bush, Clinton, and George W. Bush, and every Congress since 1992. State officials have also endorsed the moratoria, including Republican Governors Charlie Crist and Arnold Schwarzenegger.

These actions have all been met with widespread acclaim by a public that knows how valuable, environmentally and economically, our coastlines are. I represent a district with over 20 oil and gas platforms off its coastline. I know that drilling has serious consequences for the environment. I see it every day.

I know that drilling generates huge amounts of waste, and significant levels of air and water pollution. These pollutants are a real threat to our public health.

These amendments are just a continuation of the backward thinking energy policies that have gotten us here in the first place. Last year, 279 Members of Congress voted to protect the Outer Continental Shelf moratorium when we defeated a similar amendment to push for drilling off our coast.

Votes against these amendments are the same thing: A vote to protect our coasts and a statement for new thinking on energy. And so I urge my colleagues with all the strength that I have to oppose these amendments and keep our coastline pristine, the economic engines that they are, and a stewardship we will pass on to our children and grandchildren.

Mr. CONAWAY. Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. I don't have any additional speakers, and I have the right to close.

The Acting CHAIRMAN. The gentleman from Washington reserves the right to close.

Mr. CONAWAY. Mr. Chairman, I yield myself the balance of my time.

Again, this moratorium has been in place for a long, long time, and the gentlewoman from California went through a litany of opportunities, and she has taken a different look at it.

We have a growing continued dependence on foreign crude oil. So the old adage about the definition of insanity of doing the same thing over and over and expecting to get a different result might apply in this instance.

This amendment would simply allow the Interior Department and its vast array of scientists and bureaucrats and technicians and others who look at this information day in and day out, who know the ins and out of it, to decide how the development of this resource should occur. They will protect the environment. They will protect the military lanes and make sure that all of our codes and rules and regulations are applied to these efforts throughout the time frame that this is conducted. I trust them to do it and do it correctly.

I urge adoption of this amendment to set a new track to provide additional natural gas and crude oil resources, domestic production for our country.

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

Mr. DICKS. Mr. Chairman, I yield myself the balance of my time.

I rise in very strong opposition to this amendment. I hope the House will defeat it resoundingly. This does not make any sense for our environmentally sensitive areas, particularly on the coast of California and Washington and Oregon on the West Coast, and the sensitive areas on the East Coast as well.

I ask for a ''no'' vote on this amendment.

Mr. DICKS. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CONAWAY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CONAWAY. 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 Texas will be postponed.

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

Mr. Chairman, as chairman of the Environmental and Hazardous Materials Subcommittee, I rise today in strong opposition to an amendment that was offered earlier today by the gentleman from Iowa (Mr. KING) to cut funding to the Superfund program. The Superfund program addresses public health and environmental threats from uncontrolled releases of hazardous substances.

According to the Center for Public Integrity's May 2007 report entitled ''Superfund Today,'' the Superfund program is desperately short of money to clean up abandoned hazardous waste sites, which has created a backlog of sites that continue to menace the environment and quite often the health of nearby residents.

According to the EPA, one in four Americans live within 4 miles of a Superfund site.

□ 1545

Mr. KING's amendment introduced earlier today would decrease funding for the Superfund program by $160 million. This is reckless when previous EPA Inspector General reports have indicated a shortfall of at least $175 million for remedial action projects. EPA's rate of construction completions at National Priorities List sites has dramatically decreased in recent years, from an average level of 86 per year during the years 1997 to 2000, down to 40 sites per year during years 2002 to 2006, and most recently EPA projected only 24 cleanups in 2007.

These sites present a serious risk to human health and the environment. For example, at the Libby, Montana Superfund site, where a plume of asbestos from a nearby vermiculite mine has enveloped the town, more than 200 people have died from asbestos-related diseases, according to EPA estimates. Cleanup at this site, begun in 2000, has not yet been completed.

Let me congratulate Chairman OBEY and Chairman DICKS on their decision to reverse the years of budget shortfalls for the core EPA programs that protect public health. I thank them and their staff for working closely with the Energy and Commerce Committee to increase the funding for these programs that are badly in need of funding after years of inadequate budget requests from the Bush administration.

This amendment by Mr. KING is shortsighted. Every Member that has a Superfund site in his or her district or State that votes for this amendment could be voting to delay cleanup at that site. At many of these sites, citizens are exposed to uncontrolled hazardous substances. Rather than cutting the funding, we need to support the well-considered funding level in H.R. 2643 for the Superfund program to expedite cleanup of these sites, protect drinking water sources, and allow sites to be redeveloped to spur economic development and create jobs.

I strongly urge all Members to vote against the King amendment later today.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $788,269,000, to remain available until September 30, 2009.

Mr. HERGER. Mr. Chairman, I move to strike the last word for a colloquy with the gentleman from Washington.

Mr. Chairman, over the past several years, we have seen the rise of a very disturbing trend on Federal lands: the creation of a billion-dollar international drug trafficking ring. Organized criminal gangs, headquartered in Mexico, have illegally entered our country and have established large scale marijuana growing operations in our national forests and national parks.

Gang members guarding these illegal ''pot gardens'' have been armed with automatic weapons and given orders to shoot to kill anyone who trespasses in the area. Hunters, recreators, and Federal employees in my district and others have been shot at when recreating or working on Federal lands. Eight of the Nation's 10 worst national forests in terms of illegal marijuana production are located in California. Three of those eight problem areas are located in my congressional district of northern California: the Shasta-Trinity, the Klamath, and the Mendocino National Forest.

Our Nation's national parks are also victim to illegal occupation by Mexican drug trafficking organizations. Regrettably, my home State of California suffers the worst of the infestation on Park Service lands as well. This includes a very serious problem at the Whiskeytown National Recreation Area in my district where illegal marijuana grows have been discovered within a few hundred yards of popular boating and fishing areas.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HERGER. I yield to the gentleman from Washington.

Mr. DICKS. We want to work with the gentleman on this important issue. We are very concerned about this problem and think it deserves our complete attention.

Mr. HERGER. I thank the chairman and greatly appreciate his efforts and the efforts of Ranking Member TIAHRT to improve public safety on Federal recreation lands.

Is it the committee's intention in granting this increase to ensure that these funds should be used to help dismantle and eradicate Mexican drug trafficking organizations in our national forests and parks?

Mr. DICKS. Yes, that is the intention of this legislation.

I completely agree with the gentleman. The increase is necessary in order to deal with this very serious problem. We will continue to work with the gentleman as we go to conference with the Senate. We will do the best we can to help on this important issue.

Mr. HERGER. Again I thank the chairman for that clarification.

Further, while I believe it would be inappropriate for those of us in Congress to micromanage the efforts of law enforcement as they work to dismantle these illegal drug networks by allocating funds only to specific areas, is the chairman able to clarify the committee's intention with regard to the distribution of funds throughout the Nation? Is it the committee's aim to ensure that the funds allocated are targeted to areas of the country that face the highest concentration of drug trafficking activity in the national forests?

Mr. DICKS. Yes, it is. I appreciate the gentleman bringing this to our attention. We should focus the resources on those areas where the problem is the most severe. If we have any problem with this, I'll be glad to work with the gentleman with the agencies involved to make certain that that happens.

Mr. HERGER. Again, I thank the gentleman from Washington and also the ranking member, Mr. TIAHRT.

AMENDMENT NO. 25 OFFERED BY MR. MCHUGH

Mr. MCHUGH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. MCHUGH:

Page 55, line 22, after the second dollar amount insert ''(reduced by $1,000,000) (increased by $1,000,000)''.

Mr. MCHUGH. Mr. Chairman, I would like to begin by complimenting the chairman and the ranking member. I have sat on this floor for the last several hours and listened to the very impassioned debate. I think if nothing

else it should underscore the fact that the committee and the subcommittee have faced some very difficult decisions. Unless you have had the opportunity, the honor of serving on the Appropriations Committee or perhaps being involved as a general Member of the House, it's difficult to understand how hard the choices are that they are forced to make year in and year out. I commend them for that.

I have come today not to criticize any of the choices they have made but, rather, to offer what I believe, Mr. Chairman, is a very straightforward and relatively simple amendment. It is simply designed to maintain, not increase, not add to but maintain what is a 10-year record of level funding, a 10-year record of level funding to restore $1 million for the CASTNET program, which stands for the Clean Air Status and Trends Network, which would restore that money to allow this program to do some very important work.

What is that work? It would allow the 80 monitoring stations that are maintained under CASTNET to continue operating at the level that they have, as I have said, with level funding over the past 10 years. These are monitoring stations for a very important issue associated with acid rain that operate in some 40 States, from California to Massachusetts, from Maine to Florida and many, many points in between.

I think we can all agree, Mr. Chairman, that for all of the debate that occurs about global warming, for all the debate that occurs about what should be done, one of the critical issues we should engage upon is that of monitoring to make sure that our baseline data, our research is sufficient to make the wise decisions.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MCHUGH. I would be happy to yield to the distinguished Chair.

Mr. DICKS. I want to commend the gentleman for bringing up this issue. Based on the additional information that has come to light concerning the impact of this 25 percent reduction to the Clean Air Status and Trends Network, CASTNET, and based on the gentleman's hard work and effort on this, we are prepared to accept his amendment.

Mr. MCHUGH. I thank the gentleman for restoring the cut that was proposed by the administration. I commend him and the gentleman from Kansas for their work.

Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. MCHUGH. I would be honored to yield to the distinguished ranking member.

Mr. TIAHRT. I want to thank the gentleman from New York. This is a very important monitoring program. The gentleman from New York has made a very reasonable request. I want to thank him. I know he's been very concerned about environmental issues all across the Nation as well as in New York. I thank him for his leadership. We have no objection to this amendment and thank the gentleman for offering it.

Mr. MCHUGH. I thank the gentleman.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. MCHUGH).

The amendment was agreed to.

Mr. KING of Iowa. Mr. Chairman, I move to strike the last word for the purpose of a colloquy.

I raise the issue today of Storm Lake, Iowa. It happens to be one of the southerly most glacial lakes in the country, and it's the shallowest one that we have. It has been under a process of removal of that silt for water quality and for environmental reasons. We've done a great job of protecting the siltation in the entire watershed area. There's always ongoing work there, and it's never perfect. But this is a project that has been engaged in with local money, and that means private money, city money, county money, State money and Federal. It's a five-way partnership that has been working here, and we have 700,000 yards of silt to go.

I direct my inquiry to Chairman DICKS. I requested funds to address this challenge through the EPA's EPM account. It is my understanding, Mr. Chairman, that these projects have not been earmarked at this time for that particular account.

Would that be a correct assumption?

Mr. DICKS. If the gentleman will yield, yes, that is correct. There are presently no Member projects within the EPA EPM account within this bill.

Mr. KING of Iowa. I thank the gentleman. Is it the chairman's expectation that these types of projects will be added in conference with the Senate?

Mr. DICKS. While I can't predict the future of negotiations with the other body, I would be willing to take a closer look at the gentleman's specific concern at that time.

Mr. KING of Iowa. I thank the gentleman for his attention to this matter and Ranking Member TIAHRT as well and look forward to those discussions as we move forward to conference.

Mr. DICKS. If the gentleman will yield, one approach might be for the gentleman to go to the EPA with the money that they get that is unearmarked and make a presentation there about the importance of this program. I'm not certain he's going to do that, but that's a suggestion we have from our staff.

Mr. KING of Iowa. Reclaiming my time, I very much appreciate the chairman's recommendation and will happily follow through on that recommendation. I thank your staff as well.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PRICE of Georgia:

Page 55, line 22, insert ''(reduced by $3,884,000) (increased by $3,884,000)'' after the second dollar amount.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the opportunity to offer this amendment.

This amendment would reduce the EPA operations and administrations budget by $3.884 million and increase the EPA's science and technology homeland security water security initiative by that same amount. This area of the EPA program was decreased by $3.884 million below the President's request and $9 million below 2007 appropriations levels.

The operations and administrative appropriations has been increased by $40.8 million from the 2007 level, although that's the administration's request and I commend the committee for meeting that request.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Georgia. I yield to the gentleman from Washington.

Mr. DICKS. We are prepared to accept the gentleman's amendment.

Mr. PRICE of Georgia. Reclaiming my time, I appreciate the chairman recognizing the importance of this initiative. I thank him very much.

I am happy to yield to my friend.

Mr. TIAHRT. I want to thank the gentleman from Georgia. I think it's a very important issue that we test our Nation's water and make sure that we do have a secure water system. This is very timely. We're a little behind schedule now, so I think it's a very appropriate amendment. We have no problems with it, either.

Mr. PRICE of Georgia. I thank the gentleman. I appreciate the individual's understanding and recognizing the importance of this initiative.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMISSION ON CLIMATE CHANGE ADAPTATION AND MITIGATION

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary for support of the activities of the Commission on Climate Change Adaptation and Mitigation established by this Act, $50,000,000, to remain available until the termination of the Commission on September 30, 2009: *Provided*, That $5,000,000 shall be available to the Administrator of the Environmental Protection Agency for the direct support of the Commission in reviewing science challenges related to adaptation and mitigation strategies necessitated by climate change, and for identification of specific action steps to address these challenges: *Provided further*, That funding allocated for direct support of Commission activities shall include the salaries and expenses of Commission staff, travel and related costs of Commission members and for the contractual costs of the National Academy of Sciences: *Provided further*, That, not later than July 1, 2008, the remaining

$45,000,000 shall be transferred by the Administrator to agencies or offices of the Federal Government with climate science responsibilities for implementation of Commission recommendations.

AMENDMENT EN BLOC OFFERED BY MR. GINGREY

Mr. GINGREY. Mr. Chairman, I have an amendment at the desk.

The Clerk read as follows:

Amendment offered by Mr. GINGREY:
Strike page 56, lines 1 through 23.

Mr. GINGREY. Mr. Chairman, I have two amendments that occur sequentially in the bill, and I would ask unanimous consent that my amendments be considered en bloc.

The Acting CHAIRMAN. Is there objection to considering the amendments as one?

There was no objection.

The Acting CHAIRMAN. The Clerk will report the other amendment.

The Clerk read as follows:

Amendment offered by Mr. GINGREY:
Strike page 56, line 24, through page 57, line 11.

Mr. GINGREY. Mr. Chairman, my amendment strikes the Commission on Climate Change Adaptation and Mitigation from this appropriation bill. I offer this amendment not because I think an interagency climate change science program necessarily is a bad idea, but because it is clearly authorizing on an appropriation bill, and I object to this procedure.

House rule XXI (2) prohibits changing existing law in an appropriations bill. Contrary to this rule, the language included in the EPA section of H.R. 2643 changes existing law by establishing this new Commission on Climate Change Adaptation and Mitigation which is tasked with ''reviewing science challenges related to adaptation and mitigation strategies necessitated by climate change.''

□ 1600

An interagency climate change science program that reviews these questions already exists under the Global Change Research Act of 1990. The Office of the Parliamentarian confirms that this provision does violate rule XXI.

Also, Chairman GORDON and Ranking Member HALL of the Science and Technology Committee sent a letter to the Rules Committee outlining these concerns requesting that the Rules Committee not waive points of order against this provision. Yet last night the Rules Committee reported out a rule that waives all points of order against provisions in the bill for failure to comply with clause 2 of rule XXI.

Again, I reiterate, I am not opposed to authorizing a strong interagency climate change science program. In fact, on Wednesday, Science and Technology Committee will take up a bill, H.R. 906, that does just that. I plan to vote for it.

H.R. 906 reorients the U.S. Global Change Research Program to produce more policy relevant information about, among other things, adaptation and mitigation. It also emphasizes the need to develop information to help communities make themselves more resilient to climate and other environmental changes. This is nearly identical to the task given to the Commission on Climate Change in this bill, H.R. 2643.

Mr. DICKS. Will the gentleman yield?

Mr. GINGREY. I will be glad to.

Mr. DICKS. I appreciate the gentleman's very constructive approach to this matter. I just wanted to make sure the gentleman knew that the distinguished chairman of the Science and Technology Committee, Mr. GORDON, and I had a colloquy at the start of the day in which I committed myself to work with him to align our approach with the work of the Science and Technology Committee when that legislation is enacted.

I would hope that the gentleman might consider that in making his decision whether to go forward with this amendment, because I do believe we have a commitment to get this important work done.

As the gentleman has mentioned, and I will give the gentleman additional time, if necessary, as the gentleman has mentioned, adaptation and mitigation of the effects of climate change are terribly important to the United States, to our wildlife, to our habitat. In fact, this is an issue that is worldwide in reach and scope.

I would hope that the gentleman might reconsider his amendment to strike and allow us to go forward with a commitment that I have made to the chairman, and I make to you, that we will work this out in a way that is consistent with the authorizing legislation. That's why the chairman was willing to go along with me at this point.

Mr. GINGREY. Reclaiming my time.

The Acting CHAIRMAN. The gentleman's time has expired.

(By unanimous consent, Mr. GINGREY was allowed to proceed for 2 additional minutes.)

Mr. GINGREY. Mr. Chairman, I thank the subcommittee Chair. Mr. DICKS and Mr. GORDON are honorable Members, and I am aware of the colloquy that they have had in regard to this matter.

But to me the point is, and I want to go forward with this amendment, because it's not just this authorizing committee that I am concerned with, the Science Committee that I sit in on or the Armed Services Committee, it's all the authorizing committees.

This rule, I think, is very, very important. For the Rules Committee to just waive this, I know that the other side, us, in the 109th, probably did the same thing on occasion.

But at some point we need to draw the line on this, and how do we know that this bill, H.R. 906, that we are going to consider tomorrow, will ever get through the other body, and then we have this bill that's basically an appropriations bill and legislating on that.

I think we ought to, as we go back into our district and talk to middle school students, and explain how this Congress works and what's the purpose of authorizing committees and appropriations committees, so they can understand that. This is just a situation where I feel very strongly about standing for the process, not necessarily what's been worked out between Mr. DICKS and Mr. GORDON.

I respect both of them, I trust them. I know they will try to work this out. But the more we do this, the more confusing it gets.

With all due respect to the chairman, I will not withdraw my amendment, but have a vote on it.

Mr. DICKS. Mr. Chairman, I rise in opposition to this amendment.

I believe the report language beginning on page 100 very adequately describes and justifies the new Commission on Climate Change, adaptation and mitigation. As I noted in my opening remarks, we have tried in this bill to move the climate change debate beyond talking about whether global warming exists and, instead, focus on what we must do to deal with this as a reality. The recent reports of the international panel on climate change make clear that warming will persist for many years irrespective of any regulatory actions or technology breakthroughs which may occur in the near future.

Testimony before our subcommittee in April describes significant impacts already occurring. These impacts included increased wildfires, changing precipitation and water availability patterns, increasing presence of invasive species, changing migratory patterns for many animals and birds, and significant loss of habitat for many species. The 2-year Commission established in this bill is intended to help identify and jump start the science which can help our country and the world adapt to these changes.

The Commission brings together a panel of 15 of this country's science leaders, and is headed by the president of the National Academy of Sciences, Dr. Ralph Cicerone. Dr. Cicerone, who I have met with personally on this proposal, is one of the world's leaders in climate change studies.

While the use of advisory panels is common in guiding federally-funded science, this panel is different in two ways. First, it cuts broadly across all areas of Federal science in looking at the climate problem. I make no apology for that. This is a national and worldwide problem, and I think we need to think beyond the traditional agency or subcommittee's stovepipe approaches.

Second, the Commission has $45 million to begin implementation of its recommendations. Giving the commission implementation funds will make it both more credible and more effective.

This is not a large amount of money, but we believe it could get a few of the

most critical science initiatives going without having to wait for the 2009 funding cycle.

Chairman OBEY has asked our subcommittee to be aggressive and imaginative in approaching the climate change challenge this year. We think that the funding, provided in this bill for the climate change adaptation and mitigation science, responds to that need, and I urge the funds be preserved.

The committee is aware, however, that a number of other committees are working on legislation in this area. Chairman OBERSTAR, from the Transportation and Infrastructure Committee, has written us in support of our Commission, which he believes can be supportive of efforts in his committee.

We are also working closely with the Natural Resources Committee, and we understand how Science, as I mentioned earlier, will mark something up in July. I want to assure the Members that when we get to conference on this bill, presumably in September, I am going to try for July. We will give full consideration to any new legislation which may be adopted as we finalize fiscal year 2008 spending for climate research in our committee.

I think it would be a real tragedy for this House, on the first major amendment this year on climate change, to have a negative vote, to show that we still don't get it, that we still don't realize that the planet is at risk here.

So I urge the committee to stay with us. This was approved in the Appropriations Committee, and I think it's a very good Commission, and I think this thing will work and will help us adapt to the problems that we are going to face because of this. We have these problems on all of our Federal lands. We had a hearing on that.

I think this is an important amendment. I urge everyone to defeat the gentleman's amendment.

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

Mr. Chairman, I want to stand up in support of my colleague from Georgia's amendment.

I spent 12 years in the Georgia House in the minority. What I tried to do for that 12 years is change the process, because the process was broken. When the process is broken, the product is flawed.

When I came to Congress, I came as a freshman in the majority, and found that the process was still broken. So I found myself going from being in the minority trying to change the process, to being in the majority trying to change the process that the majority was using.

Now I find myself back in the minority still trying to change the process, because the process in Washington is broken.

I think Mr. GINGREY's amendment highlights that, in that we adopted rules in this House on first day, but we keep waiving those rules when those rules don't fit what we want to do. Now this is not to say anything about a Commission on Climate Change. But when you let public opinion, and you let political winds determine public policy, then the taxpayers of this country pay for it.

That's exactly what the majority party is doing. In fact, Mr. Chairman, we used to have a majority party and a minority party. I think, now, some people in this body think they are a monarchy, that they control everything, that the process should just be overlooked.

The gentleman's amendment talks about this process and who has authorization and who has oversight. If you will remember when we first opened up and we had the first 100 hours or 100 days or 100 amendments or 6 for '06 or whatever it was, we didn't go through any regular process, no regular order. So we have seen this body go from what the minority, now the majority, used to complain about us.

You know, my momma used to say to me, Lynn, if your buddy jumped off the cliff, would you jump after him? Well, I am going to ask, I am going to ask the side over there, if we jumped off a cliff or no matter what we had done, are you saying, well, you all did it. That sounds like a bunch of kids playing in a sandbox.

We need to stop the things that are wrong with the process today, no matter who used to do them. No matter what's been done in the past, let's look at today. Let's see if we can't make a difference.

That's what I ask, that we go through the normal process. I think the gentleman from Georgia's amendment gets us back to that place. It puts the Rules Committee, hopefully, back in a light to where they understand that we are not going to stand for the continual waiving of the rules that this House adopted.

I yield to the gentleman from Georgia.

Mr. GINGREY. I thank the gentleman for his remarks, and I thank him for yielding some time to me to conclude.

Mr. Chairman, I think the gentleman said it just as well as it can possibly be said. Again, I want the gentleman from Washington (Mr. DICKS) to know that it's not in opposition at all to the creation and the format of the committee. I think it's a grand design, a good idea. We all need to work toward climate change problems and solutions. I am just saying that this issue, and Mr. WESTMORELAND pointed out very well, that it's a process issue that we are opposed to, and I thank the gentleman for giving me the opportunity.

In conclusion, I want to urge my colleagues to allow the suitable authorizing committee, the Science and Technology Committee, to complete its consideration of the best way to improve our inter-agency climate science programs by supporting this amendment.

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

Mr. Chairman, I oppose this amendment, and I hope that this amendment, obviously, will not pass.

In our subcommittee earlier this year, in testimony on the hearings that were held in relation to the park service and the Fish and Wildlife Service and the Forest Service and EPA, people spoke of the challenges to their stewardship, of our lands, basically our public lands, that were caused by climate change.

Then toward the end of our hearing's process, we held a hearing specifically on the issue of climate change and had witnesses who were experts in that field to speak to the issues there, and they testified describing, for instance, how permanent ice coverage in the Arctic has shrunk dramatically at an ever-increasing rate.

It's at an ever-increasing rate because, first of all, because ice coverage reflects sun's heat back to the atmosphere, back to space, whereas water and land absorbed that heat, so that heats, that raises the temperature.

Because methane is released from permafrost, as you take the ice cover off, and the land heats up, ends up expanding the greenhouse gas blanket that is the very cause of global warming. So they are telling us by the year 2050, we will have no ice over a substantial piece of the north polar region that is then contributing to ever more greater global warming.

□ 1615

They tell us that the Everglades National Park is at risk from rising sea levels and more intense hurricanes. They tell us that the changing climate has allowed invasive species to move into new ecosystems where they have no predators and they can expand explosively, which they're doing, for example, the northern pine beetle in huge portions of the northern forests in the northern U.S. and in Canada over much of the central part of the continent, and increasing severity of droughts that will make our lands more vulnerable to forest fires and such. In any case, regardless of one's opinion on the need to regulate greenhouse gas emissions, it is irresponsible to ignore the impacts that we are witnessing.

For the record, this commission that the amendment would eliminate does not create any new regulations with regard to carbon dioxide emissions or any other greenhouse gas emission. What the commission does would be to review and assess the scientific challenges to the available adaptation and mitigation strategies necessitated by the climate change and simply provide recommendations to the various Federal agencies on how to proceed.

It seems to me that with the importance of this issue of global warming and the climate change that comes with that global warming, that it would be irresponsible for us not to look at those things that are particularly within the jurisdiction of our subcommittee and to seek the ways that

we might adapt and mitigate those climate changes.

And so I hope that we will not be tempted here to take a shortcut that will cost us deeply in the future, and I hope this amendment will not be adopted.

Mr. HALL of Texas. Mr. Chairman, I move to strike the last word.

I speak as the ranking member of the Science and Technology Committee, and I support Dr. GINGREY of Georgia. And the problem is the process.

Actually, this committee oversees on some of the most exciting parts of the Federal Government. We hear from astronauts at NASA about new discoveries in space. We work with scientists at the National Institute of Standards and Technology to ensure that the best technology informs decisions, such as new materials, even for bulletproof vests, standards for the nanotechnology industry.

At the Department of Energy, we support research and the technologies to make America energy independent. And I guess through the National Science Foundation, the National Oceanic and Atmospheric Administration, Environmental Protection Agency and other agencies, we oversee the $2 billion interagency climate change science program. In fact, on Wednesday, the Science and Technology Committee will consider a bill, H.R. 906, to reauthorize this very important research program.

This is exactly why I was a little disturbed when I read H.R. 2643 and saw the provision establishing a commission on climate change, which is supposed to review the science challenges associated with adapting to climate change. That mission is the same as already existing interagency climate change science program. Also, establishing an interagency commission clearly violates clause 2 of rule XXI which prohibits changing existing law in an appropriations bill. The current interagency climate change science program was established by a Science Committee bill in 1990, the Global Change Research Act.

Actually, climate change science falls clearly within the jurisdiction of the Science and Technology Committee, and this provision of H.R. 2643 clearly violates clause 2 of rule XXI. For these reasons, I urge all my colleagues to support the rules of the House and the jurisdiction of the committee and vote ''yes'' for the Gingrey amendment.

The Acting CHAIRMAN. The question is on the amendment en bloc offered by the gentleman from Georgia (Mr. GINGREY).

The amendment was rejected.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Commission established and financed with this appropriation shall consist of the Administrator of the Environmental Protection Agency, the Director of the National Science Foundation, the Administrator of the National Aeronautics and Space Administration, the Director of the United States Geological Survey, the Undersecretary for Science of the Department of Energy, the Administrator of the National Oceanographic and Atmospheric Administration, the Chief of the United States Forest Service, the President of the National Academy of Sciences, who shall serve as the Commission's Chairman, the President of the National Academy of Engineering, and six additional members with appropriate expertise, to be selected by the Chairman.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project; and not to exceed $9,000 for official reception and representation expenses, $2,375,582,000, to remain available until September 30, 2009, including administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002.

AMENDMENT NO. 21 OFFERED BY MR. JINDAL

Mr. JINDAL. 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. 21 offered by Mr. JINDAL:

Page 58, line 3, insert ''(reduced by $2,500,000) (increased by $2,500,000)'' after the dollar amount.

Mr. JINDAL. Mr. Chairman, every summer an environmental phenomenon occurs off the coast of Louisiana, at times covering over 7,000 square miles off the Gulf of Mexico. This dead zone, or hypoxic zone, in the Gulf of Mexico is an expanse of oxygen-depleted waters that cannot sustain most marine life. This hypoxic zone is caused by excessive amounts of nitrogen pollution delivered to the gulf by the Mississippi River.

The dead zone has become a serious threat to commercial fishing, shrimping and recreational industries. The gulf produces approximately 40 percent of the United States commercial fish yield. The livelihoods of many thousands of people and their communities are at risk, as is the large marine ecosystem on which they depend.

My amendment provides resources to combat the development of hypoxia by directing $2.5 million in additional funding for the Environmental Protection Agency's Gulf of Mexico program. These funds will go to the five Gulf of Mexico coastal States, Texas, Louisiana, Mississippi, Alabama and Florida, local governments, colleges, interstate agencies, individuals and nonprofit agencies. They are used to develop the techniques and science needed to restore and protect the Gulf of Mexico ecosystem and included projects to develop solutions to the dead zone in the gulf, improve water quality, and restore coastal areas.

The Gulf of Mexico program, with a recommended budget of $4.5 million, has again been provided with much less funding than the other great water body programs, for example, the Chesapeake Bay at $30 million, the Great Lakes at $25 million, the Puget Sound at $15 million and the Long Island Sound at $10 million.

With the growth of the dead zone and the dramatic loss of coastal wetlands, my amendment will help to make up for this disparity at a time when funding to develop solutions is needed more than ever.

I urge my colleagues to support my amendment. We must develop the techniques to restore and protect the areas of our gulf coast.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. JINDAL. I yield to the gentleman from Washington.

Mr. DICKS. I want to tell the gentleman I appreciate his hard work on this issue, and we're prepared to accept his amendment. And having had dead zones off the coast of Washington State, in Puget Sound and in Hood Canal, I can tell you this is a very serious problem, and I'm very pleased the gentleman is working so hard to deal with it and bring it to our attention.

Mr. JINDAL. I thank the chairman for accepting the amendment and thank him for his support.

Mr. JINDAL. Mr. Chairman. I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment that shifts funding within the EPA environmental program and management account.

Although the rules of the House prevent me from specifying in the amendment where the funding will go, it is my intention to increase by $2.5 million the funding for grants as part of the Environmental Protection Agency's Gulf of Mexico Program. Grants awarded under this program go to the five Gulf of Mexico coastal states (Texas, Louisiana, Mississippi, Alabama, and Florida), local governments, colleges, interstate agencies, individuals, and nonprofit agencies. They are used to develop the techniques and science needed to restore and protect the Gulf of Mexico ecosystem. They have been used for projects working to develop solutions to the dead zone in the Gulf, improve water quality, restore coastal areas, and educate others about findings to allow better informed decision-making.

The Gulf of Mexico Program, with a recommended budget of less than $4.5 million, has again been provided with much less funding than the other similar great water body programs. For example, the Committee has provided $30 million to the Chesapeake Bay program, $25 million to the Great Lakes program, and $15 million to the Puget Sound program. My amendment will help to make up for this disparity, at a time when grants to develop solutions in the Gulf are needed more than ever.

For example, it is imperative that solutions are found to the Dead Zone problem in the Gulf that are consistent with the economic well-being of the region and our inland states. The dead zone is an area off the Louisiana and Texas coasts in which water contains low amounts of oxygen. It is caused by excessive algal growth. The low oxygen causes fish and shrimp to leave the area, and it kills the marine life that cannot get away. Last year, the dead zone measured over 6,600 square miles, which is about the size of Connecticut and Rhode Island combined.

Another important area where solutions are needed is with restoring our coastal wetlands. Since the 1930s, coastal Louisiana has lost over 1.2 million acres, an area nearly the size of the state of Delaware. This area is critical to fish and wildlife, including endangered species, and to the people of Louisiana.

I urge my colleagues to support my amendment. The Gulf of Mexico produces approximately 40 percent of the U.S. commercial fish yield, and it provides critical habitats for 75 percent of migratory waterfowl traversing the United States.

We must develop the techniques to restore and protect the areas off our Gulf Coast. Increasing the allocations for grants will help to do that.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. JINDAL).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. CONAWAY

Mr. CONAWAY. 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 Mr. CONAWAY:

Page 58, line 3, after the dollar amount, insert the following: ''(reduced by $2)'' .

Page 58, line 3, after the dollar amount insert the following: ''(increased by $1)''.

Page 60, line 24, after the dollar amount, insert the following: ''(increased by $1)''.

Page 61, line 13, after the dollar amount, insert the following: ''(increased by $1)''.

Mr. CONAWAY. Mr. Chairman, I will be willing to withdraw the amendment, but would first ask unanimous consent to enter into a colloquy with Mr. DICKS on the subject.

Mr. Chairman, I am sure you agree that all people deserve access to affordable drinking water and families in rural communities should not be required to spend thousands of additional dollars each year to comply with unfunded mandates from the EPA.

Mr. DICKS. I certainly agree with the gentleman that rural communities are unfairly burdened by the high costs associated with Federal clean water regulations and that families in such communities are shouldering alarmingly high rates of increase.

Mr. CONAWAY. Mr. Chairman, currently, small community water systems across America are being forced to increase rates to meet clean water regulations, and some of my constituents pay almost 800 percent more for their water than their urban counterparts. While the rules may be well-intentioned and promote public health, we must do a better job of addressing the restraint of small systems and their communities to raise the capital and afford water treatment technology. If we don't, rural, middle-income families will be forced to leave community water systems in favor of water sources they can afford, namely, unregulated shallow groundwater wells and dirt tanks, and that will not advance the cause of clean, safe water for everyone.

I have proposed to take a symbolic $2 from the Office of Ground and Drinking Water, the office which oversees these water regulations, and direct the symbolic funds to two offices which may assist rural water systems comply with these unfunded mandates.

First, the EPA is currently working on revising the Small Drinking Water System Variance Affordability Methodology, which, once completed, will redefine the EPA's definition of ''affordable'' to more accurately reflect the world in which rural America lives. My amendment would return $1 to the Office of Ground and Drinking Water to facilitate and urge the completion of this urgent report. Once completed, this report should help communities utilize the existing routes to afford more cost-effective technology.

Second, I would have chosen to redirect $1 to the Drinking Water State Revolving Fund, which was established in the Safe Drinking Water Act Amendments of 1996 to highlight the shortfall in funds faced by small community water systems. Although loans are not an ideal way to support unfunded mandates on small water systems, I have been unable to find any other relevant program to build these funds.

I would like to encourage the creation of a significant grant program for Small Community Water Systems using existing funds. I would like this fund to be modeled on the USDA Rural Utility Services and the Clean Water Hardship Grants program. There is an urgent need for some funding, as the Rural Utilities Service currently has a backlog of $3.3 billion worth of program applications, and the EPA estimates that over the next 20 years small water systems will need $34 billion to continue to meet EPA mandates.

To begin the discussion and move us in the direction of clean, safe and affordable rural drinking water, I have recently introduced H.R. 2141, the Small Community Options for Regulatory Equity Act. This bill would further assist rural communities in complying with the cost of clean water regulations by allowing not-for-profit water systems serving less than 10,000 people to request exemptions from the national drinking water standards that are too costly for them to implement. This would return decision-making power to our local communities who are best suited to understand their needs and resources and ensure that rural communities could provide clean enough water without forcing their citizens to completely unregulated water sources.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. CONAWAY. I yield to the gentleman from Washington.

Mr. DICKS. I commend the gentleman for his efforts on the part of his constituents and for all the rural water users who are facing similar problems. I commit to work with the gentleman to see what can be done to address the problems as this legislation moves forward to conference with the Senate.

I might point out that we did put $16 million in the bill for the rural water. There's going to be a competition. This had been an earmark in the past, but it got thrown out in 2007.

□ 1630

I have been calling over there to Mr. Grumbles at the EPA to try to get this thing moving as fast as possible so that the money gets out to the rural communities. And I commend the gentleman. This is a major problem. I have a lot of rural areas in my district, and every single one of them is having a terrible time getting the money to do the clean water issues.

Now, remember this too: When Christine Todd Whitman did her study, she came up with a backlog of $388 billion. So we are going to need a new authorization program. And I commend the gentleman for having one that focuses on the rural areas. And we have got to at least do that as a priority.

So I commend the gentleman and we will continue to work with him.

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

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

Mr. CONAWAY. Mr. Chairman, I yield the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Chairman, I thank my colleague from Texas for his work on this issue.

The need for rural water assistance needs continues to increase with the expansion of Federal water regulations. And because of limited local resources, small communities in my district face severe hardships as they comply with the Safe Drinking Water Act and the Clean Water Act.

We need to find ways to work to protect the public health without placing overbearing costs on small communities, and I look forward to the EPA's updates to the Small Drinking Water System Variance Affordability Methodology.

Mr. CONAWAY. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as

amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $43,500,000, to remain available until September 30, 2009.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $34,801,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project; $1,272,008,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2007, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,272,008,000, as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: *Provided,* That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further,* That of the funds appropriated under this heading, $10,000,000 shall be paid to the ''Office of Inspector General'' appropriation to remain available until September 30, 2009, and $26,126,000 shall be paid to the ''Science and Technology'' appropriation, to remain available until September 30, 2009.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, and for construction, alteration, repair, rehabilitation, and renovation of Environmental Protection Agency facilities, not to exceed $85,000 per project, $117,961,000 to remain available until expended, of which $82,461,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; $35,500,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: *Provided,* That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally-recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $17,280,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,391,514,000, to remain available until expended, of which $1,125,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the ''Act''); of which up to $75,000,000 shall be available for loans, including interest free loans as authorized by 33 U.S.C. 1383(d)(1)(A), to municipal, intermunicipal, interstate, or State agencies or nonprofit entities for projects that provide treatment for or that minimize sewage or stormwater discharges using one or more approaches which include, but are not limited to, decentralized or distributed stormwater controls, decentralized wastewater treatment, low-impact development practices, conservation easements, stream buffers, or wetlands restoration; $842,167,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended; $10,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $10,500,000 shall be for grants to the State of Alaska to address drinking water and waste infrastructure needs of rural and Alaska Native Villages: *Provided,* That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) not later than October 1, 2005, the State of Alaska shall make awards consistent with the State-wide priority list established in 2004 for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; $140,000,000 shall be for making special project grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; $100,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; $50,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005, as amended; and $1,113,847,000 shall be for grants, including associated program support costs, to States, federally-recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $49,495,000 shall be for carrying out section 128 of CERCLA, as amended, $10,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, $18,500,000 of the funds available for grants under section 106 of the Act shall be for water quality monitoring activities, $25,000,000 shall be for making competitive targeted watershed grants, and, in addition to funds appropriated under the heading ''Leaking Underground Storage Tank Trust Fund Program'' to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, $2,500,000 shall be for financial assistance to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: *Provided further,* That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2008 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further,* That for fiscal year 2008, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to federally-recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: *Provided further,* That for fiscal year 2008, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of that Act: *Provided further,* That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING RESCISSIONS OF FUNDS)

For fiscal year 2008, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (as added by subsection (f)(2) of the Pesticide Registration Improvement Act of 2003), as amended.

None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

From unobligated balances to carry out projects and activities authorized under section 206(a) of the Federal Water Pollution Control Act, $5,000,000 are hereby rescinded.

None of the funds made available by this Act may be used in contravention of, or to delay the implementation of, Executive Order No. 12898 of February 11, 1994 (59 Fed. Reg. 7629; relating to Federal actions to address environmental justice in minority populations and low-income populations).

Of the funds provided in the Environmental Programs and Management account, not less than $2,000,000 shall be available to take such actions as are necessary for the proposal of regulations requiring the reduction of greenhouse gas emissions and to publish such proposed regulations.

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

Mr. Chairman, there are some people on their way down here that wanted to talk about a very important issue related to the Department of Agriculture related to Payment in Lieu of Taxes, which is an issue that has been very important to many members of the committee, especially the Western Caucus. And in that problem we have seen several charts that have been brought forward. One of them showed all of the Federal lands that are in the Western States and because of those Federal lands, they are unable to assess taxes for their local communities and including their schools.

So at this point in time, it seems like it is a very pertinent time for us to deal with the PILT issue. And I know, Mr. Chairman, when we heard testimony about Payment in Lieu of Taxes, it was a great hardship on the local communities, especially the schools.

We should give our Members an opportunity to talk about their particular communities and the needs that they have. I think it is important for us to think about how we are going to make an equitable situation for these Western States where they have problems in those areas.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I thought the gentleman has been urging me to try to figure out ways to reduce the size of this bill. We have already increased PILT by $43 million. I mean, when does this end?

Mr. TIAHRT. Reclaiming my time, Mr. Chairman, I believe that the concept is to not increase the amount of the bill but to rebalance it so that it is a more balanced bill that would take into consideration some of the needs of the people in the Western States, which I think is a fair debate for us to have on the floor. Some of these local communities have had very difficult times.

But in order to move the bill along, I will yield back the balance of my time so that we can get on with the other issues.

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

I just want to say that I am certainly not in favor of, Mr. Chairman, increasing this bill any more. In fact, I think we really need to look at where it is at. At $27.6 billion in discretionary funding, that is $1.9 billion or 7.5 percent more than the President requested, and it is $1.2 billion over fiscal year 2007. So it is about, I guess, $700 million more than the President requested.

We have been on this floor, Mr. Chairman, and have heard the majority brag about how they were spending less than the President requested and that they had actually cut it and it wasn't as much as the President had requested.

Well, here is one that is more than the President requested. And it is adding money for the Climate Change Commission, the sense of Congress. We are looking at maybe not becoming dependent on our own oil supply and requiring and leaning more on the foreign oil supply.

So I hope that we would not look at this as, I guess, doing something that needs to be done. It is a process of spending more money.

If you look at the 302(b) allocations for fiscal year 2008, Mr. Chairman, $83 billion. And most Americans, including myself, don't really understand what $1 billion is. There are very few people in this country that are even worth $1 billion. This spends $83 billion more than the 2007 enacted budget levels.

I have heard the majority say, well, we have got this increase because these programs were starved to death during the last 6 years. They were just starved to death. Well, the reality is domestic discretionary spending has increased 40 percent since 2001.

Let me say this, and I spoke about it before in my last conversation, the process is broken and the product is flawed. Let's recognize that and don't pass another flawed product because the process is not breaking itself; we are breaking the process because we are the ones that the people elect to put in charge of the process to make it run correctly.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $295,937,000, to remain available until expended: *Provided*, That of the funds provided, $62,329,000 is for the forest inventory and analysis program.

AMENDMENT OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BISHOP of Utah:

On page 67, line 8, insert after the dollar amount ''(increased by $13,000,000)''.

On page 96, line 14 insert after the dollar amount ''(decreased by $31,588,000)''.

Mr. DICKS. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The point of order is reserved.

Mr. BISHOP of Utah. Mr. Chairman, to paraphrase the misquote of one of my heroes, Yogi Berra, this is ''deja vu all over again,'' this actually was the substance of an amendment that was offered earlier this morning. It was repealed because the numbers did not actually meet the necessities of some of our requirement. This now comes back to you with new numbers in there that I think will meet the necessity of the requirements for our accounting system that happens to be there.

We did, obviously this morning, talk about the extreme necessity of dealing with border security with our public land system. We talked a lot about immigration, but we don't also indicate how this plays a part with our public lands.

We talked about the 1,900 acres that was burned. We suspect it was coming from a campfire by illegals. The gentleman from Iowa has used some of my pictures to show the amount of trash that was left behind in this critical habitat area, once again by illegal immigrants. We have talked about areas in which it is unsafe. One-third of the national monument has been closed down because it is unsafe to go in there by the Park Service personnel without armed guards accompanying them.

In testimony given to the Appropriations Committee, I know last year and perhaps it was replicated again this year, there was a discussion about the national forest area along the 60 miles contiguous with the Mexican border known as the Coronado National Forest. Once again, it has 12 different mountain systems, 203 threatened and endangered and sensitive species, eight wilderness areas that are in this particular area, and they were literally begging for the resources sufficient to address the adverse impact due to illegal border traffic. That is what this amendment tries to do.

I appreciate earlier this morning the many comments, especially from the ranking member, of how significant this issue actually is. It is true we are moving money from a program, in this case, the National Endowment For the Arts, to border security. I would point out that we are not taking, as some amendments have and I am certainly not proposing that, all of the money from NEA to move into helping with border security. We are still leaving a $4 million increase above and beyond what was last year in the appropriated budget for the NEA. So we are trying to do that. Even though this program hasn't been reauthorized since 1992, we are still allowing that type of an increase.

But what our comment is basically saying is whenever we have these budgets, we have to make some kind of prioritization. And my contention is that the committee misprioritized when they put some money opposite others and that this has a higher and more significant need at this particular time.

Perhaps if we were starting over again, both these programs could be funded adequately. But at this stage of the game, there are only certain pots from which the money can be taken,

and I still think that this is the effective way of making sure there is still an increase, once again to a program that hasn't been reauthorized since 1992, and at the same time putting a significant amount of resources to our land managers who desperately need those resources to do their job in protecting our southern borders and protecting the land that we have set aside for its sensitive nature and its specific qualities. That has to be there.

With that, Mr. Chairman, that is the specific element of this particular amendment, to try to reprioritize to meet the needs of our southern border, which at this time, when we are talking about immigration, is such a significant issue.

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Mr. DICKS. Mr. Chairman, I withdraw my point of order, and I rise in opposition to the amendment.

The principal purpose of this amendment is to block the long overdue increase in funding for the National Endowment for the Arts provided in the bill.

The gentleman is correct that the bill reported by the committee provides $160 million for the NEA, an increase of $35 million over the 2007 enacted level. I am very proud of that increase, which I think is fully justified and broadly supported by Members of this body.

It is important for Members to realize, as they consider the committee's action, that the $160 million recommended only partially restores cuts made to this agency a decade ago. In fact, the amount in this bill is just $16 million below the level provided in 1993. After adjusting for inflation, the amount recommended is $100 million below the level in 1993 as displayed on the chart in front of the Members.

As we debate this amendment, Members should also note the National Endowment for the Arts has been transformed since the arts' funding debate of the 1990s. Two gifted chairmen have reinvigorated the NEA into an agency with broad support. Chairman Bill Ivy, appointed by Bill Clinton, negotiated, then implemented bipartisan reforms in NEA's grant structure to ensure that funds go to activities for which public funding is appropriate. Dana Gioia, the current chairman, then energized the agency with many new programs and a commitment to reach beyond the culture centers of our major cities.

Last year, every single congressional district received NEA support through innovative programs such as American Masterpieces, Operation Homecoming and the Big Read. Today, NEA is truly a national program with outreach efforts to every corner of America and every segment of our society.

Each of us has different reasons to support the arts. Some will describe their support in terms of the inherent joy of the arts as a personally enriching experience. Others support the arts as an engine of job development and economic growth. It is equally important to emphasize that here in the House we've had votes on this issue year after year after year. In fact, in the last 2 years, the votes on the Slaughter-Dicks amendment have been accepted on voice vote.

As far as I'm concerned, one of the things that I'm proudest of is the fact that we had a hearing this year and brought in artists from all across our country to testify about the arts and what it means not only in terms of educating our youth, but also what it means to the American people.

I'm always surprised that there are some on the other side of the aisle who always want to beat up on the National Endowment for the Arts. In fact, when Mr. REGULA was chairman of the committee, an outstanding chairman, he put into place some very significant reforms which I supported. And what we emphasized was quality, that we don't have enough money to fund every single project, that we must emphasize quality. And that's what Mr. Ivy has done; that's what Mr. Gioia has done. And I want you to know the endowment is thrilled about this increase. They think they can spend this money wisely and effectively.

I just urge the gentleman to reconsider his amendment. I wish he would withdraw it and recognize and join all of us who support the arts here in the United States. I'd like to see us have a bipartisan approval of this bill, and particularly this particular increase for the Endowment for the Arts. And we also increase funding for the National Endowment for the Humanities. The humanities are very important to our country as well.

So I urge that we oppose this amendment and keep moving along.

The Acting CHAIRMAN. Does any other Member wish to be heard regarding the amendment by the gentleman from Utah?

The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was rejected.

Mr. DICKS. Mr. Chairman, the gentlewoman from New York was on the floor asking for recognition.

Ms. SLAUGHTER. I move to strike the requisite words.

The Acting CHAIRMAN. The gentlewoman will suspend.

Mr. DICKS. I ask unanimous consent that the gentlelady be recognized.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Without objection, the voice vote is vacated.

There was no objection.

The Acting CHAIRMAN. The gentlewoman is recognized.

Mr. BISHOP of Utah. Mr. Chairman, I do have a request before you actually officially announce the voice vote. Does this UC prohibit me from making a request for a recorded vote?

The Acting CHAIRMAN. No. Another voice vote will be taken.

Mr. DICKS. Thank you. I appreciate the gentleman's courtesy.

Ms. SLAUGHTER. And so do I.

Mr. Chairman, I rise in strong opposition to the amendment that will strip $31.5 million for the National Endowment for the Arts.

Nearly 12 years ago, the Republicans slashed the 1988 budget nearly in half. In 1992, funding for the NEA reached an all-time high of $176 million. However, 4 years later, just 4 years later, they cut the funding to $99 million. Despite obstacles posed by a lack of adequate funding, the NEA persevered, and under the leadership of Chairman Gioia, instituted national programs to engage all Americans in the arts.

Recognizing its accomplishments, Congress began to support it once more and has approved funding increases by voice vote for the last 2 years. That support could not be more deserved, from Shakespeare in American communities to the NEA Jazz Masters, from American Masterpieces to the Big Read, the NEA has made art programs accessible to Americans in every congressional district.

Its programs enrich our culture by inspiring provocative community discussions and energizing the Nation's creative spirit. And every year, we hear more good news from the NEA.

Innovative programs are bringing arts to our schools, our community leaders and even our military bases, with Great American Voices, and are appreciated. This popular program has brought about 24 professional opera companies to 39 military bases across the country.

In 2004, the NEA initiated another program directed to military families called Operation Homecoming. It helped our troops and their families to write about their wartime experiences. The anthology of contributions was published by Random House in September 2006, and I encourage all of my colleagues to read it. The stories of patriotism and courage are truly inspiring.

What's more, the arts are improving our economy. This is terribly important. Americans for the Arts has just released a study on the economic impact of nonprofit art organizations. In 2002, the second Arts and Economic Impact Study told us that nonprofit arts organizations created $134 billion annually in economic activity. Just 5 years later, that number has gone up 24 percent to $166 billion. For the small investment we make, we bring back into the Federal Treasury $166 billion a year. That means that while they pump $63 billion into community economies, audiences are spending an additional $103 billion on local hotels, restaurants, parking, souvenirs, refreshments and other associated costs. And these numbers likely underestimate the total economic impact of the arts. New York City and Los Angeles were not even included so as to avoid skewing the national estimates.

So what do these figures mean for us? That $166 billion in economic activity

means $104.2 billion in resident economic income. It means $7.9 billion in local government tax revenues. It means $9.1 billion in State government tax revenues. It means $12.6 billion in Federal Government tax revenues, and 5.7 million full-time equivalent jobs.

To put that in perspective, over 1 percent of the American workforce is employed in an arts-related industry. That is a greater percentage than the number of Americans who are police officers, accountants, lawyers, firefighters, telemarketers, computer programmers, mail carriers or professional athletes. What community in America could afford to lose those jobs?

A generous estimate of the total Federal investment in the arts is $1.4 billion, yet we earn about $12.6 billion. That is a 12–1 return on the Federal investment. No place else, Mr. Chairman, do we see a return like that.

Simply put, in every way, investment in the arts is sound public policy. Cutting funding would ignore everything positive we know about it, and it is the wrong policy.

I want to thank Subcommittee Chairman DICKS and Ranking Member TIAHRT for funding the National Endowment of the Arts at a level that reflects its important role in fostering creativity and making art accessible to Americans.

Mr. Chairman, your leadership and enduring commitment to this issue has been instrumental in keeping arts part of our national priorities. Thank you, and I thank the staff.

Mr. SHAYS. I wonder if the gentlelady would yield?

Ms. SLAUGHTER. Of course I will yield.

Mr. SHAYS. Not to take another 5 minutes, the statistics that you present are what I would want to share. As cochair of the NEA, I want to say how proud I am to be able to vote for a budget that finally is beginning to pay attention to the arts.

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

Mr. DICKS. I ask unanimous consent that the gentlelady have 1 additional minute.

The Acting CHAIRMAN. The gentlewoman can have 1 additional minute or can conclude her time, and the gentleman from Connecticut can be recognized on his own time.

Ms. SLAUGHTER. Thank you very much for that. I won't take that much time.

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

Ms. SLAUGHTER. Already?

Mr. DICKS. Mr. Chairman, I just asked unanimous consent for the gentlelady to have 1 additional minute.

The Acting CHAIRMAN. And I stated that the gentlewoman could have 1 additional minute or could complete her time, and the gentleman from Connecticut should have his own time. I asked the gentlewoman from New York what is her preference.

Mr. DICKS. What's the difference? I'm the chairman of the committee. I can ask unanimous consent any time I want.

I ask unanimous consent for 1 additional minute for the gentlelady from New York.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Acting CHAIRMAN. The gentlewoman from New York is recognized.

Ms. SLAUGHTER. I thank everybody, but I certainly want to thank Mike Stevens and Pete Modaff for their work on the decade-long fight to restore funding for the NEA. I encourage my colleagues to support the progress we've made in restoring funding to the NEA.

Mr. DICKS. Will the gentlewoman yield?

Ms. SLAUGHTER. I will yield.

Mr. DICKS. I was somewhat mystified by the gentleman's amendment. He was talking about the border. As we understand it, the money for this amendment would go to Forest Service research, which is, as we understand it, $15.5 million over the old 2007 level, and $33 million over the President's level in our budget. We don't need any more money for the forest research. We've already very adequately and generously taken care of it.

I appreciate the gentlelady for yielding and for her great leadership over many years. I have always enjoyed being your partner on this important amendment, and now we're close to getting back to where we need to get.

Ms. SLAUGHTER. Thank you, Mr. DICKS. Thank you, Mr. SHAYS.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BISHOP of Utah. 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 Utah will be postponed.

Mr. DICKS. 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. BOYDA of Kansas) having assumed the chair, (Mr. DAVIS of Alabama) 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. 2643) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2643, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. DICKS. Madam Speaker, I ask unanimous consent that, during further consideration of H.R. 2643 in the Committee of the Whole pursuant to House Resolution 514, notwithstanding clause 11 of rule XVIII, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Ms. JACKSON-LEE of Texas regarding historic preservation;

An amendment by Mr. PEARCE striking language related to administrative cost sharing for certain activities performed by the Minerals Management Service;

An amendment by Mr. LAMBORN regarding funding for the National Endowment for the Arts;

An amendment by Mr. RAHALL to strike certain provisions relating to national wildfire refuge management of wild horses;

An amendment by Mr. KING of Iowa regarding funding for the U.S. Forest Service;

An amendment by Mr. NUNES regarding funding for the U.S. Forest Service;

An amendment by Mr. LOBIONDO regarding funding for the Agency for Toxic Substances and Disease Registry;

An amendment by Mr. ELLSWORTH regarding Smithsonian Institution salaries;

An amendment by Ms. GINNY BROWN-WAITE of Florida reducing funding for the National Endowment for the Arts;

An amendment by Mrs. MUSGRAVE reducing funds in the bill by 0.5 percent, which shall be debatable for 40 minutes;

An amendment by Mr. TOM DAVIS of Virginia striking language expressing the sense of Congress on global climate change;

An amendment by Mr. BARTON of Texas or Mr. SULLIVAN regarding global climate change;

An amendment by Ms. EDDIE BERNICE JOHNSON of Texas regarding Maximum Achievable Air Control Standards;

An amendment by Mr. ANDREWS or Mr. CHABOT regarding the Tongass National Forest;

An amendment by Mr. INSLEE or Mr. LOBIONDO regarding importation of polar bear parts;

An amendment by Mr. SALAZAR or Mr. UDALL of Colorado regarding oil and gas leasing on the Roan Plateau;

An amendment by Mr. UDALL of Colorado regarding oil shale leasing;

An amendment by Mr. UDALL of Colorado regarding RS 2477 road determinations;

An amendment by Mr. CONAWAY regarding use of reductions made

through amendment for deficit reduction;

An amendment by Mr. DEFAZIO or Mr. WALDEN of Oregon regarding Secure Rural Schools county payments;

An amendment by Mr. PEARCE prohibiting funds for the continued operation of the Mexican wolf program;

An amendment by Mr. PEARCE prohibiting funds for the expansion of the Mexican wolf program;

An amendment by Mr. DENT prohibiting funds for implementation or enforcement of certain provisions of the Indian Gaming Regulatory Act;

An amendment by Mr. KINGSTON prohibiting funds for contracts to entities that do not participate in a basic pilot program related to illegal immigration;

An amendment by Mr. UPTON regarding use of Energy Star certified light bulbs;

An amendment by Mr. GARRETT of New Jersey limiting the use of funds for international conferences;

An amendment by Mr. JORDAN of Ohio reducing funds in the bill by 4.3 percent, which shall be debatable for 40 minutes;

An amendment by Mr. PRICE of Georgia reducing funds in the bill by 1 percent, which shall be debatable for 40 minutes;

An amendment by Mr. GARY G. MILLER of California regarding funding for the San Gabriel watershed study;

An amendment by Mr. BISHOP of Utah limiting the use of funds for nonprofits which are a party to a lawsuit against certain Federal agencies;

An amendment by Mr. BISHOP of Utah limiting the use of funds for land condemnation actions;

An amendment by Mr. DOOLITTLE regarding funding for the Secure Rural Schools and Community Self-Determination Act;

An amendment by Mr. STUPAK regarding funding for the EPA Administrator's security detail;

An amendment by Mr. KING of Iowa prohibiting funds for certain EPA computer modeling activities;

An amendment by Mr. CANNON prohibiting funds for certain oil shale leasing activities in Utah and Wyoming;

An amendment by Mr. CANNON limiting the use of funds to implement restrictions on certain oil and gas leasing activities;

An amendment by Mr. HELLER of Nevada prohibiting funds in contravention of a court decision related to the Southern Utah Wilderness Alliance;

An amendment by Mr. HELLER of Nevada limiting the use of funds for certain Heritage Areas that do not contain private property provisions;

An amendment by Mr. FLAKE prohibiting funds for the Ohio Association of Professional Firefighters in Columbus, Ohio;

An amendment by Mr. FLAKE prohibiting funds for the W.A. Young and Sons Foundry in Greene County, Pennsylvania;

An amendment by Mr. FLAKE prohibiting funds for the Philadelphia Art Museum in Pennsylvania;

An amendment by Mr. FLAKE prohibiting funds for the Payne Gallery at Moravian College in Pennsylvania;

An amendment by Mr. FLAKE prohibiting funds for certain entities related to the Southwest Pennsylvania Industrial Heritage Route;

An amendment by Mr. HENSARLING limiting funds for the Clover Bend Historic site;

An amendment by Mr. HENSARLING limiting funds for the St. Joseph's College Theater;

An amendment by Mr. HENSARLING limiting funds for the Bremertown Public Library;

An amendment by Mr. HENSARLING limiting funds for the Maverick Concert Hall;

An amendment by Mr. CAMPBELL of California limiting funds for Wetzel County Courthouse;

An amendment by Mr. CAMPBELL of California limiting funds for equipment for anadromous fish research;

An amendment by Ms. JACKSON-LEE of Texas regarding urban forestry;

An amendment by Ms. JACKSON-LEE of Texas regarding Smithsonian Institution outreach;

An amendment by Mr. OBEY regarding earmarks;

An amendment or amendments by Mr. DICKS regarding funding levels; and

An amendment by Mr. FEENEY regarding competitive sourcing.

Each such amendment may be offered only by the Member named in this request or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Interior, Environment, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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

There was no objection.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 514 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. 2643.

□ 1706

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. 2643) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. DAVIS of Alabama (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment offered by the gentleman from Utah (Mr. BISHOP) had been postponed.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

The Clerk will read.

The Clerk read as follows:

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $280,602,000, to remain available until expended, as authorized by law; of which $8,000,000 is for the International Program; and of which $56,336,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,506,502,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601–6a(i)): *Provided,* That unobligated balances under this heading available at the start of fiscal year 2008 shall be displayed by budget line item in the fiscal year 2009 budget justification.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $480,197,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities, and infrastructure; and for construction, capital improvement, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205; and in addition $40,000,000 to be transferred from the timber roads purchaser election fund and merged with this account, to remain available until expended: *Provided,* That $65,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered or sensitive species or community water sources and for urgently needed road repairs required due to recent storm events: *Provided further,* That up to $65,000,000 of the funds

provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further,* That the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety, water quality, or natural resources: *Provided further,* That funds becoming available in fiscal year 2008 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $44,485,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,053,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended. (16 U.S.C. 4601–516–617a, 555a; Public Law 96–586; Public Law 76–589, 76–591; and 78–310.)

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $56,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,053,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,974,648,000, to remain available until expended: *Provided,* That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further,* That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further,* That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2007 shall be transferred to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.) if necessary to reimburse the fund for unpaid past advances: *Provided further,* That, notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further,* That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further,* That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further,* That of the funds provided, $310,258,000 is for hazardous fuels reduction activities, $18,000,000 is for rehabilitation and restoration, $23,500,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $46,221,000 is for State fire assistance, $10,000,000 is for volunteer fire assistance, $14,252,000 is for forest health activities on Federal lands and $10,014,000 is for forest health activities on State and private lands: *Provided further,* That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research'' accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, joint fire sciences, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further,* That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in the report accompanying this Act: *Provided further,* That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further,* That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to $10,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further,* That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: *Provided further,* That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $9,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further,* That of the funds provided for hazardous fuels reduction, not to exceed $7,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands: *Provided further,* That funds designated for wildfire suppression shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the House and Senate Committees on Appropriations and if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned and all wildfire suppression funds under the heading ''Wildland Fire Management'' are obligated.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture

Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–107 (7 U.S.C. 8316(b)).

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the report accompanying this Act.

Not more than $73,285,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than $24,021,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of not less than $5,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps or the Public Lands Corps (Public Law 109–154).

Of the funds available to the Forest Service, $4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $100,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: *Provided further*, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

□ 1715

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

Mr. Chairman, I yield to the distinguished gentlewoman from Kansas (Mrs. BOYDA).

Mrs. BOYDA of Kansas. Mr. Chairman, I would like to enter into a colloquy with my colleague from Kansas, Ranking Member TIAHRT, and Chairman DICKS.

Mr. Chairman, I would like to bring to light an issue of great importance to southeast Kansas, and I think we have a visual down here that we can point to in a minute.

Treece, Kansas, is a small town of about 150 people. It is part of the Tri-State mining district of southwest Missouri, southeast Kansas and northwest Oklahoma, producing lead, zinc and coal. Much of the lead and zinc that was used in ammunition and equipment to win World War II came from this area. However, this mining has led to incredible environmental problems, to include significant subsidence and health problems from chat piles, otherwise known as mining waste. The photograph that we have here on the easel, those are the chat piles we are talking about.

This problem has been under study for years. In 2004, Senator INHOFE from Oklahoma arranged for the Army Corps of Engineers to conduct a subsidence risk study for northern Oklahoma towns similar to Treece. The results of this study lead to a voluntary buyout program allowing Picher, Oklahoma, residents to move.

The Kansas Geological Survey did a stability study and hazard evaluation of southeast Kansas mining areas in 1983. The report indicated that Treece is ''located within the Picher field and is surrounded on all sides by abandoned mine workings and is extensively undermined.''

In a letter to me dated March 30 of this year from the EPA in D.C., they note that, ''The Treece sub-site is part of the former Picher mining field centered near the town of Picher, Oklahoma.'' In fact, Treece was originally platted as part of Picher, Oklahoma. It sits right on the Kansas-Oklahoma border and is separated from the town of Picher only by a political boundary. Treece receives its electricity and emergency services from Picher, Oklahoma.

The geology of Treece and mining techniques that were used are the same as in Picher. In fact, and this is the point I would like to make, Treece, Kansas, and Picher, Oklahoma, are in fact the same minefield.

Mr. Chairman, I would like to make two points: First, if we must, we will ask the Army Corps of Engineers to conduct a study similar to the one done in Picher. But we should not have to. The Treece community should be treated the same as Picher.

Second, while Treece is designated as part of the EPA Superfund site, EPA has yet to approve a request for funding that would remove the chat from Treece and other sites along the Kansas-Oklahoma border. This requested funding would allow removal of this dangerous material over a 10-year period.

Addressing both of these issues for the good people of Treece, Kansas, is long overdue, and we certainly appreciate this committee's attention.

Mr. TIAHRT. Mr. Chairman, if the gentleman from Washington will yield, I thank the gentlewoman from Kansas for bringing this to the attention of the House. This is a very important issue.

The community of Treece has been trying to bring this issue to resolution for years. In fact, it was over a decade ago when it first came to my attention, and I had a staff member working on it for some time. I am pleased that the gentlewoman is carrying on the work of her predecessor, Congressman Jim Ryun, and other Kansas officials. Earlier this year, State Representative Gatewood came to my office and asked for some help with the Office of Surface Mining, and we still have the request pending from them as well.

According to the estimates for the State of Kansas, it will cost approximately $8 million to conduct a buyout program, which is not a lot of money in the scheme of things. While we understand that the bill which we are debating today cannot address the buyout program, we both hope that the EPA will speed its approval of the funding to remove the chat and hope that other Federal resources will come to bear to help the people of Treece find relief through a similar buyout program.

I am also hopeful that the OSM and the Army Corps of Engineers will also help the residents in their struggle to improve their communities.

Mr. DICKS. Mr. Chairman, reclaiming my time, I want to thank my colleague from Kansas for working on this issue. I understand Treece's frustration and look forward to working with you to see what the agencies within our subcommittee's jurisdiction can do to help. We appreciate your bringing this to our attention.

Mrs. BOYDA of Kansas. Mr. Chairman, I would say thank you to both of the gentlemen. The good people of Treece are very deeply appreciative.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed $45,000,000, shall be assessed for the

purpose of performing facilities maintenance. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $3,023,532,000, to remain available until September 30, 2009, except as otherwise provided herein, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That up to $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That not less than $561,515,000 shall be for contract medical care: *Provided further*, That of the funds provided, up to $32,000,000, to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613), shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $274,638,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2008, of which not to exceed $5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further*, That the Bureau of Indian Affairs may collect from the Indian Health Service and tribes and tribal organizations operating health facilities pursuant to Public Law 93–638 such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $360,895,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of a federally-recognized Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed $1,000,000 from this account and the ''Indian Health Services'' account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $79,117,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $75,212,000, of which up to $1,500,000, to remain available until expended, is for Individual Learning Accounts for full-time equivalent employees of the Agency for Toxic Substances and Disease Registry: *Provided,* That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further,* That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA.

AMENDMENT NO. 24 OFFERED BY MR. LOBIONDO

Mr. LOBIONDO. 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. 24 offered by Mr. LOBIONDO:

Page 89, line 13, after the first dollar amount, insert ''(increased by $1,000,000) (reduced by $1,000,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. LOBIONDO) and a Member opposed each will control 5 minutes.

Mr. DICKS. Mr. Chairman, I reserve a point of order against this amendment.

The Acting CHAIRMAN. The gentleman from Washington reserves a point of order.

The Chair recognizes the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, I rise today to strongly support this amendment. This amendment would simply put in $1 million and then take back out $1 million for the purpose of directing the administrator of the Agency for Toxic Substance and Disease Research to use these funds to conduct initial long-term testing of children exposed to mercury from mercury-contaminated industrial sites.

Last July, I learned that a daycare center in my district had been opened mistakenly on a site that was previously used by a thermometer manufacturer. The manufacturer had a history of mercury contamination and had not properly cleaned up the site.

The mercury contamination of this site was so egregious that parents spoke of their children coming home from the daycare center with bubbles of mercury clinging to their backpacks. As a result of this, the children who innocently played on the grounds of the daycare center were diagnosed with mercury levels much higher than normal and suffered symptoms of mercury poisoning, such as headaches, sleeping problems and rashes.

As you may know, mercury is a potent neurotoxin that can affect the nervous system.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, I am prepared to accept the amendment. We want to work with the gentleman on this a little bit to improve it as we get to conference. But we are prepared to accept it.

Mr. Chairman, I withdraw my point of order.

The Acting CHAIRMAN. The gentleman's point of order is withdrawn.

Mr. TIAHRT. Mr. Chairman, if the gentleman will yield, I want to thank the gentleman from New Jersey for taking an issue that is so important to his district and really important to the kids in that area that have been exposed to mercury and would join with the chairman in supporting your amendment.

Mr. LOBIONDO. Mr. Chairman, reclaiming my time, I thank the chairman and Mr. TIAHRT.

I would just like to point out that this incident demonstrated that children can, unfortunately, be exposed to mercury from contaminated industrial sites. The amendment will help ensure that funding will be available for any Member in any district that this may take place.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $2,703,000: *Provided,* That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $9,549,000: *Provided,* That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions: *Provided further,* that notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further,* That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $9,000,000, to remain available until expended: *Provided,* That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further,* That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further,* That no relocatee will be provided with more than one new or replacement home: *Provided further,* That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $7,297,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $536,295,000, of which $1,578,000 for fellowships and scholarly awards shall remain available until September 30, 2009, including such funds as may be necessary to support American overseas research centers: *Provided,* That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $116,100,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $101,850,000, of which not to exceed $3,239,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $18,017,000, to remain available until expended: *Provided,* That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $20,200,000.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $23,150,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $10,000,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $160,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended: *Provided,* That funds appropriated herein shall be expended in accordance with sections 309 and 311 of Public Law 108–447.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $145,500,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $14,500,000, to remain available until expended, of which $9,500,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided,* That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further,* That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further,* That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further,* That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson: *Provided further,* That section 309(1) of division E, Public Law 108–447, is amended by inserting ''National Opera Fellowship,'' after ''National Heritage Fellowship''.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $2,092,000: *Provided,* That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), as amended, $10,000,000: *Provided,* That no organization shall receive a grant in excess of $650,000 in a single year.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $5,348,000: *Provided,* That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $8,265,000: *Provided,* That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $44,996,000, of which $515,000 for the equipment replacement program shall remain available until September 30, 2009; and $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibition design and production program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $22,400,000 shall be available to the Presidio Trust, to remain available until expended.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the White House Commission on the National Moment of Remembrance, $200,000, which shall be transferred to the Department of Veterans Affairs, ''Departmental Administration, General Operating Expenses'' account and be administered by the Secretary of Veterans Affairs.

TITLE IV—GENERAL PROVISIONS

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal

cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 405. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer provided in, this Act or any other Act.

SEC. 407. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2005.

SEC. 408. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2008, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 409. Notwithstanding any other provision of law, amounts appropriated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, 108–7, 108–108, 108–447, 109–54, 109–289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2007 for such purposes, except that the Bureau of Indian Affairs and federally-recognized tribes may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 410. Prior to October 1, 2008, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided,* That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 411. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 412. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: *Provided,* That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: *Provided further,* That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: *Provided further,* That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 413. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided,* That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: *Provided further,* That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further,* That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: *Provided further,* That the Secretaries shall develop guidance to implement this section: *Provided further,* That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 414. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES.—

(1) Of the funds made available by this or any other Act to the Department of the Interior for fiscal year 2008, not more than $3,450,000 may be used by the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2008 for programs, projects, and activities for which funds are appropriated by this Act.

(2) None of the funds available to the Forest Service may be used in fiscal year 2008 for competitive sourcing studies and related activities.

(b) COMPETITIVE SOURCING STUDY DEFINED.—In this section, the term ''competitive sourcing study'' means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

(c) In preparing any reports to the Committees on Appropriations on competitive sourcing activities, agencies funded in this Act shall include the incremental cost directly attributable to conducting the competitive sourcing competitions, including costs attributable to paying outside consultants and contractors and, in accordance with full cost accounting principles, all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing, including personnel, consultant, travel, and training costs associated with program management.

(d) In carrying out any competitive sourcing study involving Department of the Interior employees, the Secretary of the Interior shall—

(1) determine whether any of the employees concerned are also qualified to participate in wildland fire management activities; and

(2) take into consideration the effect that contracting with a private sector source would have on the ability of the Department of the Interior to effectively and efficiently fight and manage wildfires.

SEC. 415. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2000, regarding the pilot program to enhance Forest Service administration of rights-of-way (as enacted into law by section 1000(a)(3) of Public Law 106–113; 113 Stat. 1501A–196; 16 U.S.C. 497 note), as amended, is amended—

(1) in subsection (a) by striking ''2006'' and inserting ''2012''; and

(2) in subsection (b) by striking ''2006'' and inserting ''2012''.

SEC. 416. Section 321 of the Department of the Interior and Related Agencies Appropriations Act, 2003, regarding Forest Service cooperative agreements with third parties that are of mutually significant benefit (division F of Public Law 108–7; 117 Stat. 274; 16 U.S.C. 565a–1 note) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2010''.

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

Mr. Chairman, I yield to the gentlewoman from New Hampshire (Ms. SHEA-PORTER) for a colloquy.

Ms. SHEA-PORTER. Mr. Chairman, I would like to thank you for your leadership on this bill, in particular for your strong support of increased funding for the National Wildlife Refuge System which protects our valuable natural resources and wildlife and maintains more than 96 million acres of land across the country.

I also want to thank ranking member Tiahrt and the entire Interior and Environment Subcommittee for their tireless work on this bill and, importantly, for including language and funding to help address some of the most pressing problems facing our National Wildlife Refuge System.

Mr. Chairman, the staffing shortages plaguing our wildlife refuges have been brought on by years of underfunding and a lack of commitment to ensuring that these pristine lands are kept safe, secure and properly maintained. The language included in the bill before us is a big step in the right direction, but I think you would agree it is only a first step.

We will need to do more if we want to alleviate the strain put on our refuges, like the Great Bay Wildlife Refuge along the eastern shore of New Hampshire. Great Bay protects a number of both Federal- and State-protected species, including the symbol of our American freedom, the Bald Eagle. However, funding shortages have caused the refuge system to severely cut back on staff at Great Bay over the past few years.

□ 1730

What once was a staff of four has been reduced to one, and now the refuge system has announced that they will be eliminating that position as early as next month. This will leave a major wildlife refuge with no full-time staff and totally unprotected for the large majority of the time. With over 60,000 visitors a year, this lack of staffing could pose a serious threat to the wildlife and ecosystem protected in Great Bay.

Mr. Chairman, I understand that there is strong language in your bill regarding the staffing shortages at refuges across the country. May I clarify that the increased funding provided to the wildlife refuge system through the operations and management accounts is meant to help the system address these shortfalls and ensure that staff is placed where needed to protect these environments?

Mr. DICKS. Yes, that is correct. As written in the committee record, the committee believes it is important to address the shortfalls in staffing around the Nation, and we have provided the largest operational increase in the history of the refuge system to do so.

We have also included language directing consideration to those areas, like Great Bay, that have pressing shortfalls and needs.

Ms. SHEA-PORTER. Thank you, Mr. Chairman. The committee has also included language addressing the problem of complexes. Would the chairman clarify the committee intent to reduce the number of complexes where refuges are consolidated into groups with staff overseeing multiple sites, sometimes with great distances between them?

Mr. DICKS. That is also correct. The committee includes language in our report directing the system to reduce the number of complexes. The increased funding is to be used to address staffing shortfalls, and the committee does not view the use of complexes as a sufficient means for managing refuges.

These complexes move the staff too far from the communities and resources that they serve, and we have asked that the number of complexes be reduced to the maximum extent possible.

Ms. SHEA-PORTER. I thank the chairman, and I appreciate his strong position on protecting these national treasures.

Mr. DICKS. Thank you for your good work on this. Protecting our national wildlife refuges was one of our major priorities in the subcommittee. We are pleased to have your support for the bill and this effort.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE V—GLOBAL CLIMATE CHANGE

SEC. 501. (a) The Congress finds that—

(1) greenhouse gases accumulating in the atmosphere are causing average temperatures to rise at a rate outside the range of natural variability and are posing a substantial risk of rising sea-levels, altered patterns of atmospheric and oceanic circulation, and increased frequency and severity of floods, droughts, and wildfires;

(2) there is a growing scientific consensus that human activity is a substantial cause of greenhouse gas accumulation in the atmosphere; and

(3) mandatory steps will be required to slow or stop the growth of greenhouse gas emissions into the atmosphere.

(b) It is the sense of the Congress that there should be enacted a comprehensive and effective national program of mandatory, market-based limits and incentives on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions at a rate and in a manner that (1) will not significantly harm the United States economy; and (2) will encourage comparable action by other nations that are major trading partners and key contributors to global emissions.

AMENDMENT OFFERED BY MR. SULLIVAN

Mr. SULLIVAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SULLIVAN:

Page 110, begining on line 20, strike section 501 and insert the following:

SEC. 501. It is the sense of the Congress that no Federally-mandated steps should be taken to mitigate global climate change if those steps would harm American consumers, workers, or businesses in any way.

Mr. DICKS. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. The gentleman from Washington reserves a point of order against the amendment.

Pursuant to the order of the House of today, the gentleman from Oklahoma (Mr. SULLIVAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. SULLIVAN. Mr. Chairman, this is a very important amendment. Any thoughtful legislation must ensure four things: That the lights stay on, that driving a car stays affordable, energy prices stay competitive, and that we protect people's jobs. If we think that we can achieve these goals without a continuing role for domestic fossil fuels, we're kidding ourselves.

We are addressing global warming, but we are not doing it in a vacuum. We are also charged with making sure that people in America have energy that power our jobs, and through them, our people's opportunity to succeed. If we do our jobs, people will keep their jobs.

I accept that the science on this matter is uneven, uncertain and evolving. That certainty hasn't changed, but now we seem to be pressuring ourselves, or someone is pressuring us, to legislate first and get the facts later. I hope we don't do that. I want to make sure that we get the best information available so we have a full and accurate definition of the problem before we start making decisions.

We have to be clear about the issues before us. Discussion of mandatory steps to cap CO_2 often misses the essential fact. Carbon dioxide, unlike carbon monoxide, and other compounds ending in ''oxide'' is not toxic. It is not a pollutant. Not only is it natural, it is indispensable for life on this planet.

What we need to understand is how does CO_2 fit into the atmospheric mix? I am told all CO_2 is only 0.038 percent of the atmospheric gases.

How does the CO_2 from fossil fuel combustion fit into the total annual CO_2 increase in the atmosphere? I am told it is only 0.4 percent of this amount.

How does U.S. fossil fuel consumption fit into mankind's overall share of fossil fuel energy use? I am told it is 22 percent and shrinking. That means if we shut down 100 percent of all fossil fuels in the United States, we would

only reduce CO_2 growth in the atmosphere by 0.088 percent. That is 0.0003 percent of atmospheric gases, and China will be filling in the gap and then some.

How much will any legislation we consider actually change the total U.S. emissions and, in turn, change total human emissions and, in turn, affect global greenhouse gas concentrations?

What will it cost? The people who will pay for our policy decisions are taxpayers and consumers and workers. What amount is the right amount to take from them and their families for our policies?

And we need to understand whether well-meaning steps to cap CO_2 here and now will simply drive industry offshore where control of actual pollution such SO_X, NO_X, mercury and particulate is far more lax.

Whether we like it or not, CO_2 correlates to national economic activity. That means jobs and the ability of working families to thrive is defined by jobs. Despite impressive gains in energy intensity over the past few years, a basic reality is that with the technology mix deployed today, to cap CO_2 emissions constraints economic output, jeopardizes economic growth, and eliminates people's jobs.

It is imperative that we reach rational conclusions, based on real evidence, about the reliability of our knowledge that CO_2 has the sort of impact on planetary temperature as people say.

At an Energy and Commerce hearing earlier this year, we learned that a cap-and-trade program added 40 percent to the wholesale cost of electricity in Germany. A cap-and-trade program could lead to real rate shock for electric consumers. High electricity costs will only drive manufacturers overseas, and American jobs will go along with them.

This cap-and-trade approach has been proven unworkable in countries that signed the Kyoto Protocol, and it would be unworkable in the United States. Few participants in the protocol are on track to achieve the international targets for carbon emissions reduction. An increasing number of the countries are unwilling to strangle economic growth through stricter carbon caps in the future.

Another fundamental flaw with the Kyoto agreement is the exclusion of India and China from its reach, particularly when China is soon to claim the distinction of being the largest emitter of carbon dioxide in the world.

The United States cap-and-trade program would fall the same failed trajectory as Kyoto. Its artificially high energy costs would cripple the United States manufacturing base and suppress job creation for working American families. And that's not all. Two of our greatest economic competitors in the world market, India and China, won't have to cap emissions and pay a premium for energy. Those two countries will laugh all of the way to the bank, and the joke will be on us. They will use it as an economic weapon.

What is very important when we look at this very important matter, we need to take our time, we need to gather the facts, and we need to educate other Members. The decisions we make will impact Americans for a long time in the future.

POINT OF ORDER

The Acting CHAIRMAN. Does the gentleman from Washington wish to be heard on his point of order?

Mr. DICKS. Mr. Chairman, I insist on my point of order.

The Acting CHAIRMAN. The gentleman from Washington is recognized on his point of order.

Mr. DICKS. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill; and, therefore, violates clause 2 of rule XXI.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. TIAHRT. Mr. Chairman, I think to strike this because it authorizes on an appropriations bill would be duplicative of what the current language does. It also authorizes on an appropriations bill, so I think the amendment should be made in order.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule on the point of order.

The amendment proposes additional legislation to that permitted to remain in section 501 by addressing efforts to mitigate climate change beyond those contained in that section. Such additional legislation violates clause 2 of rule XXI.

The point of order is sustained.

AMENDMENT OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BARTON of Texas:

Strike section 501 (relating to global climate change).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. BARTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, it is ironic that we just had that point of order offered by my good friend, Mr. DICKS. Under the Armey rule, the former majority leader, the chairmen of the authorizing committees could send letters to the Rules Committee on appropriation bills and any part of the appropriation bill that was actually legislating on an appropriation bill, there was a standing point of order made in order that you could strike it.

So we wouldn't have had the Sullivan amendment and we would not have the amendment that I am about to offer if the current chairman of the Energy and Commerce Committee, Mr. DINGELL, had sent such a letter to the Rules Committee asking to reserve the point of order on this section 501. But Chairman DINGELL didn't do that, and so it is in the bill and Mr. DICKS can make a point of order that an amendment to it should be struck because it is legislating on an appropriation bill. What a great place this body is that we work in.

So what my amendment does is pretty straightforward. It strikes section 501. That cannot be ruled out of order. It can be voted down, and we will have a vote on this. But the Davis amendment that I am offering on his behalf can't be struck on a point of order.

What is it about this section 501 that is so onerous? Let me briefly synthesize what it says. I think it says some things that are factually incorrect.

It says that the Congress finds that greenhouse gases accumulating in the atmosphere are causing average temperatures to rise at a rate outside the range of natural variability. I think that a factually incorrect statement. It is a true statement that the temperature apparently is rising compared to what it was 150 years ago. In the late 1840s and early 1850s, temperature averages at most places that kept temperature records at that time were 1 to 2 degrees cooler than they are now. And the temperature appears to be going up. That is a true statement.

But I don't think that it is true that the temperature rate increase is outside the range of natural variability. The one thing about climate that is constant is that it is constantly changing.

The second incorrect statement is subparagraph 2 where it says there is a growing scientific consensus that human activity is a substantial cause of greenhouse gas accumulation.

Now I think it is indisputable that as we burn many of the hydrocarbons, obviously they are releasing CO_2 which is a greenhouse gas and that is accumulating in the atmosphere. That is a true statement. But whether that is a substantial cause is yet to be determined.

I would point out that the largest greenhouse gas by far is H_2O, water vapor. When you see a cloud in the sky, you are seeing a greenhouse gas accumulation in the sky. And water vapor is over 90 percent of all greenhouse gases. CO_2, carbon dioxide, is less than $\frac{3}{10}$ of 1 percent. So how could something that is such a small percentage be the cause of this temperature increase? It is an interesting theory, but it is yet to be proven.

In any event, because of these first two paragraphs, we get to the meat of the issue in section 501, and that is mandatory steps are required to slow or stop the growth of greenhouse gas emissions. Mandatory. Coercive. You have to do it whether you want to or not. You have to do it whether it makes sense or not.

We are far from a place, in my opinion, where we need to begin to legislate mandatory approaches, and that's what is so bad about this section 501. Now you may argue it is a sense of the Congress what is it going to do. It is just to show where we are. Well, I would point out that in the late 1970s, early 1980s, you begin to have these temporary 1-year moratoriums on drilling off the coast of various parts of our country. They seemed relatively harmless at the time. What could be wrong with that?

□ 1745

That has grown into such a significant part that it's almost impossible right now to drill anywhere in the United States that we haven't already been drilling for the last hundred years. There's a limit to how many holes we can drill in Texas. We've drilled over 2 million since 1901. We've found a lot of oil and gas, but at some point in time, we've got to drill where we haven't drilled before. In any event, section 501 is bad public policy and this amendment would strike it.

Mr. DICKS. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIRMAN (Mr. BECERRA). The gentleman is recognized for 5 minutes.

Mr. DICKS. Thank you. I appreciate that.

The language in title V of this bill is identical to language added by the Appropriations Committee last year to the FY 2007 Interior bill when the Appropriations Committee was being run by the minority party of today. Since that time, this sense of the Congress has been supported by both an international scientific body and the United States Supreme Court.

First, the sense of Congress states that ''there is a growing scientific consensus that human activity is a substantial cause of greenhouse gas accumulation in the atmosphere.'' So far this year, the Intergovernmental Panel on Climate Change, a group consisting of hundreds of scientists from 113 countries, has issued two reports on the science of climate change, with a third report to be issued later this year. The panel's first report, issued in February, concluded that there is an overwhelming probability, at least 90 percent certainty, that human activities are warming the planet at a dangerous rate, with consequences that could take decades or centuries to reverse. The panel's second report on the consequences of global warming concluded ''with high confidence'' that greenhouse gases produced by human activity has already triggered changes in ecosystems on both land and sea. As evidence, the report cited longer growing seasons, earlier leaf-unfolding and earlier egg-laying by birds, traceable to human activity. The report estimates that 20 to 30 percent of the world's species could be in danger of extinction.

I have great respect for the gentleman from Texas, who I think did a good job as chairman of the Commerce Committee, but this is a sense of Congress. It's the authorizing committees that will enact the legislation. What this does is express concern that this problem must be addressed.

Clearly, the sense of Congress correctly captures the state of global change science.

Second, the sense of Congress states that mandatory steps will be required to slow or stop the growth of greenhouse gas emissions into the atmosphere. In April of this year, the United States Supreme Court ruled in a 5–4 opinion that the U.S. Environmental Protection Agency has the statutory authority to regulate greenhouse gases from automobiles. The court also held that EPA has the discretion not to regulate only under very limited scenarios. This decision has been widely interpreted to force the administration to propose regulations to control greenhouse gas emissions. Clearly, the Supreme Court agrees with what I would consider our sense of Congress resolution.

Again, I state my opposition to the gentleman's amendment and urge a ''no'' vote on the amendment.

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

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

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

Mr. TIAHRT. I just wanted to mention to the chairman and to the House that even though this is a sense of Congress, I think that it is opposed enough in the way it is worded that the amendment should be agreed to and the language should be stricken. For example, in the very beginning, where, number one, it says, ''greenhouse gases accumulating in the atmosphere are causing average temperatures to rise at a rate outside the range of natural variability,'' we had a lot of testimony in this Subcommittee of Interior about this very issue. It was very clear that the scientists that study this say that we have large gaps in the scientific data, and it is still inconclusive.

One of the great examples of this is the ocean itself. The ocean itself is a carbon bank. It retains carbon sometimes. When it gets warmer, it actually allows carbon to go up into the atmosphere in the form of CO_2. That in itself brings the question whether carbon in our atmosphere is a cause of heat or whether heat is a cause of carbon in the air. If you look at the core samples that are found in the Antarctic which have been drilled down to go back and date what our environment was like hundreds of thousands of years ago, we find that there is a high carbon content in our atmosphere when our earth was warmer. And we do know that our earth is getting warmer. In fact, 10,000 years ago, Kansas was covered by a sheet of ice.

Just a weekend ago or so, I was back there playing golf, and I can tell you for sure, there is no ice covering the State of Kansas today. Why? Because the earth is getting warmer. But for us to say that the cause is human-induced raises the question. Even the Intergovernmental Panel on Climate Change when they looked at it this year, revised their estimate of the ocean going up because of climate change, from going up to 36 inches. They revised it downward to only going up 17 inches. So that means that they were half off.

They said that, as far as climate change, it's human-induced, and they have a 90 percent confidence level. Well, if that's based on their estimate of what the water level is going to be 10 years or 50 years from now, then they are admittedly 50 percent off, so that means they've only got a 45 percent confidence level. That means less than half.

My point is that there is no growing scientific consensus on the cause of climate change. In fact, it may be a normal cycle that we're going through. And, in fact, it may be a cycle that is moving us into a cooler climate rather than a warmer climate. So this language, I think, makes assumptions that are based on data that is inconclusive. The scientists tell us there are gaps in the data. It certainly isn't a consensus of Congress from my view. So I would think that we should adopt the gentleman's amendment.

I would yield to the gentleman from Texas.

Mr. BARTON of Texas. I thank the gentleman for yielding.

I just want to comment briefly on what Chairman DICKS said about this being in the bill last year. He is factually correct. We reserved a point of order on it last year. And the member of the committee that I chaired at the time who was supposed to make the point of order was caught in the cloakroom eating a candy bar, and the crafty appropriators closed the title before we could make the point of order. So it was in the bill last year only because we were asleep at the switch when it was our turn to raise the point of order. At least I'm not asleep at the switch this year.

Mr. DICKS. I would hope we're not asleep at the switch again, as the planet is heating up, and climate change is occurring.

Mr. TIAHRT. I agree that the temperature is going up. It's the cause that is a concern for me. The wording here says that we already know what the cause is and we should move forward and try to do something to stop it, and that includes some very drastic types of actions, including caps and market-based limits on incentives, mandatory market-based limits, I might say. It's my view that those things have not been successful in the past. In fact, when we did mandatory limits, I thought we ended up with gas lines and higher gas prices. That's my view.

I would ask that my colleagues here in the House accept this amendment and vote for it.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BARTON).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BARTON of Texas. 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 Texas will be postponed.

AMENDMENT OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BISHOP of Utah:

At the end of the bill, before the long title, add the following new section:

''SEC. ____. No funds made available by this Act shall be used to condemn land.''

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

Mr. DICKS. Mr. Chairman, I reserve a point of order on this amendment.

The Acting CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, in my short time as the ranking member on the Subcommittee on National Parks, Forests and Public Lands, I have already heard a number of stories from property owners who have been threatened or bullied with the hammer of eminent domain. Thousands of acres each year are taken from private citizens and against their will in order to expand our national parks and our national forests. This is done in spite of the fact that the Federal Government has so much land it cannot possibly manage what it already has.

Landowners, when faced with the possibility of a long, protracted war against bureaucrats, land managers and legions of Federal lawyers, often choose simply to walk away. What is most outrageous then is the fact that these people are then labeled by us as willing sellers.

This has happened to landowners across our Nation. We've had examples from people living near the Everglades in Florida, to the Cape Cod National Seashore in Massachusetts, to Voyageurs National Park in Minnesota, just a few places where there has been, in my estimation, egregious abuse by the Federal Government.

I have letters from a family in Maine who endured 20 years in a battle with the Federal Government. They wrote that the negotiations between my family and the Park Service over what could have been a simple land donation exceeded 20 years and had a serious, long-term detrimental effect on my family, the ski area they owned, the surrounding community. Eventually, after millions of dollars were lost and countless hours of time from high-ranking State and Federal officials were consumed, strained professional careers of an entire at-risk community and the negative health and financial repercussions of my family members, this issue was finally resolved. For now.

Here is another example of a Franciscan friar who talked about the threats of eminent domain that hanged over his ministry for years and years and years. In his words, again, simply over 118 acres of the friar's property: We offered the National Park Service the opportunity to switch back the trail to the original setting, so that not only the trail could be maintained, but there would be a natural environment for it. But the National Park Service refused this option and threatened to proceed with eminent domain. There is no reason that that friar and his ministry should have had that hanging over his head for years and years and years.

Mr. Chairman, the Secretary of Interior has the power in statute for using this hammer of eminent domain. Even today, when we do authorization bills, we don't even have the sense to try and limit that kind of authority or power. Even in those situations where it is clearly said in the testimony and in the hearings that they do not want to use eminent domain, we do nothing to try and stop that potential authority. If we really say that we don't want to use eminent domain to acquire these lands, we ought as well use the logical step of saying so.

In light of the Kelo decision, so many people are now aware of the potential abuse by government entities on private property through the use of eminent domain, now is the time for us clearly to say that private property is important, and it should be respected by the Federal Government. That's exactly what this amendment tries to do, is to clarify that we do respect private property; we respect it, and we will not use eminent domain to take land away from private citizens.

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

Mr. DICKS. Mr. Chairman, I withdraw my point of order.

We will accept the gentleman's amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was agreed to.

Mr. BISHOP of Utah. Mr. Chairman, I ask for a recorded vote on that last motion.

Mr. DICKS. I think the time has expired, Mr. Chairman. This was not done in a timely way.

The Acting CHAIRMAN. The gentleman from Washington is correct. The gentleman from Utah's request was not timely.

Mr. BISHOP of Utah. Let me try one thing here. I will ask under unanimous consent.

Mr. DICKS. I object.

The Acting CHAIRMAN. Objection is heard.

AMENDMENT NO. 7 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

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).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

□ 1800

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, before I begin, I would like to commend the gentleman from Washington and Chairman DICKS and the gentleman from Kansas (Mr. TIAHRT) for their good work on this underlying bill.

The amendment I offered today stems directly from concerns I have over a recently proposed rule by the Environmental Protection Agency that could radically alter the current interpretation of the Clean Air Act and adversely impact public health.

On December 21 last year, 4 days before Christmas, EPA introduced a cleverly timed proposal that would essentially weaken hazardous air pollutant emission standards for major sources of pollution as defined by section 112 of the Clean Air Act. My amendment would prohibit the use of fiscal year 2008 funds by EPA to promulgate this ill-advised and environmentally dangerous proposal.

Currently, major sources, major source polluters, facilities that emit 10 tons per year of a single air toxin or 25 tons per year of any combination of toxic pollutants are required to comply with the Maximum Achievable Control Technology standards, called MACT, permanently, a policy adopted in 1995 known as Once In, Always In.''

MACT standards are technology-based area emission standards established under title 3 of the 1990 Clean Air Act amendment. Compliance with MACT standards can require facility owners and operators to meet emission limits, install emission control technologies, monitor emissions and/or operating parameters and use specified work practices.

These public safeguard standards have proven most effective in reducing

toxic, harmful, cancer-causing eye pollutants such as mercury, chlorine, benzene, methanol and asbestos. If EPA's proposed rule were to take effect, industrial facilities could emit hazardous air pollutants at levels just below 10/25 major source thresholds and not be subject to the MACT standards.

This move has been criticized by the State clean air agencies, our regional officers, our major metropolitan leaders, as well as the county leaders and environmental groups. A majority of EPA's own regional offices initially excluded from viewing and providing input on the proposed policy have been highly critical of the proposed rule citing health and emission concerns.

EPA has done very little to justify such a dramatic shift in congressional intent or the agency's own long-standing interpretation. Moreover, the Agency has performed very little, if any, substantive emissions analysis, and they have performed no public health analysis for any industrial sector. In my view the Agency's proposed rule represents another installment of regulatory attacks designed to gut the Clean Air Act.

The public health of this Nation should not be forced to take the back seat to the interest of big polluters. The congressional authorities captured in section 112 of Clean Air Act are intended to ensure that major source emitters of hazardous air pollutants are required to comply with MACT standards permanently to ensure that the elimination of air toxics are achieved and maintained in the interest of public health.

In 1995, upon adoption of the ''once in, always in'' policy, EPA stated the following:

''EPA believes that this once in, always in policy follows most naturally from the language and structure of the [Clean Air Act] statute. In many cases, application of MACT will reduce a major emitter's emissions to levels substantially below the major thresholds.

''Without a once in, always in policy, these facilities could 'backslide' from MACT control levels by obtaining potential-to-emit limits, escaping applicability of the MACT standard, and increasing emissions to the major source threshold.

''Thus, the maximum achievable emission reductions that Congress mandated from major sources would not be achieved.

''A once in, always in policy ensures that MACT emission reductions are permanent, and that the health and environment protection provided by MACT standards is not undermined.''

In the Federal Register, the Agency raged on and on about how great the proposed rule is for major source polluters, because it will create incentives for industry to reduce emissions.

The Acting CHAIRMAN. The gentlewoman's time has expired.

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

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

Mr. DICKS. I yield to the gentlelady from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. When it comes to quantifying the implications of this proposal on the environment and public health of this Nation, the Agency is silent.

The burden of proof regarding soundness of this proposed rule rests squarely on the shoulders of EPA. Thus far, the Agency has failed, at best, to make even a lackluster case.

My constituents in Dallas and the surrounding area are already burdened by the scarlet letter of nonattainment. I refuse to let their public health be subject to another further deterioration from a proposal laced with tortured assumptions. This is an unsound policy that should be stopped.

I urge my colleagues to join me in supporting clean air, a healthy environment, and a strong Clean Air Act. Vote ''yes'' on the Johnson amendment and the Interior and the Environment Appropriations bill.

While I appreciate the vigor of the opposing side's view on this matter, it is my respectful view that they are simply wrong on this matter.

I would like to amplify an area of concern raised by EPA's own regional offices regarding enforcement should the once in, always in policy be negated.

In a 2005 Regional Memorandum to EPA Headquarters, the regions assert the following:

A related concern with regard to the draft changes as written is that a facility, by changing from a major source to an area source, and back again, could virtually avoid regulation and greatly complicate any enforcement against them.

Take, for example, a facility that is covered by a MACT standard, and has 3 years from the date the rule is promulgated to come into compliance. Three years go by, and just before the end of that time period, the facility announces its area source status.

If an area source regulation exists, there may also be some equivalent waiting period before the facility is required to comply with the area source requirements.

If the facility later announces that it is after all, a major source, then it may again enter a grace period, possibly up to another 3 years, before it is subject to the MACT standard requirements.

Thus, by continually going back and forth between major and area source status, a facility could be a major source [polluter] for most of its operating life and never have to comply with the MACT standard requirements.

Again Mr. Chairman, these are not my words but those of EPA's own regional offices.

Mr. Chairman, my congressional district lies within the heart of EPA Region 6. Throughout Region 6 there are approximately 3,000 major source polluters according to EPA data.

If EPA's rule were to take effect, based on the guidance of EPA's own regional offices I just referenced, 3,000 major source polluters could continually backslide on a public health safeguard meant to minimize my constituent's exposure to toxic, cancer causing air pollutants.

Clearly, this was not the intent of Congress as reflected in Section 112 of the Clean Air Act.

Mr. Chairman, I include for the RECORD a memorandum dated December 13, 2005, from Michael S. Bandrowski, Chief, Air Toxics, Radiation and Indoor Air Office, Region IX, of the Environmental Protection Agency.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION IX.
San Francisco, CA, December 13, 2005.

REGIONAL COMMENTS ON DRAFT OIAI POLICY REVISIONS

DAVID COZZIE,
Group Leader, Minerals and Inorganic Chemicals Group, Office of Air Quality Planning and Standards.

Thank you for allowing the Regional Offices the opportunity to comment on the draft proposed changes to the General Provisions of 40 CFR Part 63, intended to replace EPA's Once-in-Always-In (OIAI) policy established in a May 16, 1995, memorandum entitled, ''Potential to Emit for MACT standards—Guidance on Timing Issues,'' from John S. Seitz to the Regional Air Directors. A draft copy of the proposed changes, dated November 16, 2005, was received by Region IX on November 30, 2005, and we shared this copy with the Regional Offices. As sub-lead Region for air toxics, we have summarized and consolidated the feedback received from the Regional Offices, and are forwarding these Regional comments and concerns through this memo. Eight Regions provided comments. For your convenience, the original comments from each Regional Office are included as attachments to this memo.

Over the years, many questions and implementation issues have arisen that have initiated the reconsideration of the OIAI policy. The new revisions being planned by OAQPS would essentially negate the original policy, and this change would be codified in the 40 CFR Part 63 General Provisions. This change in policy would have major implications for implementation and enforcement of the maximum achievable control technology (MACT) standards. The Regional Offices, therefore, appreciate the opportunity to review and comment on HQ drafts before the revisions are proposed in the FEDERAL REGISTER for public comment. However, we are disappointed that OAQPS formulated revisions to the OIAI policy without seeking Regional input and was reluctant to share the draft policy with the Regional Offices. This trend of excluding the Regional Offices from involvement in rule and policy development efforts is disturbing. We are requesting that OAQPS establish a means for Regional input during the development of future policies and rules.

With regard to the OIAI policy, all the Regional Offices that submitted comments acknowledged the need for a change from the 1995 guidance in limited circumstances. For example, if EPA finalizes the delisting of methyl ethyl ketone as a hazardous air pollutant (HAP), it would be logical for EPA to allow existing major sources of HAPs to reevaluate their PTE, excluding emissions of methyl ethyl ketone. Likewise, if a source eliminates, or significantly reduces their use of HAPs, then it would be reasonable for EPA to allow such a source to reevaluate MACT standard applicability. In addition, certain pollution prevention benefits may follow in circumstances where a source has an incentive to obtain actual reductions in emissions of HAPs equivalent to or greater than the level required by the MACT standard with less burden and cost. Overall, the Regions support the intent behind the draft proposed amendments to provide incentive to companies for engaging in emission-reducing activities. Several Regions also explicitly stated their support of revising the policy through a public rulemaking process and encouraging sources to explore different control technologies and pollution prevention

options to reduce emissions and potential to emit (PTE). One Region was supportive of the change in policy as drafted. However, all other Regional Offices expressed varying degrees of concern about allowing any source to take synthetic minor limits at any time, for any reason. The concerns are described below, followed by suggestions for addressing these concerns while still encouraging existing MACT sources to take actions towards pollution prevention. Our comments are organized as follows:

HEALTH AND EMISSIONS CONCERNS

1. Reversal of Position with Inadequate Justification

The May 16, 1995, Seitz memo regarding potential to emit for MACT standards states: EPA believes that this once in, always in policy follows most naturally from the language and structure of the statute. In many cases, application of MACT will reduce a major emitter's emissions to levels substantially below the major thresholds. Without a once in, always in policy, these facilities could ''backslide'' from MACT control levels by obtaining potential-to-emit limits, escaping applicability of the MACT standard, and increasing emissions to the major-source threshold (10/25 tons per year).

Thus, the maximum achievable emissions reductions that Congress mandated for major sources would not be achieved. A once in, always in policy ensures that MACT emissions reductions are permanent, and that the health and environmental protection provided by MACT standards is not undermined. (See page 9)

Elsewhere, the Seitz memo states: In the absence of a rulemaking record supporting a different result, EPA believes that once a source is required to install controls or take other measures to comply with a MACT standard, it should not be able to substitute different controls of measures that happen to bring the source below major source levels. (See page 5)

While it is true that policy is not set in stone, and that policy decisions may be reversed, the preamble, as currently drafted, does not set forth an adequate rulemaking record to justify this drastic change in interpretation. In 1995, EPA believed that the OIAI policy follows ''most naturally'' from the language and structure of the statute, and that allowing facilities to backslide would undermine the maximum achievable emissions reductions mandated by Congress. Now, in 2005, EPA is claiming that ''there is nothing in the statute which compels the conclusion that a source cannot attain area source status after the first compliance date of a MACT standard'' (see page 15 of the draft proposed changes). In order to provide an adequate rulemaking record, the preamble should more clearly articulate why EPA no longer believes that the OIAI policy flows naturally from the statute.

2. Increased HAP Emissions Resulting from Abandoning MACT Control Levels

The Clean Air Act requires the maximum degree of reduction in emissions of HAPs from sources subject to the MACT standards. The reductions anticipated through the MACT program will not be achieved through the strategy described in the draft rule proposal. A key concern is that the draft proposal allows facilities to obtain synthetic minor permits after the MACT standard compliance date by taking potentially less protective requirements than the MACT standard would otherwise require them to install. The proposal, as written, would be detrimental to the environment and undermine the intent of the MACT program.

Many MACT standards require affected facilities to reduce their HAP levels at a control efficiency of 95% and higher. In many instances, the MACT requirements could lead to greater reductions when compared to sources accepting synthetic minor limits of 24 tons per year (tpy) for a combination of HAPs and 9 tpy for a single HAP. Clearly, the intent in promulgating MACT standards was to reduce emissions to the extent feasible, not just to the minor source level. However, under the current draft proposal, the reductions that were intended to be achieved through the MACT standards would be offset by synthetic minor limits that allow sources to emit HAPs at levels higher than those allowed by the MACT standard. The cost of the increased HAP emissions would be borne by the communities surrounding the sources. On pages 15 and 16 of the draft preamble, EPA states:

''A concern has been raised that sources that are currently well below the major source threshold will increase emissions to a point just below the threshold. We believe these concerns are unfounded. While this may occur in some instances, it is more likely that sources will adopt PTE limitations at or near their current levels to avoid negative publicity and to maintain their appearance as responsible businesses.''

This statement is unfounded and overly optimistic. Regional experience indicates that sources requesting synthetic minor limits to avoid a MACT standard typicaI1y request, and are frequently given, limits of at least 24 tpy for a combination of HAPs and 9 tpy for a single HAP. The Regional Offices anticipate that many sources would take limits less stringent than MACT requirements, if allowed. Thus, the cumulative impact of many ''area'' sources whose status is derived after the MACT compliance date could be significant. This change in policy would offset the intended environmental benefits of the MACT standards. Although the draft changes could serve to alleviate some possible inequity under the current OIAI policy, or encourage some sources to further reduce emissions to achieve area source status, EPA should look closely at this issue to determine whether the likely benefits would be greater than the potential environmental costs. This analysis should occur before the proposal is put forth for public comment. One Region suggested that EPA should not enact a policy allowing facilities to qualify out of the MACT standards until a strong area source toxics program is in place, or until state, local and tribal air quality agencies have programs that can provide an equivalent level of protection.

A related concern with regard to the draft changes as written is that a facility, by changing from a major source to an area source, and back again, could virtually avoid regulation and greatly complicate any enforcement against them. Take, for example, a facility that is covered by a MACT standard, and has three years from the date that the rule is promulgated to come into compliance. Three years go by, and just before the end of that time period, the facility announces its area source status. If an area source regulation exists, there may also be some equivalent waiting period before the facility is required to comply with the area source requirements. If the facility later announces that it is, after all, a major source, then it may again enter a grace period, possibly up to another 3 years, before it is subject to the MACT standard requirements. Thus, by continually going back and forth between major and area source status, a facility could be a major source for most of its operating life and never have to comply with the MACT standard requirements. The 1995 OIAI policy recognizes this and states, ''The EPA believes the structure of section 112 strongly suggests certain outer limits for when a source may avoid a standard through a limit on its potential to emit.'' This type of problem must be addressed if the OIAI policy is changed.

MICHAEL S. BANDROWSKI,
Chief, Air Toxics, Radiation and Indoor Air Office, Region IX.

Mr. DICKS. Mr. Chairman, I rise in support of the gentlelady's amendment. EPA's proposed rule would weaken almost every air toxic rule issued since 1990 by allowing some air pollution sources to increase their emissions. EPA purports that the proposed changes would encourage more sources to strive for additional reductions of toxic air pollution. Yet the EPA cannot provide concrete data to support this assumption and has avoided quantifying the environmental impacts of this proposal.

In fact, when given the opportunity to comment on the proposal, EPA's own regional office expressed significant concerns about the increase in emissions that will likely occur from the revisions to the existing policy.

I congratulate the gentlelady on her amendment and urge that the committee accept it.

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

Mr. TIAHRT. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. TIAHRT. Mr. Chairman, I rise in opposition to the amendment. The administration proposed the rule, and the reason for it is simple, and it is to provide incentives and to encourage industry to lower emissions. It reminds me of the story when the Kansan went over across the river to visit Missouri.

The story goes that he took the ferry across, and he was picked up by a gentleman who had a cart with a mule in front of it. The gentleman was dangling a carrot in front of the mule. The mule would move forward, and that incentive got the mule to move.

So he went down to the courthouse in Saint Joseph, and he conducted his business. Then he went back out to get a ride back to the ferry, and there was another gentleman with a cart and a mule. So he hopped in the back of the cart and he said, I would like to go back to the ferry.

And the mule skinner said, ''Giddyap,'' and the mule did not move. So he got out of the car and he pulled out a 2 by 4, and he whacked the mule in the head. The guy from Kansas said, ''well, why'd you do that.'' He said, ''well, I had to get the mule's attention.'' He got back in the cart, and he said, ''Giddyap.''

The man from Kansas said, ''Wouldn't it have been better if you gave the mule an incentive, like a carrot,'' and he explained the whole story.

Well, Mr. Chairman, the companies have no incentives under the old Clinton policy to reduce pollution, because once designated as a major source, they are always designated as a major source. As a result, companies are stuck at certain levels of pollution and

not provided with any incentive, no carrot whatsoever to lower their emissions below that level.

Over the last decade, pollution prevention methods have changed, and many companies are now embracing the economics of environmental protection. EPA is currently reviewing the public comments on this proposed rule, and we should allow that process to move forward.

The bottom line is, if there is even a chance that this proposed rule would encourage more sources to strive for additional reductions of toxic air pollution with these new incentives, then we should encourage that action.

I therefore urge a ''no'' vote on this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. TIAHRT. 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 Texas will be postponed.

AMENDMENT OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BISHOP of Utah:

At the end of the bill, add the following:

''SEC.____. No funds made available by this Act may be made available through a grant to any Internal Revenue Code 501(c)(3) organization who is a party to a lawsuit against the dispensing agency.''

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP. Thank you.

Mr. DICKS. Mr. Chairman, I reserve a point of order on this amendment.

The Acting CHAIRMAN. The gentleman from Washington's reservation is not timely.

The gentleman from Utah is recognized.

Mr. BISHOP of Utah. Mr. Chairman, there is something that is happening in the Department of Interior that is disturbing. So-called nonprofits, many of them financed by wealthy individuals, are lining up with their hands extended, requesting and accepting government handouts in the form of grants.

Then what do these nonprofits do with the taxpayers' money? They come back and they sue the same agents that wrote them a check.

At the same time, these 501(c)(3)s complain that the agencies are then underfunded. Now it's difficult to see how land management agencies are ever going to have enough money to take care of their responsibilities and appease the nonprofits when a good chunk of their budget is siphoned off yearly by defending themselves against endless lawsuits.

501(c)(3)s have a great system. It's a very efficient business model for them. It does defy logic except in what we call the bureaucracy of the Federal Government. These nonprofits bite the hand that feeds them, and the hand simply can't stop itself from feeding them even more. After biting the hand, they then go out and find more money to continue the assault, line their pockets, all along touting their advocacies on behalf of the hand they had just bitten.

My amendment provides a potential remedy to this disturbing and increasing trend. It would prohibit funds in this bill from being dispersed to 501(c)(3)s that are party to litigation against the dispensing agency. In other words, if you are suing the Department of the Interior, you are not eligible to receive money from the Department of the Interior.

I believe, as everyone does, in the right to sue, but it defies logic that we would ask taxpayers to finance litigation against themselves. The taxpayer ends up paying twice, first in the form of the handouts to the nonprofit, and then when the government's attorney needs to be paid for defending it.

Keep in mind, this also diverts money from critical needs on our public land. The maintenance backlog on our lands is well documented, reaches into billions of dollars, and we can't even say the taxpayers are even hit a third time when they try to access these multiple-use public lands only to find out that the particular activity is currently off limits due to ongoing litigation brought on by so-called nonprofit advocacy groups generously financed by the taxpayers.

Now some may say that there are legitimate reasons to take the government to court. I would agree with that statement. But I would not agree that it's the government's responsibility to fund that complaint, especially the same government entity you are at the same time suing.

This amendment is very simple. If a nonprofit organization can afford to finance elaborate fundraising campaigns to enrich themselves, certainly they can afford to sue the government on their own dime. Don't let these organizations sell you underchronic underfunding of agency X, Y and Z when they, themselves, are draining that agency from resources by the millions. This two-faced scheme must be stopped. It's time for us to show the taxpayers some respect and stop playing this type of a game with their money.

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

Mr. DICKS. Mr. Chairman, I rise in opposition to the amendment and move to strike the requisite number of words.

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

Mr. DICKS. Mr. Chairman, this amendment, while straightforward is not what it seems. While it seems logical that we should not issue grants to any group that is in litigation with the agency issuing the grant, that could result in far-reaching consequences. Even the gentleman, I don't think, could predict accurately all of the implications of this.

For instance, this amendment could very well impact programs in Indian country. Many tribes choose to create, through separate organizing documents, an entity separate from the tribe that does not have sovereign powers and is organized exclusively for purposes described under IRC section 501(c)(3).

□ 1815

Here are some examples of non-profit groups within Indian Country:

United Tribes Technical College, the Inter-tribal Bison Council, the Affiliated Tribes of the Northwest, the Native American Chamber of Commerce, the National Congress of American Indians.

If organizations such as these were involved in any litigation against the Department of the Interior, they would be ineligible to receive grants. Now, I remind the Chair that many tribal organizations across the Nation are in litigation with the Department of the Interior. Are we to deny the services these groups provide to Indian Country because they have longstanding legal disputes with the U.S. Government?

In addition to Indian Country, there are many wildlife conservation groups whose grassroots members provide thousands of hours of services to agencies in this bill. Groups that help the agencies with natural resource education, wildlife and habitat management, maintenance and upkeep of our national wildlife refuges and parks, and many other important efforts. These groups would be denied grants to provide those services because their parent organizations are involved in litigation regarding a legitimate difference in policy with the United States.

I think this is an ill-advised amendment, and I strongly urge a ''no'' vote on this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was rejected.

AMENDMENT NO. 20 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. 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. 20 offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds made available in this Act may be used to eliminate or restrict programs that are for the reforestation of urban areas.

Mr. TIAHRT. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, my amendment is simple, and it sends a very important message to the United States Congress. As I do that, let me thank the chairman of the full committee and the chairman of the subcommittee and all of those who are prepared to work in a bipartisan manner. I can see that the tone has changed on this particular bill because this is an amendment that was accepted last year.

My amendment is simple, as I said. It emphasizes the importance of urban forests and preserves our ability to return urban areas to healthy and safe living environments for our children. An identical amendment was offered to last year's appropriations bill, H.R. 5386, and was adopted by voice vote.

This amendment emphasizes surveys that indicate that some urban forests are in serious danger. In the past 30 years alone, we have lost 30 percent of all our urban trees, a loss of over 600 million trees. Some of it has been lost to devastating natural disasters. For example, in my travels to New Orleans, as the aftermath of Hurricane Katrina, huge numbers of trees, maybe thousands, were seen either strewn around or laying upon piles of debris.

Eighty percent of the American population lives in dense quarters of a city. Reforestation programs return a tool of nature to a concrete area that can help remove air pollution, filter out chemicals and agricultural waste in water and save communities millions of dollars in storm water management costs. I have certainly seen neighborhoods in Houston benefit from urban reforestation, as it would across the Nation.

In addition, havens of green in the middle of a city can have a beneficial effect on a community's health, both physical and psychological, as well as increase property values of the surrounding real estate.

Reforestation of cities is an innovative way of combating urban sprawl and/or deterioration. In this age of climate change and global warming, a real commitment to enhancing our environment involves both the protection of existing natural resources and active support for restoration improvement projects.

In 1999, American Forests, a conservation group, estimated that the tree cover lost in the greater Washington metropolitan area from 1973 to 1997 resulted in additional 540 million cubic feet of storm water runoff annually, which would have taken more than $1 billion in storm water control facilities to manage.

For those of us who live in areas 50 feet below sea level, as I do, in the gulf region, we know how important it is for trees to be amongst us.

This amendment is very simple. It is an encouragement based upon existing legislation that indicates that trees are important to clean air, it is important to prevent extreme flooding, storm water runoff, and certainly, it is a cooling factor in these days when temperatures are rising enormously high.

I would hope my colleagues would be sensitive to the bipartisan commitment to reforestation and move this amendment forward so that we as a Nation can stand on the record for the greening of America, treeing of America, all over, no matter what region you're in.

Thank you for this opportunity to speak in support of my amendment to H.R. 2643, the Interior and Environment Appropriations Act of 2008, and to commend Chairman DICKS and Ranking Member TIAHRT for their leadership in shepherding this bill through the legislative process. Among other agencies, this legislation funds the U.S. Forest Service, the National Park System, and the Smithsonian Institution, which operates our national museums including the National Zoo.

Mr. Chairman, my amendment is simple but it sends a very important message from the Congress of the United States. My amendment emphasizes the importance of urban forests, and preserves our ability to return urban areas to healthy and safe living environments for our children. An identical amendment was offered to last year's appropriations bill, H.R. 5386, and was adopted by voice vote.

Mr. Chairman, surveys indicate that some urban forests are in serious danger. In the past 30 years alone, we have lost 30 percent of all our urban trees—a loss of over 600 million trees.

Eighty percent of the American population lives in the dense quarters of a city. Reforestation programs return a tool of nature to a concrete area that can help to remove air pollution, filter out chemicals and agricultural waste in water, and save communities millions of dollars in storm water management costs. I have certainly seen neighborhoods in Houston benefit from urban reforestation.

In addition, havens of green in the middle of a city can have beneficial effects on a community's health, both physical and psychological, as well as increase property value of surrounding real estate.

Reforestation of cities is an innovative way of combating urban sprawl and/or deterioration. In this age of climate change and global warming, a real commitment to enhancing our environment involves both the protection of existing natural resources and active support for restoration and improvement projects.

In 1999, American Forests, a conservation group, estimated that the tree cover lost in the greater Washington metropolitan area from 1973 to 1997 resulted in an additional 540 million cubic feet of storm water runoff annually, which would have taken more than $1 billion in storm water control facilities to manage.

Trees breathe in carbon dioxide, and produce oxygen. People breathe in oxygen and exhale carbon dioxide. A typical person consumes about 38 lbs of oxygen per year. A healthy tree, say a 32-ft tall ash tree, can produce about 260 lbs of oxygen annually—two trees supply the oxygen needs of a person for a year!

Trees help reduce pollution by capturing particulates like dust and pollen with their leaves. A mature tree absorbs from 120 to 240 lbs of the small particles and gases of air pollution. They help combat the effects of ''greenhouse'' gases, the increased carbon dioxide produced from burning fossil fuels that is causing our atmosphere to ''heat up.''

Trees help cool down the overall city environment by shading asphalt, concrete and metal surfaces. Buildings and paving in city centers create a heat-island effect. A mature tree canopy reduces air temperatures by about 5–10 degrees Fahrenheit. A 25-foot tree reduces annual heating and cooling costs of a typical residence by 8 to 12 percent, producing an average $10 savings per American household. Proper tree plantings around buildings can slow winter winds, and reduce annual energy use for home heating by 4–22 percent.

Mr. Chairman, trees play a vital role in making our cities more sustainable and more liveable. My amendment simply provides for continued support to programs that reforest our urban areas.

For all these reasons, Mr. Chairman, I urge adoption of my amendment and thank Chairman DICKS and Ranking Member TIAHRT for their courtesies, consideration, and very fine work in putting together this excellent legislation.

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

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

Mr. TIAHRT. I would like to ask the gentlewoman from Texas if this is the same language that she offered last year.

Ms. JACKSON-LEE of Texas. To the ranking member, yes. The amendment is the same language. It is a limitation, the same language that was offered last year.

Mr. TIAHRT. Mr. Chairman, I withdraw my point of order.

I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, we're prepared to accept the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. DENT

Mr. DENT. 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. 13 offered by Mr. DENT:

H.R. 2643

Page 111, after line 17, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act may be used to implement, administer, or enforce section 20(b)(1) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Pennsylvania (Mr. DENT) and a Member opposed each will control 5 minutes.

Mr. DICKS. Mr. Chairman, I reserve a point of order on this amendment.

The Acting CHAIRMAN. The point of order is reserved.

The Chair recognizes the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, I want to make four points about this amendment that I'm offering here today. First, the expansion of Indian or tribal gambling, particularly off-reservation casino gambling, has gone far beyond what was intended by the Indian Gaming Regulatory Act of 1988.

Twenty years ago, there were no tribal casinos. Today, there are approximately 406 Indian casinos in 29 States.

Revenue from Indian gambling has gone from $0 to $19 billion in 20 years. These extraordinary profits have caused casino interests to form alliances with tribes in order to establish more profitable casinos in locations far removed from existing reservations.

The second point I want to make, and there are very specific examples of ''reservation shopping,'' as we like to refer to this. One, the St. Regis Bank of Mohawk Indians is trying to build a casino 350 miles from its reservation.

The Bad River Band of Lake Superior and St. Croix Chippewa Indians of Wisconsin are trying to build a casino in Michigan, over 300 miles from its existing reservation.

The Pueblo of Jemez of New Mexico are trying to build a casino in Anthony, New Mexico, over 290 miles from its reservation.

The Mohegan Tribe of Connecticut, along with the Menominee Tribe of Wisconsin, is trying to build the largest casino between New Jersey and Las Vegas in Kenosha, Wisconsin, over 1,000 miles from the Mohegan lands in Connecticut.

As of May 2006, there were some 40 applications to approve new casino operations pending at the Bureau of Indian Affairs, casinos that are, for the most part, destined for off-reservation sites.

The third point I want to make is that the expansion of tribal gambling has had a corrupting influence on the political system and has forced local municipalities and homeowners to go to court to essentially protect their properties from casino interests anxious to seize their lands.

Tribal casino profits are high, and regulation of tribal gaming profits is minimal. As a result, Jack Abramoff was able to take an estimated $85 million from the Mississippi Choctaw and other tribes. He was able to use some of this money to bribe entities within the political system, sometimes to further the interest of one client as against those of another.

Casino interests have also allied with local Indian tribes to sue municipalities and landowners. In the 15th District of Pennsylvania, which I represent, the Delaware Nation, which is actually based in Oklahoma, filed in Federal court to establish title to a 315-acre tract of land in Northampton County, Pennsylvania, near Easton, so that it could build a gambling facility. Its claim was based in part on a conveyance that ostensibly occurred in 1737, well before the establishment of our country.

More than 25 families live on this property, and it is also home of the Crayola Company, which makes the much beloved Crayola crayons that our children all enjoy.

Although the suit was ultimately resolved in favor of the homeowners and the plaintiffs lost in every courtroom, the deep-pocketed interests behind this lawsuit were able to fund this litigation all the way to the United States Supreme Court, causing no small amount of apprehension among the innocent home owners and business owners here.

Tribal organizations do recognize that there are problems with this expansion. Several support meaningful limitations on off-reservation tribal gambling.

And the fourth and final point that I would like to make about this amendment, Mr. Chairman, is that the time has come for Congress to step in. This amendment is the first step towards reforming a system that has simply spun out of control.

The Bureau of Indian Affairs published proposed regulations on October 5, 2006, but these regulations are weak and do not adopt meaningful criteria or standards.

The Congress must step in and reassert its regulatory authority over off-reservation gambling by enacting comprehensive reform of the Indian Gaming Regulatory Act of 1988. Until that's done, we need to have a moratorium on off-reservation gambling, which this amendment will, in effect, accomplish.

The amendment directs specifically that no funds shall be expended to process any applications for off-reservation casinos under section 20(b)(1) of IGRA of fiscal year 2008.

The amendment will have no impact, and let me repeat this: The amendment will have no impact on existing on-or off-reservation casino operations, as they have already gone through the BIA approval process. This will not impact any tribal casino that is currently operating on- or off-reservation.

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

Mr. DICKS. Mr. Chairman, I rise in opposition to this amendment and claim the time in opposition.

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

Mr. DICKS. I understand the gentleman's concern on this complex issue. And I also withdraw my point of order.

I understand the gentleman's concern on this complex issue, but the Bureau of Indian Affairs has a process for putting land into trust. We should not interfere with that process.

When an American tribe decides it wants to engage in gaming activities under the Indian Gaming Regulatory Act on a parcel of land that is not already into trust, it must go through an exhaustive application process that determines if a gaming establishment on newly acquired land will be in the best interest of the tribe and its members, and not detrimental to the surrounding community.

Additionally, the Department is currently drafting regulations that will implement section 20 of the Indian Gaming Regulatory Act by articulating standards that the Department will follow in interpreting the various exceptions to the gaming prohibition on after-acquired trust lands. We need to let that process go forward.

Even if the Department approves a tribe's request, the Governor of the State must also agree. To interfere with this process circumvents the Gaming Regulatory Act, interferes with an established process in the Bureau of Indian Affairs and should not be included in an appropriations bill.

And I want to say that again. This should be in an authorization bill. And if the gentleman is concerned, take it to the Natural Resources Committee or the committee of jurisdiction. That's where this should be worked out, not here on this appropriations bill.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word. I yield to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I just wanted to point out the fact that this problem has simply spun out of control in this country. Last session, we attempted to deal with this in a bill that would restrict off-site. Off-reservation tribal gambling was defeated. I think we need to try this again.

The regulations that were mentioned are simply weak and not meaningful enough, in my view, and I think we need the proposed regulations.

□ 1830

I would strongly urge that Congress reassert itself and take control over

this issue. I don't believe that the authors of the Indian Gaming Act of 1988 intended that we would have a situation in this country today where 29 States would now have casinos, 406 tribal casinos in 29 States. I don't think that was the intent. I haven't met anybody who voted for that law who thought that was what they were voting for at the time, but that is what we have now.

In my district, there has been great hardship. I mean, a 1737 land conveyance, a 1737 land conveyance, going back to William Penn and the Walking Purchase. That is what we are talking about here, taking land of homeowners, a crayon factory, a much beloved crayon factory, and I think it is time for us to act. It is time for this Congress to act. We have had a lot of time to deal with this issue. We have not done so.

And with that, again, I respectfully ask all my colleagues, and I understand the process that we are engaged in here, but we need this type of a moratorium. It is absolutely essential. I think it will send a message to the authorizing committees, to the Department of Interior that we are serious about this issue, that we have had enough. Enough is enough. Too many people are being displaced or potentially displaced, clouds over the properties to their titles, again, in my case, over a 1737 land conveyance. Again, these were big developers working in concert with the tribes and spending enormous amounts of money and people having to defend themselves. And it really has gotten to the point of being outrageous, and I think we need to act once again. And I respectfully ask for the support of everyone here.

I thank the gentleman for yielding.

Mr. RYAN of Wisconsin. Mr. Chairman, I rise to address the Dent amendment concerning off-reservation casino applications.

Two proposals are currently under consideration in southern Wisconsin on which I have taken a neutral position.

Voting in affirmative on this amendment would violate my position of neutrality. Therefore, I will vote no and remain neutral on these pending applications.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. DENT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. DENT. 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 Pennsylvania will be postponed.

AMENDMENT NO. 23 OFFERED BY MR. KINGSTON

Mr. KINGSTON. 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. 23 offered by Mr. KINGSTON:

H.R. 2643

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to enter into a contract with an entity that does not participate in the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

Mr. DICKS. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Georgia (Mr. KINGSTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, I thank the chairman of the committee and the ranking member for the opportunity to offer this for consideration. And I do realized that the chairman has reserved a point of order. I hope he doesn't insist upon it, but if he does, I certainly understand, as we share, I think, the same goal of cracking down on illegal aliens.

What this amendment does, Mr. Chairman, is say that if you sell or contract or do business with the Federal Government, then you need to be part of the Social Security verification project known as the Basic Pilot. And the Basic Pilot program is a tool for employers to verify the Social Security numbers of employees.

We all know that the Federal Government is one of the worst offenders of hiring contractors and subcontractors who in turn hire illegal aliens and do a lot of government work. We also know that since the inception of ICE, the Immigration and Customs Enforcement Agency, Julie Myers, the head of it, has stated that there have been hundreds and hundreds of arrests at military installations, power plants, chemical plants, sensitive facilities, and truly this would include a lot of the agencies and a lot of the contractors in work that is done in the Department of Interior for work on our national parks and other land areas.

There was one very high-profile case where a defense contractor had hired illegal aliens to work in a shipyard in Mississippi, another one at an Air Force base in North Carolina, and another one at a Marine base in Virginia. Those are more defense oriented, but this would certainly apply to all Federal agencies.

The success of this program, though, is that 92 percent of the prospective employees have their Social Security number verified within seconds of the work authorization. So this isn't requiring that employers have some cumbersome, unworkable paperwork requirement. In fact, 50 percent of the employers who use this program surveyed have said that it is an excellent, good, to very good program. And 98 percent say that they are likely to continue to use this program. It is a very good tool, I think to crack down on Social Security verification. And as we know, right now the U.S. Senate is debating an enormously unpopular bill which seeks comprehensive immigration reform.

This is a step. The American people have sent a clear signal that they want immigration reform but they would like it in the form of steps rather than comprehensive.

So with that, Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. DICKS. Mr. Chairman, it is with a very heavy heart, but I must insist on my point of order.

I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. KINGSTON. Mr. Chairman, I just want to say as a member of the Appropriations Committee now going on 14 years, I remember several years ago when Congressman David Skaggs of Boulder, Colorado, offered an amendment in the committee which reinstituted the War Powers Act, because at that time we were concerned that President Clinton was getting us involved in a war in Bosnia; so we put it on that bill. And I believe last session we put on the continuation of government on an appropriation bill, and I am a firm believer that we do routinely authorize on appropriation bills. We just need to agree with the authorization.

So I want to say to my friend I have seen things accepted and things rejected.

Mr. DICKS. Is this a discussion on the point of order, Mr. Chairman, or are we wandering around?

Mr. KINGSTON. This is a speech and it is a very good speech.

The Acting CHAIRMAN. Members will refrain from arguing beyond the point of order.

Mr. KINGSTON. In any case, Mr. Chairman, I understand where the distinguished chairman of this committee is coming from and we will continue to work with him, the Appropriations Committee, and all Members of Congress to try to get Social Security verification done by businesses that contract with the Federal Government.

The Acting CHAIRMAN. Does any other Member seek recognition on the point of order? If not, the Chair is prepared to rule.

The amendment would require a determination of whether an entity does or does not participate in a given pilot program under immigration law. This determination is not currently required of the relevant Federal contracting officials. As such, the amendment constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained.

Mr. DICKS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. JACKSON-LEE of Texas) having assumed the chair, Mr. BECERRA, 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. 2643) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2829, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2008

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 110–213) on the resolution (H. Res. 517) providing for consideration of the bill (H.R. 2829) making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 2669, COLLEGE COST REDUCTION ACT OF 2007

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

Mr. CARDOZA. Madam Speaker, the Rules Committee is expected to meet the week of July 9 to grant a rule which may structure the amendment process for floor consideration of H.R. 2669, the College Cost Reduction Act of 2007.

Members who wish to offer an amendment to this bill should submit 30 copies of the amendment and a brief description of the amendment to the Rules Committee in H–312 in the Capitol no later than 11 a.m. on Tuesday, July 3. Members are strongly advised to adhere to the amendment deadline to ensure the amendments receive due consideration.

Amendments should be drafted to the bill as reported by the Committee on Education and Labor. A copy of that bill is posted on the Web site of the Rules Committee.

Amendments should be drafted by Legislative Counsel and should be reviewed by the Office of the Parliamentarian to be sure that the amendments comply with the rules of the House. Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 514 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. 2643.

□ 1841

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. 2643) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. BECERRA (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 23 printed in the CONGRESSIONAL RECORD offered by the gentleman from Georgia (Mr. KINGSTON) had been disposed of.

AMENDMENT OFFERED BY MR. PEARCE

Mr. PEARCE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PEARCE:

At the end of the bill, before the short title, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. No funds made available in or through this Act may be used for the continued operation of the Mexican Wolf Recovery program.

Mr. DICKS. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The Acting CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of today, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, I rise today to offer an amendment to stop a program that has been a failure. Let the record be clear. After more than 10 years of failed attempts to reintroduce Mexican wolves, it is now time to call an end to this program.

I am speaking of the Mexican Wolf Recovery Program operated by the Fish and Wildlife Service in New Mexico and Arizona. Since the 1998 release of these captive bred wolves into the Blue Range Wolf Recovery area, this program has attempted to restore a population of wolves into the area, all while providing no compensation to ranchers for their livestock losses and all in the face of nearly unified local public opinion against the program.

Promises were made that the wolves would be restricted to the wilderness area of the Gila Mountains, but instead we have seen wolves as far away as Tularosa, New Mexico, almost 200 miles away.

To date this program has spent nearly $14 million and as of today has only 58 wolves in the wild; $14 million, 10 years, and 58 wolves in the wild.

□ 1845

Of these 58 wolves in the wild, we now are on a pace to remove 12 this year because they're problems.

Chart number 1 that I brought up today highlights the increasing rate of removal of the wolves from the wild because they're killing too much livestock and they're endangering people and pets in the district that I represent.

In 2005, the Service removed four problem wolves. In 2006, it removed eight. In 2007, we're on a pace to remove 12 wolves, 12 out of 58. If the Service has to remove 12 wolves this year, 20 percent of the wolves in the recovery area, how can anyone classify as a success a program where this many of the wolves are being a danger to ranchers and livestock?

I would add that the wolves that are released into New Mexico are the wolves that have killed too many animals over in Arizona. So New Mexico gets the benefit of having the most dangerous wolves released into the Second District.

Secondly, I would like to go to a chart that shows the horse, Six. In this shot, on the left side, Stacy Miller, 8 years old, is riding her horse, Six. This picture was taken 2 weeks before this picture. This picture on the right indicates her horse, Six, after the wolves finished with it. You see the ribs have been stripped completely clean. The hide is laying out here. That's 2 weeks after the picture was made. This is in the Second District of New Mexico.

And for those of you who want the feel-good feeling of releasing the wolves into the wild, let us release them into your daggone area instead of the area of southern New Mexico, where they represent a danger to the people of the Second District. If you aren't willing to take them into your district, then why are you going to spend money to put them in our district and endanger our people?

I would like to draw your attention to another tremendous concern, the Durango pack, particularly the female, AF924, which we speak about, is stalking the home of a young woman named Micha. Micha Miller, not the same, is pictured here. Micha Miller is about 100 yards from her front door pointing to a wolf print that is there in the dirt. What is startling about this picture is the gun which Micha is wearing while she goes about her chores. The Durango pack of wolves have been in and around Micha's house for so long that her parents insist that she carry this gun with her while she does her chores, works or plays in the yard.

I am submitting for the RECORD a letter from Micha asking Congress to end

this program that has put wolves in her front yard.

DEAR CONGRESSMAN PEARCE: I am Micha Noel Miller the 13 year old that has to carry a firearm when I go outside. My parents and I have had the Durango Pack (AF924 & AM 973) in our yard 5 times in the last 6 weeks. I hate the wolves in our yard because I feel that I am trapped in my house! I love to ride my horse, bike and walk around outside. Since the reintroduction of the Mexican Wolf I can no longer due any of these things without being afraid.

When we get home after dark my mom has to go feed our dogs and cats because I'm scared to go outside even though I know the wolves are 6 miles down the road and it doesn't make a difference, I'm still afraid they are coming up behind me. I'm tired of looking over my shoulder and being scared all the time. I have even resorted to carrying a firearm, I'm still frightened of the wolves when they come in my yard.

I have gone hunting with my dad alot. We have called in coyotes and even a bear and I wasn't as scared as I was every time the wolves were in our yard. The coyotes and bears are more scared of you and will run away, but the wolves will just keep coming closer to you. They are not scared of humans!! I have had a wolf within 40 yards of me and I was so scared I couldn't move. My older sister, A.J., came out and scared the wolf off finally.

I have nightmares about the wolves attacking my family & our pets. The Wolf Program says you cannot shoot a wolf if it is attacking your pet on private property. I don't understand how the wolf program expects people to stand by and let the wolves kill their pets and not do anything to stop them. They think the wolves are more important than anything else, including human life!

Congressman Pearce, I wish there was some way you could get the wolf program to remove the wolves. I just want to have a normal childhood where I can go outside and play anytime I want without being armed and worrying about wolves being in my yard.

Thank you for your help,

MICHA MILLER.

Mr. Chairman, we will hear folks that will follow me talk about how healthy wolves have never attacked humans; I would say that they're simply wrong. I will submit for the RECORD a list of recorded attacks by wolves on humans. These include healthy captive wolves, domestically bred wolves and wolf-dog hybrids.

WOLF ATTACKS ON HUMANS

(By T. R. Mader, Research Division)

It has been widely discussed whether a healthy wild wolf has ever attacked a human on this continent. In fact, many say such attacks have never occurred in North America.

History states otherwise. Although attacks on humans are uncommon, they have occurred on this continent, both in the early years of settlement and more recently. Here is one report:

NEW ROCKFORD, DAK, March 7.—The news has just reached here that a father and son, living several miles northeast of this city, were destroyed by wolves yesterday. The two unfortunate men started to a haystack some ten rods from the house to shovel a path around the stack when they were surrounded by wolves and literally eaten alive. The horror-stricken mother was standing at the window with a babe in her arms, a spectator to the terrible death of her husband and son, but was unable to aid them. After they had devoured every flesh from the bones of the men, the denizens of the forest attacked the house, but retired to the hills in a short time. Investigation found nothing but the bones of the husband and son. The family name was Olson. Wolves are more numerous and dangerous now than ever before known in North Dakota. (Saint Paul Daily Globe, March 8, 1888)

Here an account is reported which included an eyewitness and the family name. Some have reasoned the wolves were rabid. That is unlikely as these animals were functioning as a pack. A rabid wolf is a loner. Our research has never found a single historical account of packs of rabid wolves on this continent. Individual animals are the norm. Further, accounts of rabid (hydrophobic) animals were common in that day and were reported as such.

The winters of 1886–1888 were very harsh. Many western ranchers went broke during these years. The harsh winter could have been a factor in the attack.

Noted naturalists documented wolf attacks on humans. John James Audubon, of whom the Audubon Society is named, reported an attack involving 2 Negroes. He records that the men were traveling through a part of Kentucky near the Ohio border in winter. Due to the wild animals in the area the men carried axes on their shoulders as a precaution. While traveling through a heavily forested area, they were attacked by a pack of wolves. Using their axes, they attempted to fight off the wolves. Both men were knocked to the ground and severely wounded. One man was killed. The other dropped his axe and escaped up a tree. There he spent the night. The next morning the man climbed down from the tree. The bones of his friend lay scattered on the snow. Three wolves lay dead. He gathered up the axes and returned home with the news of the event. This incident occurred about 1830. (Audubon, J.J., and Bachman, J.; The Quadrupeds of North America, 3 volumes. New York, 1851–1854)

George Bird Grinnell investigated several reported wolf attacks on humans. He dismissed many reports for lack of evidence. Grinnell did verify one attack.

This occurrence was in northwestern Colorado. An eighteen-year-old girl went out at dusk to bring in some milk cows. She saw a gray wolf on a hill as she went out for the cows. She shouted at the wolf to scare it away and it did not move. She then threw a stone at it to frighten it away. The animal snarled at her shouting and attacked her when she threw the stone at it. The wolf grabbed the girl by the shoulder, threw her to the ground and bit her severely on the arms and legs. She screamed and her brother, who was nearby and armed with a gun, responded to the scene of the attack and killed the wolf. The wolf was a healthy young animal, barely full grown. Grinnell met this girl and examined her. She carried several scars from the attack. This attack occurred in summer about 1881. (Grinnell, G.B.; Trail and Campfire—Wolves and Wolf Nature, New York, 1897)

In 1942, Michael Dusiak, section foreman for the Canadian Pacific Railway, was attacked by a wolf while patrolling a section of track on a speeder (small 4–wheeled open railroad car). Dusiak relates, ''It happened so fast and as it was still very dark, I thought an engine had hit me first. After getting up from out of the snow very quickly, I saw the wolf which was about fifty feet away from me and it was coming towards me, I grabbed the two axes (tools on the speeder), one in each hand and hit the wolf as he jumped at me right in the belly and in doing so lost one axe. Then the wolf started to circle me and got so close to me at times that I hit him with the head of the axe and it was only the wielding of the axe that kept him from me. All this time he was growling and gnashing his teeth. Then he would stop circling me and jump at me and I would hit him with the head of the axe. This happened five times and he kept edging me closer to the woods which was about 70 feet away. We fought this way for about fifteen minutes and I fought to stay out in the open close to the track. I hit him quite often as he came at me very fast and quick and I was trying to hit him a solid blow in the head for I knew if once he got me down it would be my finish. Then in the course of the fight he got me over onto the north side of the track and we fought there for about another ten minutes. Then a west bound train came along travelling about thirty miles an hour and stopped about half a train length west of us and backed up to where we were fighting. The engineer, fireman and brakeman came off the engine armed with picks and other tools, and killed the wolf.''

It should be noted that this wolf was skinned and inspected by an Investigator Crichton, a Conservation Officer. His assessment was that the animal was a young healthy wolf in good condition although it appeared lean. (''A Record of Timber Wolf Attacking a Man,'' JOURNAL OF MAMMOLOGY, Vol. 28, No. 3, August 1947)

Common Man Institute, in cooperation with Abundant Wildlife Society of North America, has done extensive research on wolves and their history for several years. We have gathered evidence on wolf attacks which occurred in North America.

A forester employed by the Province of British Colombia was checking some timber for possible harvest in the 1980s. He was met by a small pack of three wolves. The forester yelled at the wolves to frighten them away. Instead, the wolves came towards him in a threatening manner and he was forced to retreat and climb a nearby tree for safety. The wolves remained at the base of the tree. The forester had a portable radio, but was unable to contact his base, due to distance, until evening. When the call for help came in, two Conservation Officers with the Ministry of Environment were flown to the area by floatplane to rescue the treed forester.

When the Conservation Officers arrived, the forester was still in the tree and one wolf, the apparent leader of the pack, was still at the base of the tree. The officers, armed with shotguns, shot at the wolf and missed. The wolf ran for cover and then started circling and howling near the two officers. After a couple missed shots, the wolf was finally shot and killed.

The wolf tested negative for rabies. It appeared healthy in every respect, but was very lean. The Conservation Officers felt the attack was caused by hunger. (Taped Interviews and a photo of the wolf on file at Abundant Wildlife Society of North America.)

This is but one example from British Colombia. Wolves overran Vancouver Island in the 1980s. Attacks became so common that articles were published in Canadian magazines documenting such attacks. (Copies available upon request.)

Wolf attacks on humans have occurred in national parks, too. In August 1987, a sixteen-year-old girl was bitten by a wild wolf in Algonquin Provincial Park in Ontario. The girl was camping in the park with a youth group and shined a flashlight at the wolf. The wolf reacted to the light by biting the girl on the arm. That bite was not hard and due to the thick sweater and sweatshirt the girl was wearing, she sustained two scratch marks on her arm. The wolf was shot by Natural Resources personnel and tested negative for rabies. (Interview with Ron Tozer, Park Naturalist for Algonquin Provincial Park, 7/25/88.)

Well-known wolf biologist Dr. David Mech took issue with this attack stating it couldn't really be considered an authentic attack since the girl wasn't injured more severely. It was exactly nine years when such an attack would take place.

Algonquin Provincial Park is one of several areas where people are encouraged to ''howl'' at the wolves in hopes of a response from the wild wolves in the area. In August, 1996, the Delventhal family of Pittsburgh, Pennsylvania, were spending a nine-day family vacation in Algonquin and joined a group of Scouts in ''howling'' at the wolves. They were answered by the howl of a solitary wolf.

That night the Delventhals decided to sleep out under the stars. Young Zachariah was dreaming when he suddenly felt excruciating pain in his face. A lone wolf had bit him in the face and was dragging him from his sleeping bag. Zach screamed and Tracy, Zach's Mother, raced to his side and picked him up, saturating her thermal shirt with blood from Zach's wounds.

The wolf stood menacingly less than a yard away. Tracy yelled at her husband, Thom, who leapt from his sleeping bag and charged the wolf. The wolf retreated and then charged at Tracy and Zach. The charges were repeated. Finally the wolfleft. Thom turned a flashlight on 11-year-old Zach and gasped ''Oh, my God!'' ''The boy's face had been ripped open. His nose was crushed. Parts of his mouth and right cheek were torn and dangling. Blood gushed from puncture wounds below his eyes, and the lower part of his right ear was missing.'' Zach was taken to a hospital in Toronto where a plastic surgeon performed four hours of reconstructive surgery. Zach received more than 80 stitches in his face.

Canadian officials baited the Delventhals' campsite and captured and destroyed a 60-lb wild male wolf. No further attacks have occurred since. (Cook, Kathy; ''Night of the Wolf'' READER'S DIGEST, July 1997, pp. 114–119.)

Humans have been attacked by wolves in Alaska. The late David Tobuk carried scars on his face from a wolf attack on him as a small child. The incident occurred around the turn of the century in interior Alaska. David was playing in his village near a river. An old wolf came into the village and bit David in the face and started to carry him off. Other Eskimos saw the wolf dragging the child off and started yelling and screaming. The wolf dropped the child and was shot by an old Eskimo trapper who had a gun. (Interview with Frank Tobuk, brother, Bettles, Alaska, December 1988.)

Paul Tritt, an Athabascan Indian, was attacked by a lone wolf while working a trap line. Paul was setting a snare, looked up and saw a wolf lunging at him. He threw his arm up in front of his face and it was bitten severely by the wolf. A struggle ensued. Tritt was able to get to his sled, grab a gun and kill the wolf. Nathaniel Frank, a companion, helped Tritt wash the wound with warm water. Frank took Tritt, via dog sled, to Fort Yukon to see a doctor. The arm healed, but Tritt never regained full use of it. Several years later, the arm developed problems and had to be amputated. (Interview with Paul Tritt, Venetie, Alaska, November, 1988)

Two wolf attacks on humans occurred in 2000.

Icy Bay, Alaska.—Six-year-old John Stenglein and a nine-year-old friend were playing outside his family's trailer at a logging camp when a wild wolf came out of the woods towards the boys. The boys ran and the wolf attacked young Stenglein from the back, biting him on the back and buttocks. Adults, hearing the boy's screams, came and chased the wolf away. The wolf returned a few moments later and was shot. According to Alaska Department of Fish and Game (ADF&G) officials, the wolf was a healthy wild wolf that apparently attacked without provocation. The boy was flown to Yakutat and recieved stitches there for his wounds. Later, however, the bites became infected and the boy had to be hospitalized. (Reports and Interviews on file and available upon request.)

Vargas Island, British Colombia.—University student, Scott Langevin, 23, was on a kayak trip with friends. They camped out on a beach and, about 1 AM, Langevin awoke with something pulling on his sleeping bag. He looked out and came face to face with a wild wolf. Langevin yelled at the wolf and it attacked, biting him on the hand. Langevin attempted to force the wolf toward a nearby campfire, but as he turned, the wolf jumped on his back and started biting him on the back of his head. Friends, hearing his yells, came to his aid and scared the wolf away. Fifty (50) stitches were required to close the wound on Langevin's head. British Colombia Ministry of Environment officials speculate the reason for the attack was due to the wolves occasionally being fed by humans although there was no evidence that Langevin or any of his party fed these animals. (Reports and Interviews on file and available upon request.)

This is but a brief summary of a few verifiable accounts of attacks on humans by healthy wild wolves in North American history.

Biologists tell us that the wolves of Asia and North America are one and the same species. Wolf attacks are common in many parts of Asia.

The government of India reported more than 100 deaths attributable to wolves in one year during the eighties. (Associated Press, 1985) This author recalls a news report in 1990 in which Iran reported deaths from attacks by wolves.

Rashid Jamsheed, a U.S. trained biologist, was the game director for Iran. He wrote a book entitled ''Big Game Animals of Iran (Persia).'' In it he made several references to wolf attacks on humans. Jamsheed says that for a millennia people have reported wolves attacking and killing humans. In winter, when starving wolves grow bold, they have been known to enter towns and kill people in daylight on the streets. Apparently, in Iran, there are many cases of wolves running off with small children. There is also a story of a mounted and armed policeman (gendarme) being followed by 3 wolves. In time he had to get off his horse to attend to nature's call, leaving his rifle in the scabbard. A later reconstruction at the scene of the gnawed bones and wolf tracks indicated that the horse had bolted and left the man defenseless, whereupon he was killed and eaten.

A Russian Linguist, Will Graves, provided our organization with reports of wolves killing Russian people in many areas of that country. Reports indicate some of the wolves were diseased while others appeared healthy. (Reports on file and available upon request.)

Reports have also come from rural China. The official Zinhua News Agency reported that a peasant woman, Wu Jing, snatched her two daughters from the jaws of a wolf and wrestled with the animal until rescuers arrived. Wu slashed at the wolf with a sickle and it dropped one daughter, but grabbed her sister. It was then Wu wrestled with the animal until herdsmen came and drove the beast away. This incident occurred near Shenyang City, about 380 miles northeast of Beijing. (Chronicle Features, 1992)

The question arises: ''Why so many attacks in Asia and so few in North America?'' Two factors must be considered:

1. The Philosophy of Conservation—Our forefathers always believed that they had the right and obligation to protect their livelihoods. Considerable distance was necessary between man and wolf for the wolf to survive.

2. Firearms—Inexpensive, efficient weapons gave man the upper hand in the protection of his livelihood and for the taking of wolves.

Milton P. Skinner in his book, ''The Yellowstone Nature Book'' (published 1924) wrote, ''Most of the stories we hear of the ferocity of these animals . . . come from Europe. There, they are dangerous because they do not fear man, since they are seldom hunted except by the lords of the manor. In America, the wolves are the same kind, but they have found to their bitter cost that practically every man and boy carries a rifle . . .''

Skinner was correct. The areas of Asia where wolf attacks occur on humans are the same areas where the people have no firearms or other effective means of predator control.

But . . . ''Biologists claim there are no documented cases of healthy wild wolves attacking humans.''

What they really mean is there are no ''documented'' cases by their criteria which excludes historical accounts. Here's an example.

Rabid wolves were a frightening experience in the early years due to their size and the seriousness of being bit, especially before a vaccine was developed. The bitten subject usually died a slow, miserable death. There are numerous accounts of rabid wolves and their activities. Early Army forts have medical records of rabid wolves coming into the posts and biting several people before being killed. Most of the people bitten died slow, horrible deaths. Additionally, early historical writings relate personal accounts. This author recalls one historical account telling of a man being tied to a tree and left to die because of his violent behavior with rabies after being bitten by a wolf. Such deaths left profound impressions on eyewitnesses of those events.

Dr. David Mech, USFWS wolf biologist, states there are no ''documented'' cases of rabid wolves below the fifty seventh latitude north (near Whitehorse, Yukon Territory). When asked what ''documented'' meant, he stated, ''The head of the wolf must be removed, sent to a lab for testing and found to be rabid.''

Those requirements for documentation negate all historical records!

As with rabid wolves, the biologist can say, ''There are no 'documented' cases of wild healthy wolves attacking humans.'' In order to be ''documented'' these unreasonable criteria must be met:

1. The wolf has to be killed, examined and found to be healthy.

2. It must be proven that the wolf was never kept in captivity in its entire life.

3. There must be eyewitnesses to the attack.

4. The person must die from their wounds (bites are generally not considered attacks according to the biologists).

That is a ''documented'' attack.

Such criteria make it very difficult to document any historical account of a wolf attack on a human!

Biologists assume when a wolf attacks a human, that there must be something wrong with the wolf. It's either been in captivity or it's sick or whatever. They don't examine the evidence in an unbiased manner or use historical tests.

Historically, there are four reasons for wolf attacks on humans:

1. Disease such as rabies.

2. Extreme hunger.

3. Familiarity/Disposition—This is an either/or situation. Familiarity is the zoo setting, captive wolves, etc. Disposition is a

particularly aggressive wolf which may not fear man as most wolves do.

4. In the heat of the chase and kill—This is where a hiker, trapper or whoever disturbs a fresh chase and kill by wolves. The person walks into the scene only to be attacked by the wolves.

It is our belief that a predator's fear of man is both instinctive and learned behavior. For example, wolves raised as pets or in zoos are well documented to attack and kill humans.

Alyshia Berzyck, of Minnesota, was attacked and killed by a wolf on a chain on June 3, 1989. The wolf tore up her kidney, liver and bit a hole through her aorta. One month later, on July 1, 1989, Peter Lemke, 5, lost 12 inches of his intestine and colon and suffered bites to his stomach, neck, legs, arms and back in another wolf attack in Kenyon, Minnesota. (Reports on file and available upon request.)

Zoos carry abundant records of wolf attacks on people, particularly children. The child climbs the enclosure fence to pet the ''dog'' and is attacked.

Zoos and domestic settings are unnatural in that they place man and wolf in close proximity and they become accustomed to each other. Consequently attacks occur.

Today predator control is very restricted in scope, and as a result, attacks on humans by predators are becoming more common. In recent years, healthy coyotes in Yellowstone Park have attacked humans. Similar attacks have occurred in the National Parks of Canada.

On January 14, 1991, a healthy mountain lion attacked and killed an eighteen-year-old high school senior, Scott Lancaster, in Idaho Springs, Colorado. The boy was jogging on a jogging path within the city limits of the town when the lion attacked and killed him. (Report on file at Abundant Wildlife Society of North America)

OTHER REPORTED WOLF ATTACKS IN THE WILD

1. Comox Valley, British Colombia—1986—While driving a tractor, Jakob Knopp was followed by three wolves to his barn. They didn't leave, but kept snarling and showing their teeth. Knopp ran to his barn, retreived a rifle and had to shoot two of the three wolves before the third left the area.

2. George Williams, a retired sailor heard a commotion in his chicken coup one night. Thinking it was raccoons he took his single shot 22 rifle and headed for the coup. He rounded his fishing boat and trailer when a wolf leaped at him. He instinctively reacted with a snap shot with the rifle and dropped the wolf. A second wolf came at him before he could reload and George swung the rifle and struck the wolf across the head, stunning it. George retreated to the house until morning and found the wolf he had shot, the other was gone.

3. Clarence Lewis was picking berries on a logging road about a mile from Knopp's farm when he faced four wolves. Lewis yelled at them, two left and the other two advanced towards him. He took a branch and took a couple of threatening steps at them. They went into the brush and stayed close to him. Lewis faced the wolves and walked backward for two miles until he reached his car.

4. Don Hamilton, Conservation Officer at Nanaimo went to investigate a livestock killing by wolves. Wolves had killed a number of sheep in a pasture and Don went out to examine the kills. He came upon the scene and saw a large gray wolf feeding on one of the sheep. The wolf looked at him, growled and started running towards him at full speed. The wolf was over 100 yards away and never broke stride as it approached Don. At approximately 15 feet, Don shot the wolf to stop its attack. Don, who has many years experience with wolves, stated that he was convinced that the wolf was going to attack him because of its growling, snarling and aggressive behavior.

5. In 1947, a man was hunting cougar on Vancouver Island and was attacked by a pack of seven wolves. The man backed against a tree and shot the leader of the pack. The pack instantly tore the animal to shreds while the hunter made his escape.

6. Clarence Lindley was reportedly attacked by a 125-pound timber wolf. The incident occurred in early November, 1992 on the Figure 4 Ranch in Dunn County, North Dakota. Lindley was hunting horseback when the wolf attacked Lindley's horse causing it to jump and fall. Lindley was able to grab his saddle gun, a lever action Winchester 94, as the horse fell. The horse recovered its balance and Lindley found himself face to face with a snarling wolf. ''My heart was pounding,'' said Lindley, ''I could see those big teeth. He was less than five feet away. . . He meant business; he wasn't going to back off.'' Lindley fired his rifle at point blank range and killed the wolf with a shot to the neck. Lindley left the wolf since he couldn't get his horse close to it. On return to his hunting camp, his hunter friends failed to believe the account. They returned to the scene and skinned the wolf. The pelt was a flawless black and gray pelt measuring seven and a half feet from its feet to its snout. Its bottom teeth measured one and a half inches; top teeth—one and a quarter inches. The North Dakota Game and Fish Department (NDGF) confiscated the hide and head of the wolf and took it to the U. S. Fish and Wildlife Service (USFWS) for determination of its species. Tests revealed that the wolf was non-rabid. The wolf was thought to have come from Canada. (Reports on file and available upon request.)

WOLF ATTACKS ON HUMANS (DOMESTIC INCIDENTS)

1. In the 1970s, John Harris, a Californian, toured the nation with ''tame'' wolves to promote public sympathy for preserving wolves. In July, 1975, ''Rocky,'' one of Harris'' wolves, attacked a one-year-old girl by biting her in the face. The girl was brought close to the wolf for a picture, an action encouraged by Harris.

2. In Maryland, a man kept a wolf in his basement and this animal turned and savagely bit and clawed his two-year-old son.

3. In New York City, a wolf bit a woman as it approached her.

4. At a zoo in Idaho, a little girl walked up to a cage housing a wolf and reached through the bars to pet the wolf. The wolf bit the arm. The arm had to be amputated.

5. Mr. Edward Rucciuti, former curator of publications for the New York Zoological Society and author of KILLER ANIMALS, personally witnessed a 12-year-old boy savagely attacked in the Bronx Zoo. This boy climbed a high fence in order to pet the wolves. The wolves (male and 2 females) immediately attacked the boy, ripping at the boy's clothing and flesh. The boy instinctively curled up in a ball, protecting his head, chest and abdomen. He then crawled into the moat in front of the exhibit with the wolves chewing his back and legs. Once the boy made it to the water, the wolves ceased their attack. The boy crawled out of the moat and collapsed. Mr. Rucciuti was amazed that the boy was still alive due to the severity of the bites.

6. San Diego Zoo (1971) A 15-year-old boy climbed the fence and tried to take a shortcut across the exhibit. He didn't know there were wolves in the exhibit and tried to run when he saw them. The wolves grabbed him by the leg attempting to drag him off. The boy grabbed a tree and hung on. Two bystanders jumped in the enclosure and attacked the wolves with tree branches. The wolves did not attack the two men, but continued to maul the boy. Dragging the boy and swinging their clubs, the boy was pulled out of the enclosure. The wolves in the enclosure were all young animals and it was thought that if the animals were mature, the boy would have died before being rescued.

7. A few months after the attack on the boy (#6), a man scaled the fence and swung his arms in the exhibit to get the attention of the wolves and got it by being bitten severely on both arms.

8. 1973—Another boy tried to cross the same compound and was attacked, a security guard shot and killed one of the wolves, and the other fled as the boy was pulled to safety.

9. 1975—Small zoo in Worcester, Massachusetts, a two-year-old lad was savagely bitten on the leg when it slipped through an enclosure opening. The boy's mother and 2 men could not pull the boy free. The wolves did not stop ripping the boy's leg apart until a railroad tie was thrown in the midst ofthe wolves.

10. 1978—A wolf bit a child in Story, Wyoming. The wolfwas penned at a local veterinary clinic for observation. During that time, the wolf escaped its pen and killed a young calf. Wyoming law prohibits the keeping of wild animals as pets, so the animal was shipped to Ohio, where it had come from. The owner of the wolf went to Ohio and brought the wolf back to Wheatland, Wyoming. It was reported the wolf attacked and killed a child in that area shortly thereafter.

11. September, 1981—A two-year-old boy was mauled to death by an 80-lb, 3-year old female wolf in Ft. Wayne, Michigan. The boy wandered within the chain length of the wolf.

12. August 2, 1986 (Fergus Falls, Minnesota)—A 17-month-old boy reached and grabbed the fencing which kept his father's pet wolves enclosed. One wolf immediately grabbed the boy's hand and bit it off. The mother was at the scene and received lacerations freeing the child from the wolf.

13. July 1988 (Minnesota Zoo)—A teenage volunteer reached through the wire fence to pet a wolf and was bitten. The wolf was put to sleep and tested for rabies negative.

14. May 15, 1989—2-year-old Timothy Bajinski was bitten by a wolf hybrid in his mother's Staten Island, New York backyard. Mrs. Bajinski has been charged with keeping a wild animal.

15. May 1989—Lucas Wilken was bitten by two wolf hybrids in Adams County, CO (Denver Area).

16. June 3, 1989—Three year old Alyshia Berczyk was attacked and killed by a wolf in Forest Lake, Minnesota. The wolf had bitten her severely and had injured her kidneys, liver and bit through her aorta. Alyshia was playing in a backyard when she got too close to the chained wolf that grabbed her dress and pulled her down, attacking her.

17. July 1, 1989 (Kenyon, Minnesota)—Peter Lemke, age 5, attempted to pet a chained wolf and was attacked. He lost 12 inches of his intestine and colon, suffered a tear in his stomach, and bite wounds on his arms, legs, buttocks and neck. While being life-flighted to the hospital, Pete arrested 3 times but was saved by medical personnel. The Lemkes have incurred over $200,000 in hospital bills. Pete has a colostomy bag, but doctors are hopeful they can re-attach his colon and get it to function normally in later surgeries.

18. September 3, 1989—A wolf and a dog entered a corral belonging to Leona Geppfart of Caldwell, ID and attacked a 6-month-old 400-pound Hereford calf. Geppfart attempted to scare the animals away and they turned on her and she retreated to her house. A short

time later, a law enforcement officer arrived and as he approached the corral, the wolf lunged at him. The officer stopped the animal with his shotgun.

Note: This list of wolf attacks is by no means exhaustive. They are simply listed to show that attacks have occurred both in the wild and other settings.

Furthermore, while attacks by healthy wolves may not be common, the deep concern for wolves which have contracted rabies is a real threat. Right now, in Catron County, New Mexico, which is the heart of the wolf program, we have had new outbreaks of rabies among foxes. As everyone who has seen Old Yeller knows, rabies is a devastating disease which can cause tremendous harm. Because of the proximity of wolves to the population of New Mexico this year, the Fish and Wildlife Service took the extraordinary step of publishing a wolf tip card. Now, for the Fish and Wildlife Service to put out a card and distribute it in your district telling you to be careful and telling you what to do if you come up against one of these threats, you would feel that it should not be happening in your district.

Mr. PEARCE. Madam Speaker, the following material are letters I have received from my constituents and other concerned citizens of southwestern New Mexico and southeastern Arizona regarding the reintroduction of the Mexican Wolf.

Since the reintroduction of the Mexican Wolf in 1998, the residents of my Congressional District have been plagued by problems associated with the release. Not only do ranchers suffer economic hardship due to wolves preying on their livestock, but countless family pets have been lost including dogs and horses. As the wolves become less afraid of man every year, I fear they will eventually prey upon humans.

To date, the program has yielded 58 wolves, 20 percent of which will be removed as problem animals, at a $14 million cost to the taxpayers. That is $242,000 spent per wolf.

These are some of our wolf experiences in the past 7.5 years. I don't think we have had a decent nights sleep since this program began.

2003—Wolf notes Monday May 19 to Tuesday May 28.

TUESDAY, MAY 20, 2003 12:42 p.m.

Subject: wolves are back

No sooner that I griped to the Game Commission's about the release of our old friend from the Campbell Blue pack, F 592 into the wilderness again that she shows up here again. John Oakleaf called last May 19 about 9 p.m. with the happy news that they were with our cows and calves.

We were missing 2 calves since Friday and wolf tracks are everywhere but everything was OK when I checked this morning and this afternoon nothing but tracks. Life gets just a whole lot more complicated with them around. How many times can you say I told you so to the FWS, they can't stop believing that releasing heavily pregnant wolves into the Wilderness will keep them there, it doesn't and it hasn't and it never will. Changing the name just buffalo's the public into thinking there are new wolves out there. The new name for F 592 and her new mate was the Sycamore pack. The only good news is she should have had her puppies last week or maybe two weeks ago and she probably killed them if she traveled this far.

Ivy, my 14 year old daughter rode her paint mare up to the top of the hill by the house this morning like she always does and met up with both wolves. She said they wouldn't leave her alone and squared off with her at about 30 feet away. She didn't want to turn her back on them so she shot and reloaded and shot her single shot 22 off in the air a couple times and they finally scuttled down the hill into Turkey Run in front of her.

She was pretty excited and not a little scared when she came in. I on the other hand am livid and a lot scared. My kids shouldn't have to be held up by a pair of wolves on a ride ¼ mile from the house.

LAURA.

WEDNESDAY, MAY 21, 2003 1:17 p.m.

Subject: wolf update Rafter Spear 5–20&21

We caught them on the cows and calves last evening May 20, 2003 around 7 p.m. and they had them bunched up trying to get a calf out the calves were either crying or sucking, we were just in time. We ran them off all of 50 feet and started driving the cows down the canyon on foot.

I left Matt with the cows and the 30–30 and went up the other canyon to check the other cows. On the way, I met Dan the wolf guy and told him to hurry up, the wolves were following Matt and he might just have to shoot one since they are following him so close. I stopped at the house to get a blanket for Miles since it was getting cold and he was asleep in the jeep, thank goodness. I also told the girls to saddle up and go help dad move those cows. Which they did.

Over the ridge I found a bagged up cow with wolf tracks nearby and all the other cows were far enough up the other canyon and still all right with no sign of wolf activity around them. I went on to 74 and check the other cattle thankfully the wolves hadn't been there yet.

By the time I got back to the turnoff to the house, where Matt and the girls left the cows, Matt was way off ahead on the road home and Dan was parked in the flat near the turnoff to our house with our cows. I picked up Matt and he said to go back and let him talk to Dan. He didn't apologize for yelling at him earlier but let it be known he didn't totally blame Dan for the situation. Dan said he was going to stay in the cows all night and we told him to come to the house and eat first. He said OK.

He called an hour later {satellite phone} and said the wolves were in the calves again and he wasn't coming in to eat. By then it was 10 p.m. so I made him supper and coffee and we took it out to him. He said they were all over the cows and calves and howling at him because they were frustrated and he was firing rubber bullets at them. He only had enough light to set one trap though. Since he was OK we went home to sleep because after learning they were in the cattle the night before we pretty much stayed awake all night.

Woke up at 4 a.m. finally got up at 4:30 and Dan showed up at 5:15 with some good news, he caught the male about 20 minutes before in the single trap he had managed to set the evening before. Apparently Dan has been improving as a trapper since our Dec. 99 experience with Campbell Blue pack which included F 592.

Melissa, Ted Turners wolf biologist, was 3 hours away with a cage so we called our neighbor Jack Diamond and he sent his wife Kaye over with a kennel to put the trapped wolf in.

We went back out and the female was still there with the male but not very close, it was breaking daylight by then. Dan gave the wolf a light sedative type drug so he would relax and not hurt himself in the trap. Matt went to check the cows in 74 where I had gone that night and I waited with Dan in case Kaye got there and Dan needed help loading the wolf. She did and Matt and Dan loaded him into the kennel right about the time Melissa showed up, so we sent that wolf home to Sevilletta. I made Dan keep Melissa's kennel in case 592 was caught.

The female 592 ran off but I am sure she stayed somewhere nearby, Dan looked around for her and then tried to sleep a few hours during the day they aren't very active, thank goodness. The wolves had run him from calf to calf and canyon to canyon last night and he didn't get much rest I am just grateful it wasn't me but I may get a turn tonight. These livestock killers and problem wolves should not be turned out at all. 592 is the major stock killer of the pair and they were determined to get a calf. Dan didn't let them and they actually howled at him about it. But they did manage to bite at least two calves before he could hit them with rubber bullets which seemed to have little effect.

We are missing two calves one since about last Friday and one since Monday but haven't found any wolf poop yet to see what is up with that. Probably won't be confirmed though. One was about a week old and one was born Saturday to a cow that has never lost a calf, Matt saw it Sunday evening and it was fine then.

Mad as we are about all this at least we had competent help and we are grateful for that. Why the hell they are re-releasing stock killers is beyond me. It is plain dumb and only makes the program look bad.

LAURA.

Update: wolves at the rafter spear 5–21–5–23

The last few days the wolf story has slowed down a lot but the aftermath is still ongoing. After trapping the male, the female took off and is about 6 miles to the SW at last flight on Thursday. There are traps everywhere in preparation for her return. I understand they are trapping for her because of the incident with Ivy not the calf killing. I don't care why but glad to hear there is a limit to how badly they can accost our kids. Nick Smith and Dan Stark also have a permit to shoot her if they have to.

My problem is, this animal has a history here and has absolutely no fear it has menaced my daughter and followed my husband, who is not menaceable, or at least he thought he wasn't until he was followed by wolves he was not allowed to shoot. Together they killed and ate two calves before we knew they were here and two bitten calves, they are swelled up and crippled we have shaved measured and taken pictures.

One has more bites, on the flanks, side and head but they are superficial, the calf is in quite a bit of distress from bruising but hopefully will be fine. I imagine the times when Dan heard the cows get up and shined the spotlight on them and saw the wolf, he stopped the attacks. The next day there was a calf with a swollen front knee in the same bunch, after shaving we found wolf bites on the front and back legs. The knee is hot and three times bigger than the other, the wound on it is superficial but the trauma caused the swelling is severe and this calf may be ruined. Both calves were in the bunch Dan guarded Tuesday night. If he hadn't been there would probably be 4 missing calves and four tight bagged cows. I am glad he got to experience the mayhem one pair of wolves can attempt to wreck in just 12 hours.

On a side note there is another injury from a calf caught in a trap this morning, nobody is to blame for that, We are grateful to have the traps out, but still, another injury.

There was a small bunch of 11 cows and calves that were harassed by the pair, not including the two that lost the calves.

It has been some week. I have a dramatic picture for every day of the week. Yesterday the FS backburned from behind my house and it was pretty scary kind of like a volcano going off on your back door. The results

should be good though. We had good representation from our government yesterday though. FWS, FS RITF and APHIS all on the porch at once. If we can find a piece of the space shuttle maybe NASA will come pay us a visit.

It is hard to know where to begin since our emotions have run the gamut the past few days. Traps were set Tuesday after the male was caught and the female left for several days, she ended up on the Diamond Bar where Nick Smith tracked her for several days. He found one bitten calf probably from the trip over here a week prior. The calf was a month or two old so that is probably why they were still shy about killing it and staying there.

The weekend was pretty good though, I went to town, 74 miles away on Saturday and bought groceries so the guys could be fed halfway decently while they worked and believe me they worked. Matt took Miles, he is 5 and clipped cages below the house and Dan checked his traps and made a 20 mile circle hiking into diamond creek on foot trying to get a signal. He was unsuccessful but Nick Smith found her signal later that night west of the Links camp on the Diamond Bar. On Sunday, Matt and Dan rode into Round Mountain and packed salt. That afternoon everyone rested a bit between checking traps and gardening, painting, watching Kristie and her boyfriend and various other normal pursuits.

She was back here Monday morning. Dan woke up checked his equipment, got a signal and took off. When I checked cows that day I got a signal that seemed pretty strong right in the cows up 74 draw and Dan's truck was nearby. She pretty much stayed there all day with Dan tracking her along with Nick Smith who came in to help him. Dan came in that evening to make some phone calls and get something to eat. While he was on the phone, Matt and I went out and looked after the cows, one of us on either end of the bunch. She was there the whole time but we didn't have a directional antenna and felt our job was to look after the cows not the wolf.

Monday night and Tuesday, yesterday. Dan was up all night with her, most of the cattle were west about a mile he felt OK about leaving her alone until light, really there wasn't much choice since she didn't seem to be doing anything but hanging out in that area and it was pretty thick. Near morning he could hear coyotes making a heck of a ruckus in the draw she was up and thought that it was weird since he has been taught all his life that such wolf/coyote fraternizing behavior was abnormal.

He hadn't remembered or taken us seriously when we had told him the coyotes saved her life in the winter of 1999/2000 when she was here last. She had nearly starved to death until she started hanging around with the coyotes. Kristie who was 15 at the time had ridden up on her and the wolf followed her part way back to the house. Kristie was really mad because she could see the wolf was half dead from hunger and going bald. It was so cold that winter she would cry on the mountain behind the house and we would hear her at night. She was there for 5 months until she moved to the neighbors on Canyon Creek and killed her first calf. Later that summer she moved to the Adobe which is north of us met with her old mate and really went to killing cattle. Those coyotes saved her life though and she was used to being around them.

Anyway, Dan hiked into the draw to see what was up as soon as there was enough light and a cow with a full bag of milk met him on his way in. The bad news is 592 was on a cow that had calved a day or two before and she had killed the calf. The coyotes had found her and were trying to steal the carcass from her. He ran both the wolf and the coyotes, off the calf, found two pieces and packed them to the truck and brought them in to the house put them in the barn and called Wildlife Services. As Dan has found out, sometimes there is just nothing you can do about the killing even when you are watching just as close as you can and not sleeping or eating to do it. The wolf has every advantage even if you do have the technology. We were very lucky he found any remains of this calf.

The calf was killed by the wolf, Wildlife Services verified it the hemorrhaging was way too bad to be coyote and the bite marks measured out. At least the few that weren't eaten away. The calf was in two pieces it was a new heifer and had walked on it's feet quite a bit before it was killed. The cow was one we were concerned about because she had taken off to have the calf as they all do. Apparently she didn't hide well enough to fool the wolf. But as Dan can attest to, she was hidden from all human eyes pretty darned well.

I had to go to Winston and get gas, so I took Dan and Nick some Orange juice that afternoon, Dan looked like crap and they were still tracking her. Dan was waiting for Nick to radio him and was trying to catch a catnap under the truck when I pulled up, so much for that nap. Johnny Anglin with Wildlife Services arrived the same time I did. We left them to their business about 30 min later. On my way home I found a brand new calf in the same bunch of cows that the wolf had been living with the past couple days. I took pictures of it in case the calf showed up on a milk carton in the next day or two. The cow was eating her afterbirth in the pictures so she was doing her best to keep baby safe instinct is an amazing thing. It was a big old baby too.

The wolf was shot this evening, the poor little old thing was laid out on the tailgate. She had big feet, a big head and big teeth and an extremely full belly. She did have a really ugly unhealthy looking coat in my opinion for something that had only come out of captivity a few weeks earlier. It had done nothing but follow her own survival instinct as successfully as possible. This was a dumb mistake and a bad situation that didn't have to happen.

We all spent a week living and breathing this tragedy that resulted in three dead calves, 3 wolf injured calves a bunch of stressed out people one trapped wolf and one pathetic shot wolf. It cost us a full week away from earning any income milling and we are way behind, broke and extremely tired. It cost Dan his peace of mind and taught him the hard way what we have to deal with. Thankfully he retained his integrity in spite of the mess and stress going on all around him.

Thank goodness it is over for now. However I know the Francisco Pack will be re-released soon and am sure the same set of problems on a larger scale will be imminent as soon as that release takes place. Re-releasing habitual stock killers is poor management and is only asking for trouble. Unfortunately so many of the employees agree with the environmentalists that the wolves should be out on the ground no matter how many of our cows they kill so they just keep using problem and habituated wolves in the program. When the wolf kills too many cattle they just re-write their policy to allow them to leave it out longer and hurt us ranchers more.

Update: June 5, Sherry Laney found a calf with a big bite in it's behind the bite is 1 and ½ inches, wolf width. It is healing but mildly infected. I guess she wasn't so shy over there after all.

JUNE 2004.

A single wolf has been moving around 74 draw all month. Matt found a small calf with his hind end totally mauled. We already had his mother here at the house, that cow never ever loses a calf so Matt had been looking for the calf, the calf found him actually ran to him bawling for help. We cut away the dead and infected flesh and found bites in all the same places as last years calves, WS came out but they didn't do a thorough job examining it. I was gone so nobody insisted on a thorough job like I would have. I did it myself later. This is a wolf attack the bites measure out and the injuries are in the same place and there were wolf tracks.

People don't realize wolves are not efficient killers and they aren't at all humane about what they do. They simply get something down and start eating and the prey dies of shock and blood loss. It is very difficult for someone who raises livestock to see their hard work tortured to death in this manner, especially the pregnant cows and the baby calves. This wolf was inexperienced and the calf got away. He nearly died of the infection though and weighed about 150 pounds less than the other calves. I guess when he finally went to the market he was considered a wolf friendly beef.

Summer 2005 wolf tracks up and down 74 draw again. Watching all the cattle all the time no time for school or anything else. Kristie got married in July so we are glad the wolves didn't show up until after the wedding anyway. No kills that we know of except to a bear which we were allowed to take care of so that ended that problem.

OCTOBER 2006.

At least two separate wolves moving in and out of the area. These wolves do not have tracking collars. FWS will not investigate. WS showed up and documented tracks so we can do something if there is a kill. Nothing so far that we were able to find just a lot of lost time and a huge amount of fuel again. Bought two Pyreneese pups in September, we can't afford to feed them but we have to do something progressive.

We have also purchased water rights and are going to the huge expense of putting an irrigation system into the old fields on this place so we can bring cows into the deeded land if necessary and wolves get into them again. We have to be able to defend our cattle and the rules only allow us to do so if they are on deeded land.

We have also built kennels at a 4000 dollar cost that we also cannot afford but we can't allow wolves to come into the deeded land and kill our valuable cow dogs. We can't operate in this rough country without them.

DECEMBER 26, 2006.

Pyraneese puppies who are 5 months old now gone. The other one is hiding under the porch and there are wolf tracks everywhere. We had them penned up in the yard but they found a way out. The kids are devastated. We looked everywhere but the puppy is gone. The wolf just carried him off. All that dog food we have in him wasted all those kid hugs and effort just eaten up like it was nothing.

We will have to replace him, his brother can't be alone with these animals around. I guess we just have to get used to living with death and destruction and still we are supposed to be happy people and living under the requirements of the law. It is sickening.

2007.

June 11 on our way home from town we saw three wolves, one had a collar but two did not. They were in Brian Carters cows on the side of the road just about two miles from the Poverty creek subdivision. They were just laying in the tall grass with the cattle waiting for it to get a little darker. Matt and I ran them off the cows and called

our neighbors to tell them the wolves were in the cows. It didn't help, the next day we went over with our monitor and there was no signal for the collared animal so he is probably has a non functioning collar. This is a whole other pack FWS do not believe exist.

Found wolf poop two different piles of it. One had calf teeth in it. FWS never even bothered to come out or do anything at all and there is no telling where these animals are now.

Our closest neighbor Jack Diamond has the horse killing aspen pack on him in his roughest pasture they are having pups there and are now feeding his yearlings to the pups. I went over and gave moral support while they confirmed the first kill that the Diamonds were able to find. They are out there every day but like I said it is rough country and they won't know how many they lost until it is time to ship the yearlings.

Nearly 2 year old heifer eaten alive at water tank on Diamond's place. All three wolves involved only the male has a strike towards removal. The rule doesn't say only one wolf gets the strike. FWS are cheating the people out here of proper and fair management to leave killer wolves out on the ground.

MAY/JUNE 07.

I once again have two sets of wolf tracks and no signal in our cow pasture. I am watching the cattle like a hawk.

The Boy Scout camp has moved in and that seemed to have driven the animals out for now. Now I am just worried sick about the kids so I warned, mentioned is a better word the wolves to the scoutmasters. How do you tell them that wolves that attacked a dog in front of an 8 year old girl are here within a half days walk of your camp. I didn't tell them all that, didn't want them to feel uncomfortable out here. I want them out here while it is still possible, within a year or two, nobody will be comfortable camping out here with kids. So I told them to come and use my phone for anything they needed and I am checking in on them every day or two. It is nerve wracking but they are making quite a bit of noise so things should be ok.

We are exhausted and financially strapped from all the re-vamping of our operation and we are demoralized by all the un-collared wolves we are seeing and finding tracks for. Mostly it is so disheartening that nobody even cares about our neighbors and ourselves. That we are all going broke supporting this program and those kids running it are getting huge salaries and don't end up losing anything, ever. Why us why is it our responsibility to shoulder this program's foolishness? Why are we being allowed to go bankrupt? Why can't I finish my college education? Why can't my youngest daughter go off to school too? She feels like she needs to be here to help us keep our home and help us keep our family ranch in business.

My son never got to be raised at the creek playing with minnows and frogs like his sisters did before wolves. He hasn't gotten to ride with his dad hardly at all either, he just turned 9 and his whole life has been affected by wolves. At least our girls were able to be raised out here the way we intended. Our son is locked into a yard and has to be watched constantly.

I have to attend every single meeting I can scrape together gas money for, and we can't afford to any more. But if we don't go, FWS and the groups that support this program and who get paychecks to go to these meetings will come up with another plan to harm us further.

I pray every night that this program will go away, before it is too late for us before it is too late for the game and the whole country is too dangerous to live in the way it used to be.

Sincerely

LAURA.

MARCH 14, 2007.

Subject: Grant County Farm and Livestock Bureau urging support for a Grant County Commissioners' wolf management resolution or ordinance.

GRANT COUNTY COMMISSIONERS,
Grant County Administrative Center,
Silver City, NM.

On behalf of the Grant County Farm and Livestock Bureau, this letter is written in support of Grant County Commissioners passing a resolution or ordinance that will uphold the Constitutional rights, insure citizens safety and reduce the economic impact of the introduction of the Mexican Grey wolf into Grant County.

As the Government closest to the people, the county is obligated to take a stand on how the wolf introduction project is operated within their jurisdiction so that the following problems are overseen. Property rights (compensation for any losses due to the wolves), safety for human lives, public health concerns such as rabies, and to insure that rural economic pursuits are not jeopardized.

Active participation of the county commissioners and county law enforcement personnel with the U.S. Fish and Wildlife Service and the New Mexico Game and Fish Department is absolutely necessary in order to manage the wolf introductions and insure that Grant County citizens rights are not violated. In the final analysis we feel very strongly that there is no animal on this planet worth the life of a single child. It is the right and responsibility of Grant County Commissioners to insure that the lives of our children are never at risk from wolves.

Sincerely,

JOHN C. YORK,
President.

WOLF SIGHTING ON THE N CROSS RANCH

On March 13, 2007, between 7:15 and 7:45 a.m., I Ryan Jameson had a threatening encounter with several Mexican Grey Wolves. I was working on the N Cross Ranch in Cliff, New Mexico, and beginning to saddle a horse at our barn. All seven of the horses were in the stalls, when suddenly they began frantically snorting and stomping. I looked towards the south and noticed that several objects were running due west, approximately 150 to 200 yards away from the barn. As I continued watching, I realized that the moving objects were a pack of wolves! I was filled with fury as I watched these ferocious animals sprint directly towards two of our bulls. I knew that I had to take control immediately in order to not only protect these two defenseless bulls, but also the other twenty-two three- to six-year-old bulls in Pitt's Pasture. I jumped on the four-wheeler, rushed up to my grandmother's house, and got a means of protection. Then just as quickly as I had come, I raced back towards the area in which I had spotted the wolves. My goal was to run them off of our bulls as quickly as possible. As I neared their location, I noticed that five wolves were circling the two bulls. I decided to go at them head on, which caused two of the predators to break off. However, three of the wolves persisted and continued circling. They did not break away until I was only about twenty yards away. Two of the wolves then headed northwest towards my grandparents' house. Luckily I was able to redirect them towards the direction of the other three wolves, after alarming them with my hollering and the four-wheeler. Next the wolves went under a nearby fence, into Pitt's Pasture. After dismounting from the four-wheeler, I jumped over this same fence. This maneuver made me a barrier between the five wolves and the bulls. At this point I was only about ten to fifteen feet away from the dangerous pack, and I realized that they all looked full as if they had just come from a kill. I began shouting and waving my arms, and slowly four of the wolves ran away. The fifth wolf lurked behind the others; though, and he confidently stared right at me. I stood my ground and continued creating a ruckus, which caused the animal to trot in the same direction as the others. The five wolves climbed to the top of a hill and sprawled under a tree.

I knew that I should proceed by reporting the incident to the officials; however, I did not want to lose contact with the pack. I had to be sure that they did not cause any further damage to our cattle. After riding the four-wheeler back to my grandparents' house, I called my grandfather and mother, inquiring about which officials I should call. They informed me that they would make all of the necessary calls, and I was instructed to watch the wolves very closely. We did not want the wild animals to attack any of our cattle. The wolves were close enough to my grandparents' house that I was able to watch them from this location. This is exactly what I did for about twenty minutes. During this time the wolves were sniffing around and moving amongst the trees on the hill. However, they then began to move out over the hill, which prevented me from seeing them. I immediately got back on the four-wheeler and raced to the top of the hill, in order to be sure that the predators were not harassing or harming any of the cattle in Pitt's Pasture. When I arrived at the top of the hill, the wolves were only about fifteen to twenty feet away and four of them were already circling three bulls. I jumped off the four-wheeler and ran towards these wolves. They eventually broke off and trotted away from the scene. However, as I looked over my shoulder I noticed that the fifth wolf was only about six feet away and was circling me. The male wolf was in a crouching position and its hair was standing on end. After it did about three-fourths of a circle around me, I charged the wild animal. This seemed to be my only choice as I was overwhelmed with fear for my life. As soon as I began to charge, the wolf trotted off towards the other four wolves. I ran to my four-wheeler, in hopes to catch up with the pack. I wanted to see where they were headed, but unfortunately I lost sight of them.

Two hours after this horrific incident, a plane flew over our ranch in the exact direction that the wolf pack had run off to. The plane made three to five tight circles above this area. I was for certain that the person or people in the plane were tracking the wolves, because I had seen a collar on one of the wolves. I also believe that the other four wolves wore collars as well. However, due to the emotional intensity of the events, I was not focusing on specific characteristics of the wolves or their collars. I was intent on protecting our livestock!

Later in the day, about early to mid afternoon, a USDA official, Pat Finch, came out to our ranch to investigate the wolf incident. I took him to the location of the first encounter with the wolves, which was nearby the barn. Mr. Finch examined and measured the tracks. I recall these measurements being roughly 4.5 inches long by 3.5 inches wide. He then stated that the tracks were wolf tracks. At this point I told him the unforgettable story that I have recorded here. My family has yet to hear any further information regarding the Mexican Grey Wolves.

There has not been a single government official contact us since the day of our encounter with these threatening animals, March 13, 2007.

RYAN T. JAMESON.

MONDAY, JUNE 4, 2007

From: Jim Taylor.
Subject: Wolf program cost.

We are involved in a small mother-cow operation, and fortunately are fairly well removed from the areas wolves have been introduced to. However, we did sight a pair on our property (17 miles east of T or C, NM) and this sighting was confirmed by our neighbors to the east of us and all the way south to the Cutter area.

We reported this sighting to US fish and game—several months later, one of their reps came by asking about the sighting . . . as if they really cared. We attended one ''wolf meeting'' in T or C—hosted by fish and game I guess. Forest Svc, State fish and game, US fish&game, and some more reps from other govt agencies there. I did some rough, unqualified math in my head in relation to what all these talking heads with the govt agencies were making (salaries, expenses, transportation, etc) then added what their employees (field grunts) were making—then the cost of equipment, feed, medicine, etc, then the scariest part—what their bosses (the politicians, lobbies, and other general carpet baggers) were milking us (the tax paying public) for.

I stated to the chair of that meeting that I surely didnt begrudge anybody employment, but I felt our tax dollars—and their educations, could certainly be put to better use than feeding a bunch of wild dogs. Seemed pretty darn silly to be messing with obsolete evolution while we have so many socio-economic challenges in this country—(the homeless, the hungry, the uninsured, just to scratch the surface). Instead of feeding a wild dog, why not channel that money and all the ''brain power'' these wolf activists and their lackeys control to a very evident and more worthwhile endeavor. I dont like the tax burden I carry, but if I've got to pay those taxes, I hate to see them squandered on the wolves. From where I sit, the whole program stinks—I think it's about how many dollars the carpet bagging activists can garner, and the wolves are no more than a vehicle for them to reach that end. And at the taxpayers expense.

I also believe the wolf program is a poorly masked assault on the livestock industry and possibly even conspires to a future land grab, as ranchers are forced out of business. Sorry, but I cant find much nice to say about the program.

JIM TAYLOR,
Engle, NM.

FRIDAY, JUNE 15, 2007 12:46 P.M.

From: Micha Miller,
Subject: Letter about wolves

DEAR MR. PEARCE: I am Micha Noel Miller the 13 year old that has to carry a firearm when I go outside. We, my parents & I, have had the Durango Pack (AF924 & AM 973) in our yard 5 time in the last 6 weeks. I hate the wolves in our yard because I feel that I am trapped in my house! I love to ride my horse & bike & walk around outside, for that I wish we could get the wolves out permantly!

When we get home after dark my mom has to go feed our dogs & cats because I'm scared to go outside even though I know the wolves are 6 miles down the road & it doesn't make a difference, I'm still afraid they are coming up behind me. I'm tired of looking over my shoulder & being scared all the time. Even carrying a firearm I'm still frightened of the wolves when they come in my yard.

I have gone hunting with my dad alot. We have called in coyotes & even a bear & I wasn't as scared as I was everytime the wolves were in our yard. The coyotes & bears are more scared of you & will run away, but the wolves will just keep coming closer to you. They are not scared of humans!! I have had a wolf within 40 yards of me & I was so scared I couldn't move. My older sister, A.J., came out & scared the wolf off finally.

I have nightmares about the wolves attacking my family & our pets. The Wolf Program says you cannot shoot a wolf if it attacking your pet on private property. I don't understand how the wolf program expects people to stand by & let the wolves kill their pets & not do anything to stop them. They think the wolves are more important than anything else, including a human life!

I wish there was someway you could get the wolf program to remove the wolves. I just want to have a normal childhood where I can go outside & play anytime I want without being armed & worrying about wolves being in my yard.

Thank you for your help,

MICHA MILLER.

FRIDAY, JUNE 15, 2007 3:59 P.M.

Subject: Mexican Gray Wolf

I would like to share with you my out look on the Mexican Gray Wolf. It makes me sick to see what damage this program of Dumping the Wolf off here on the New Mexico and Arizona border has done, I don't see how this got passed because there is not but two people here in Reserve NM. that I have talked to that would even consider this wrong doing, Why didn't the people in the surrounding towns and Ranches get to vote on this matter?

The Cost to the American people for this wrong doing is way over its bounds when you want to give this matter some real down home thought. . . . What were the Endangered Species Act and The Defenders of Wildlife thinking Let alone our elected officials doing? Thinking back that was about the time Bill Clinton and Monica Lewinsky was spending too much time in the oral office, What was all the other elected officials doing at that time? Makes me wonder. When this Wolf matter should of been the main topic, instead of watching our President stand before America and lie like he did on television about his affair with Monica.

What is going to be done about this Wolf Reintroduction Program, that should be called Dumping the Wolf along the NM./AZ. border. There was a lot more food for the Wolf a 100 yrs. ago and the Wolf didn't make it then, Why is it that the Organizations that got the wolf dumped here now seem to have over looked this part, are they going to bring back the Buffalo that use to run on the ranges back to? The wolf is going to need a large food source soon from the way I see things, The wolf and all other predators are over taking what use to be. The poison that use to keep the predators thinned down is no longer used now and there should of been some other means of taking care of this problem, Now the Wolf is here eating and killing what few Deer there is left and the Elk, What is going to happen when the Elk herds keep falling off? Is that just OK because the Wolf needs to eat to. I feel that the groups that wanted the Wolf here should make some other means of feeding it, there use to be over 50,000 head of sheep in the Gila National Forest surroundings and now there is nowhere that amount, The Deer are all but gone as to what use to be here even 10 yrs ago. Since the Organization's of Organized Crime that got the Wolf Dumped off here along the NM. AZ. border, Why don't they bring back the Dinosaur's, Buffalo. I would rather see Charles Manson back cruising the streets of LA. California. And Grizzly Bears in Time Square NY. my self, it would keep crime rate down.

Any Way you want to look at this matter our country is not doing good when a Group of people can dictate what goes on here in the South West and not even live here, It is wrong. Why don't they put the Wolf in there own back yard or keep them in the pen next to where the Buffalo that use to Rome here are being kept, and continue to hand feed the Wolf that didn't make it 100 yrs ago and will not make it now, if you look at this with common sense, the Wolf is going to run out of food to eat!!! Then What?

Some people say that the Wolf wont attack humans well there is a book out that will give you a different out look on this matter it is called Wolves in Russia and you can get your copy at www.wolvesinrussia.com http://www.wolvesinrussia.com/

I'm very disappointed in how the Wolf Dumping went, and I feel this matter is going to get a lot worse before it gets any better, What do you think is going to happen when little red riding hood or little johnny gets off the school bus and gets attacked by the Big Bad Wolf on there way home from school? then what do you think is going to happen, How long is it going take for the American people that have to live with this situation everyday and wake up some morning and decide to take the Law into there own hands? What is going to stop everybody that lives in surrounding towns to get together and decide to open a wolf hunt and everyone go wolf hunting?

How would you like to wake up and have Wolves around your house all day waiting to attack the family pet/livestock,

When the Wolf gets hungry enough there is nothing going to stop it from killing what ever it can to stay alive, That could be a good time for all the Organizations and People that wanted and got the Wolf here for them to go on a family camping trip to see there first wolf in the wilderness and to here there first wolf howl, they will have to get out from behind there desk. I sure hope they bring plenty of dog food and leave there guns at home, Just maybe they can have there first hands on situation with a pack of Wolves and see how they like the Ida then.

GREGORY SCOTT.

From: Micha Miller.
Friday, June 15, 2007 12:46 p.m.
Subject: Letter about wolves

Dear Mr. PEARCE: I am Micha Noel Miller the 13 year old that has to carry a firearm when I go outside. We, my parents and I, have had the Durango Pack (AF924 and AM 973) in our yard 5 times in the last 6 weeks. I hate the wolves in our yard because I feel that I am trapped in my house! I love to ride my horse and bike and walk around outside, for that I wish we could get the wolves out permanently!

When we get home after dark my mom has to go feed our dogs and cats because I'm scared to go outside even though I know the wolves are 6 miles down the road and it doesn't make a difference, I'm still afraid they are coming up behind me. I'm tired of looking over my shoulder and being scared all the time. Even carrying a firearm I'm still frightened of the wolves when they come in my yard.

I have gone hunting with my dad alot. We have called in coyotes and even a bear and I wasn't as scared as I was everytime the wolves were in our yard. The coyotes and bears are more scared of you and will run away, but the wolves will just keep coming closer to you. They are not scared of humans!! I have had a wolf within 40 yards of me and I was so scared I couldn't move. My

older sister, A.J., came out and scared the wolf off finally.

I have nightmares about the wolves attacking my family and our pets. The Wolf Program says you cannot shoot a wolf if it is attacking your pet on private property. I don't understand how the wolf program expects people to stand by and let the wolves kill their pets and not do anything to stop them. They think the wolves are more important than anything else, including a human life!

I wish there was someway you Mr. PEARCE could get the wolf program to remove the wolves. I just want to have a normal childhood where I can go outside and play anytime I want without being armed and worrying about wolves being in my yard.

Thank you for your help.

MICHA MILLER.

Dear Sir: I am Samuel Montoya, a Viet Nam Veteran and a life resident of New Mexico. I was born in Las Cruces, and was brought up to enjoy the outdoors and the abundant hunting privileges, shared by and with many generations of my family.

Since the wolf program has been active in our state, the enjoyment of the outdoors has stopped; and our hunting has become unsafe.

In 2006, myself and some friends were on an elk hunt in the Gila, specifically units 16A and 16D. A total of 4 elk were killed. Two of the hunters were my friends that came in to hunt were from Indiana. They paid out of state license fees. We were bow hunting and they stuck their elk in the evening and lost the blood trail when it got dark. I told them we would get up early and continue to track. Well, we found them and a wolf was on them and had eaten over half the elk. I ensured they tagged it which is in accordance with NM Game and Fish laws. They went home paying the state $766.00 and all their expenses getting here and then going home without the elk they had killed.

I am also a landowner at Elk Springs. Is it sad that I can't do anything to protect my property and pets, on my own property, from the wolf. This is the policy of the Federal and State Government. I have had wolves on my property and so have other neighbors in the subdivision.

In reading our Constitution of the State of New Mexico, Page 2, Article II. Bill of Rights Section 2–3–4, Popular Sovereignty and Right of Self Government and Inherent Rights, we no longer have these rights; they have been taken away from us. The most important to me are sections 3 and 4. I cannot govern what happens on my property with the wolf, and in section 4, I cannot enjoy and defend my life and liberty of acquiring, possessing and protecting property, and of seeking and obtaining safety and happiness, as long as the wolf is present.

Our game—elk, deer, etc., will no longer be what it is today, due to the wolf. I don't know how our Federal Government could bring the wolves into New Mexico and feed them with our state game. The hunters have paid for our elk population, by purchasing licenses. Our Game & Fish are supposed to take care of our game, but are doing a bad job.

What I would like to see done is to give back the care of our forest and game to the State Police, and get rid of our NM Game & Fish. I think they have forgotten who pays for their jobs. The wolves should be removed and relocated to White Sands Missile Range, since there is no one living there, and let the Federal Government fence them in and feed them. This will allow us to get our rights back on our property, and our freedom to walk in our back yard without having fear of the wolf.

Thank you for listening and your assistance is appreciated.

SAMUEL E. MONTOYA.

TUESDAY, JUNE 12, 2007 11:44 A.M.

From: Laura Schneberger.

Subject: More kills on Durango not that it matters

Durango is howling all around the Garcia all night, a cow was bawling like crazy so in the morning they went looking and found the calf. They are examining it now. Probably will be confirmed but then the female will be spared a strike and she already has two of them. The male has none in the past year that I know of, so he will get this strike and probably the next two, then at the very end of the strike process, they will finally admit there is a problem anywhere from 3–15 cows later and issue removal orders.

They have been killing all along it is big country though and the cowboys are spread so darned thin. It really stinks that they are responsible for 90% of wolf management or they can just suck up the losses. I have no idea what FWS does anymore other than pander to the Defenders of wildlife and their pals and go to the bar in Alpine at night. Oh yes, they go to meetings where they plot and plan on how to make sure the people out here are impacted as badly as possible.

Ranchers can't afford to go not even to defend themselves anymore we don't get per diem for the 3.50 a gallon gas and if we leave the kills escalate and are found even less often.

So now the bites found on the calf are 35 mm, way to big to be a coyote but not your normal wolf spread either. So something is going on here that isn't very kosher. a small female wolf can be about 35 mm but usually they are 38–42 and the males a bit bigger. a large coyote is 28. The new WS guy who wants to be friends with everyone is making noise about putting this kill on coyotes. Even though the Durango were there when it happened, the bites are all over the back of the 250 pound calf. I have never seen a coyote kill a 250 pound calf, 100 is about the limit unless there are three or four coyotes then maybe 150.

Someone needs to get the biological stats and specifically the width of these released wolves teeth out to us. FWS knows exactly how wide their teeth are but they sure won't offer any information.

Just the latest in the ongoing saga.

LAURA SCHNEBERGER,
Gila Livestock Growers Association.

WEDNESDAY, JUNE 20, 2007 1:26 P.M.

Subject: Wolf.

When we were hunting in the Gila last year we killed an elk cow. We killed our cow went packing out our meat, took the first of it out, came back for more. About 1 hour latter, the wolves had been their and ate the rest of the meat. It is not right we paid for the meat and the wolf gets it. It is harder to get a permit now, because of the wolf. It is not fare. Way do we have to bring them back?

EARL AND KATHLEEN HILLS.

SUNDAY, JUNE 17, 2007 12:54 P.M.

Subject: Wolf problems from Ground zero.

Dear Congressman PEARCE: My name is Preston Bates; I own the N Bar Ranch and am permittee on the T Bar grazing allotment on top of the mountains near Reserve, New Mexico. I am ''Ground Zero'' of the Mexican Wolf recovery area. They have literally destroyed my life and here is my story. I came to Catron country in 1992 with a background of horses, cattle and tourism. My goal was to start a guest ranch and breed cattle and horses. I had no deep pockets but I had plenty of determination and some good luck. I found the N Bar Ranch and after some discussion with the absentee owners I leased it in 1994 later making a purchase in 1997.

I started on a shoestring, tents for accommodations, 40 head of old cows, and some rented horses. I grew up on the east coast and I knew what people wanted in a western vacation and I knew where they were coming from and how they wanted to be treated. We were not the typical ''Dude'' ranch. We found a small niche to fill by being a hands on, jump in, get dirty, get real, working ranch.

The business took off, the tents became cabins, our cowherd grew and developed with careful selection and purchase of quality stock. The same with our horses, we bought good horses and started breeding and training our own. By 2000 we had over 300 guests per year, with a return guest rate of 73 percent while the industry average was 12 percent. At this time I employed three people full time and three others for summer help. I bought locally supporting the Reserve community; between payroll and doing business locally I put at least $150,000 annually back into Catron County.

Back when the wolf reintroduction program was first being discussed and later when initially implemented I was probably the most wolf tolerant rancher around. The reintroduction of the Mexican wolf has been devastating to our lives in so many ways.

Financially: I first started seeing wolves in 2000 on my allotment and around my house. I suffered my first loss in 2000. As I am sure you are very aware the cooperation was nonexistent, as was the compensation. My calf crop started showing significant reduction by 2002 and continued until 2005 dropping from an average of 82 percent to 49 percent. In 2005 at 49 percent my cow herd should have been at it's peak of production as the average age of my cows was five years old and I was running a ten to one ratio of cows to bulls. I estimate in 2005 alone I suffered $50,000 in losses and even with confirmed kill reports for both cattle and horses, I have never been compensated one cent from Defenders of Wildlife. They are quick to pay the people on the fringe of the recovery for their own P.R. but are slow or don't pay those of us at ground zero knowing it is a burden we cannot bear long. D.O.W. should not be the ones responsible for the compensation. This is a Federally funded program and congress should be the ones making the payments for their decision to fund this failing program.

I have a mortgage of $78,000 per year. From the beginning my business plan called on the cattle to pay the mortgage and the guest business to pay all other expenses and improvements. By 1999 I had reached this goal. In 2005 with the horrific losses I suffered the calf income would not meet my mortgage. I had no other choice but to sell most of my horses to cover the difference. As a result I could no longer accommodate the ten guests per week. We could only take four guests. I could not just go out and by some cheap horses and expect to continue the safe, quality operation I had established. So in just one year I lost 50K in income from cattle and 60 percent of my future income. I have had to let go all of my employees.

Management: I have the Luna pack on my range and they have been here for years now, I also estimate I have 11 uncollard wolves. I have had to change my management of my cattle to attempt to reduce my losses. I now have to bring in all my cows with calves to my private land and feed them through the winter. This results in an additional feed expense of $4,000 to $6,000 per year plus the several hours a day spent feeding and watering them, which takes away from other tasks. I also now use a feed supplement on the open range for the other cattle to attempt to control their movement thus making it a bit easier to check my cattle daily in the 14,000 acre pasture in which they winter. This supplement has cost me $6,200 each year for the last three years. There is $12,000 new expenses directly caused by the wolves.

I also have to stay out in a camp during March and April and make rounds at night during calving season. Camping out this time of year at 8,000 ft elevation is not a lark. We don't have nice camp trailers, ours have no heat or water and at 50 years old it takes its toll. I continue living with my cattle until late November, on average I stay in camp 250 nights a year. Staying out at camp and keeping my pastures busy has helped with my losses, I have seen a gain in my calf numbers but it has taken away the quality of life we once enjoyed.

SAFETY

We have wolves around our house constantly. I don't mean just a few times a year, it is rare we do not see them every day. They have no fear of us. They have attacked horses in my corrals 50 yards from my house. They have killed newborn colts and injured young horses. They have spent days digging up our horse cemetery just a couple hundred yards from the house, eating years old carcasses. They are in the corrals every night in the winter eating frozen cow manure. They sit on the hill a hundred open yards from our house at noon and bark at us when we are outside. Up close and personnel encounters are common. I have had them in my camp during the day, eye to eye at 15 feet being given a challenge. I have been stalked for miles while horseback. One of my cowboys was stalked as well. While changing a tire on the main forest road I had one come up behind me without my knowing till I turned around and he was so close I was able to throw a handful of road gravel in his face. My 11-year-old son will not nor will I let him go hiking or adventuring away from the house and barns. No more playing in the woods near the house building forts and doing things a kid should do. He is emotionally and mentally held captive by the wolves. He has seen up close the killing they do. He was with me when full of excitement we went to see if the mare had foaled that night only to find it half devoured. We can longer go for walks with our dogs for fear the wolves will attack. My wife won't walk or hike alone anymore even down the driveway. I never use to carry a weapon. I do now even when doing chores around the house. Weekly I have to fire off shots both day and night when the wolves are just too close to the house. It has gotten that they don't run until the third or forth shot and often only go a few hundred yards. I have chased them a foot yelling, tried cracker shells, whistlers, not much scares them anymore they are use to it all. These are not wild animals.

The difference between this wolf recovery effort and that done in the northern Rocky Mountain States is they started with wild wolves. These wolves here are human raised animals that relate people to food and safety. That is why we see so many more wolf/human interactions here than up north.

The management practices of the wolf recovery team put public safety at the bottom of the list. They have allowed wolves to den within a mile of the most recreated campground and lake in the entire Gila national forest. They have signs posted along the wilderness boundary about the wolves but there are no wolves in the Wilderness area. They are all up in the general forest area. There are no warning signs posted in these areas where people camp concerning the wolves and safety of pets and children. This is done to perpetuate the commonly held idea that the wolves pose no public safety risk if you don't go into their habitat. I talk to campers all the time who have had wolves come into their camps and they never even knew they were in wolf habitat.

These wolves will kill a child soon.

As I write this, my guest business is no longer operating I had to sell the last of my horses. I am trying to hold on to the place working 300 cows and 125 sections of land by myself hoping I can sell it as a ranch before I have to subdivide my private land, which would only cause more human/wolf conflicts.

The Mexican wolf has destroyed everything I have worked for years. I am the first to go down as a direct result of the Mexican wolf introduction, I will not be the last unless something is done to stop this program which will never work but will cost many people in this community their livelihoods before it is decided to have been a failed effort.

Thank you for all your efforts, for this we all commend you.

Sincerely,

PRESTON BATES.

BEAVERHEAD RANCH,
Winston, NM, May 2, 2007.

NEW MEXICO DEPARTMENT OF GAME AND FISH.

Within the last two weeks Alpha Female 667 began to den in Taylor Creek. Accompanying her is male 863 and female pup 1046. Our family owns a private parcel in the bottom of Taylor Creek and like most homesteads it was established at a permanent spring. The majority of property sits in the bottom of the canyon and the water rises at the lower end of the property. This spring is not only a source of water for wildlife, but also for our livestock. It is the only source of water in the bottom of the canyon within a 2 mile radius.

According to recent activity and wolf locations, we believe the female may be denning on our private property or within 1/4 of a mile of our private property. In order for her and the other two wolves to drink, they have to enter our private property and cross directly in front of our house. Our recent discovery of these wolves is of great concern to us. First, uninformed and unaware of the locations of these wolves, we moved yearlings to this exact pasture just one week ago. As the canyon sits in the middle of this pasture, cattle use the canyon as a crossing to get to each side as well as a funnel to water on our private property. When we are grazing this pasture we use our house there as a residence and a place to keep our horses.

Shortly after releasing our cattle, a cow elk carcass was found 25 yards from the house. Suspicious of the kill, we returned with a radio collar tracking devise (on loan from the USFWS) to track wolf locations. Before entering the canyon we received strong locations on two of the wolves. As we dropped off into the bottom of the canyon we spotted Male 863 on our private property. Investigating closer, we spotted numerous tracks on and around the spring. We have spent the last three days with our cattle to avoid any depredations. With all of our time and resources concentrated in one area, we have no time to tend to remaining cattle elsewhere on the ranch also threatened by nearby wolves.

Our family has fully cooperated and maintained a working relationship with the wolf program up to this point. We had informed the U.S. Fish & Wildlife Service when cattle were turned out on our allotment. We have asked and were assured that we would be informed of wolf locations on or near our allotment. We do not understand why a collared wolf was allowed to den so close or possibly on our private property.

Time is of the essence; a major problem is quickly developing. We request that these wolves be immediately removed before any livestock depredations occur. If possible, we would like to request that a representative from the New Mexico Department of Game and Fish assist us with a solution to this problem. Our family ranch has been fully cooperative and hopes that the right decisions are quickly made in this matter.

Thank you for your prompt attention and action.

THE DIAMOND FAMILY.

ADOBE RANCH,

NM DEPARTMENT OF GAME AND FISH.

May 1, 2007.

We have lost 5 cows and 10 calves to wolves on the Adobe Ranch since January 2007. These confirmed kill reports have been sent to the Defenders of Wildlife and we have not received payment for any of these depredations. No payment has ever been received for any of our numerous 2006 depredations to date.

Currently there are 3 packs on the Adobe Ranch. The Durango pack was within twenty feet of one of our cowboy's house all night last night, May 1, 2007 confirmed by Wildlife Services.

We have lodged complaints with NM Dept. of Game & Fish representatives and the Federal Fish & Wildlife Service recovery team, and have received no response from either. The recovery teams response on past complaints has been that they have neither the time nor personnel to investigate these incidents.

The situation with the wolves is getting way out of hand in this area both financially and with habituated wolves hanging around our houses. The loss of game and livestock in this area will soon reach catastrophic levels. Your attention to this matter is urgently requested

Thank You.

GENE,
Manager Adobe Ranch.

Los Lunas, New Mexico, February 6, 2007.

DEAR REPRESENTATIVE PEARCE: There is a situation in Catron County, New Mexico, involving many of the residents there, their children, their horses, cattle and pets, and the reintroduced Mexican grey wolves. It seems to be reaching crisis status, and yet nothing is being done.

Apparently, while these wolves are protected by law so that no one may harm them, they are also far too habituated to humans and have no fear of approaching human dwellings and properties. People are finding wolf droppings on their front porches! They are watching while their dogs are being killed by the pack, unable to lift a finger to stop the slaughter. Cattle and horses are likewise being preyed upon, and in one instance, a child was surrounded by the pack for several minutes. Fortunately for everyone, in that case the wolves eventually decided to leave, but it doesn't always end that way.

I am a bona fide ''tree-hugger'', and have long been happy to send letters, sign petitions and even donate money—when I have any to spare!—in order to further the cause of wolves being assisted in reclaiming much of their former territories. I firmly believe that there must be a way for all of us to share this planet and live our lives. Indeed, I have learned enough about nature to understand that each element is necessary for a healthy ecosystem, and devastating ''domino effects'' occur when one species is extirpated and the balance is upset. But no one can argue that a wolf that learns to view humans as non-threatening becomes a very grave threat to humans and all other animals in our charge. For quite some time now, the National Forest Service has made huge efforts to educate the public about the dangers of bears becoming relaxed about approaching human-inhabited areas looking for food in garbage. It invariably results in someone having to shoot the bear because it endangered human life. It hardly needs a college degree to realize that wolves are equally dangerous when they lose their natural shyness of human, and certainly no one can

argue about their intelligence. This means you have a number of smart, fearless and frighteningly capable predators claiming areas as their own when people already live there.

Something needs to be done, and sooner than later. I cannot express my dismay to think that my support of wolf protection programs might have in any way helped this dreadful circumstance come into being. I think if many of the Catron County residents were asked, you would find that they are not against a wolf reintroduction program, but clearly they weren't expecting wolves who can't be bothered to stay away! Domestic animals represent some easy kills, and we cannot blame the wolves for making that choice. But waiting until they attempt to take down a human is beyond irresponsible, it's criminal.

I am hoping I can count on you to take some immediate action on this urgent issue. The people responsible for the wolves being released in Catron County aren't residents there and don't have to live every day with the consequences, but they simply cannot be allowed to let the situation continue. I appreciate the time you have taken to read this letter.

Sincerely,

EVELYN BAILEY.

WOLVES ON A KILLING SPREE PROMPT COUNTY TO TAKE ACTION

(By Lif Strand)

CATRON COUNTY, NEW MEXICO. Wolf incidents in Catron County are on the rise and Catron County's Commissioners, who declared an emergency situation in February, 2006, are now determined to take firmer action to protect the citizens here.

''These wolves are on a killing spree,'' said Catron County Commission Chairman Ed Wehrheim recently. ''They killed a horse on Whitewater Mesa just the other day, the second horse in just one month.''

Wehrheim is gravely concerned because these are just more incidents in what appears to him and the other Commissioners to be a never-ending spiral of killings of animals that the Commissioners feel will ultimately end with the attack by a wolf on a human being.

The County passed the emergency declaration last year primarily to put a halt to the economic devastation caused by the presence of Mexican wolves which not only hunt wild game, but also kill cattle, horses, dogs, cats and other domestic animals.

Now it appears that the situation has become more than an economic emergency and has escalated to a high level of risk for human lives in Catron County.

At base is the problem that many of these wolves are habituated to humans. This means that, unlike normal wild animals, habituated wolves are unafraid to be around humans and areas where humans spend time. It becomes more and more difficult to haze away habituated wolves when they have their sights set on an easy meal—which may be a family pet.

This is just what happened with the Miller family on their Link Ranch in Catron County south of Wall Lake—not far from a dude ranch where families with children vacation. Last November, the Millers' 8 year old daughter went out to the corral near the house to let the horses in to feed them grain. Right in front of her, the alpha male of the Aspen wolf pack attacked the family dog which had accompanied her to the corral. The wolf was unfazed by the Millers' attempts to chase it off the dog, which was only saved from death by the fact that it was wearing a large collar. This was the second attack on one of the Miller's dogs in just weeks.

Then, early in January, wolves trapped the Miller's daughter's horse, Six, in the same horse pen, where Six had run for safety. There was blood everywhere. If this was a typical wolf kill, Six would have been torn apart and eaten while still alive. Hopefully the Miller's daughter is unaware of that fact. The wolves continue to stalk the rest of the Miller horses, sometimes chasing them for miles.

''The horses are back at our house but so are the wolves,'' Mark Miller reported last week. ''As of this morning, the wolves are all around the house and the horses are huddled in a corner of our property.''

Miller went on to express his concern for his daughter's emotional health, since at eight years old, she cannot help but be aware that if her dogs can be attacked and her horse killed, she might be the next victim. Any child would have nightmares about that.

Miller and his wife are both walking around in nightmares of their own, as are many ranchers and others who live in the wolf reintroduction area. They all are anxious about the safety of their families and their pets, and are facing tough decisions about whether they should abandon their homes and their livelihoods for somewhere else where predators have more protections than humans. But, of course, who would buy a home surrounded by wolves that would make you and your loved ones prisoners inside?

Is this any way to live?

The Catron County Commissioners don't think so. They know that in a killing frenzy a wolf can attack a person who happened to be nearby. This is not the idle speculation by wolf haters, but simple science. Sharks do it, hyenas do it, so do wolves. The Miller's little girl could so easily have been killed weeks before Six was.

There have been quite a few wolf killings of dogs, cats, horses and other domestic animals in Catron County. While many people often feel that losing some cattle is not too much to pay for reintroduction of wolves in the forests of the southwest, people who live here don't feel it is fair that they should pay the price they are paying for this wolf program. And it looks like the price is becoming more than economic—it looks like it might become the blood of a child.

People from out of this area have little idea of what it is like to be constantly anxious and fearful because of wolves. Many don't believe that there really is a problem in Catron County.

''When a wolf howls and you know it's threatening your family, your livelihood, the whole custom and culture of where you live, you don't have a warm and fuzzy feeling,'' said Charlie Gould, ranch manager from northern Catron County.

The Catron County Commissioners agree, and they feel it is time that they do something about it. The County has worked hard with U.S. Wildlife Service and other agencies in charge of the wolf program, but the Commission—and the people of Catron County—believe they just aren't taken seriously when they express their fears about the risks to human life from so many non-wild, human-habituated wolves in the area. And they don't want to wait for the death of a child to have someone take them seriously.

The Commission, charged with protecting the health, safety and welfare of the citizens of Catron County, will have before them on Wednesday, February 7, an ordinance which lets them exercise their police powers granted under New Mexico State Statute, when there is a threat to human life. This ordinance will allow the Commission to issue a ''Dispatch Order'', an instruction issued by the Catron County Commission for physical removal of a wolf by lethal means from within the borders of the County by an authorized individual. If the U.S. Wildlife Service doesn't do it, then the Commission will, because the Catron County Commission is taking this situation very seriously.

''I want to be somewhere where my kids are safe.'' Katy Leist, rancher, mother. July 2006.

PARAGON FOUNDATION, INC.,
Mesilla Park, NM, April 6, 2007.

Alfredo Montoya,
Chairman, New Mexico State Game Commission, San Juan Pueblo, NM.

DEAR MR. MONTOYA: I am once again appealing to you and the New Mexico State Game Commission to help me find some relief for the people, all citizens and taxpayers of New Mexico, who unfortunately live and work within the Blue Range Wolf Recovery Area and are suffering the consequences of the Mexican Wolf Reintroduction Program.

There is not one person who lives within the BRWRA that has not been impacted by this wolf recovery program, the vast majority of whom have been impacted negatively. I can assure you that most people who live within the BRWRA have had their fill of wolves and want this program to end now.

Further evidence of the disruption this incredible program has created in the lives of hundreds of people, is not necessary. You have seen and heard enough and are fully aware of the dilemma these folks are forced to live with each and every day.

Also, Mr. Montoya, every elk hunter I see is now starting to see the impacts of the wolf program on the elk herd in the Gila and, likewise, wants the program to end today. Dr. Thompson may tell you otherwise, but people who live and work in the Gila National Forest are seeing a severe decline in the numbers of elk throughout the forest. I do not need to remind the commission of the huge economic benefits the' elk hunting industry brings to the state at many levels.

We know the wolves are killing lots of elk. I spoke to one property owner in the Gila who counted over 100 elk carcasses in the area he hunted in last fall and another saw 17. A rancher on the northern edge of the Gila has seen an 80 percent decline in the numbers of elk that he normally will see on the ranch. He also told me that he sees lots of elk carcasses and he's sure they were killed by wolves. He also believes that for every elk that is killed by wolves, four or five vacate the area and move to the north. So, if that is the case, then the elk herd is being reduced by 4 to 5 elk for every one that is killed by wolves.

Another rancher told me that when a pack of wolves moves into an area that is inhabited by elk, as soon as the wolves apply depredation pressure, the elk will move out of the area and it is not unusual for them to travel 20 to 50 miles to get away from the wolves.

So, in order to try and confirm this movement of elk out of the Gila, I called two ranchers in the Grants/Gallup area. I asked first if they knew of any wolves in that region of the state and they told me that they had not heard of any. I then asked them what the situation was with the elk numbers in that area. They both said that the elk numbers were increasing and that there were a lot of elk in the region.

Both ranchers told me that the elk were putting a huge amount of grazing pressure on the available forage in the region and that the Forest Service was trying to reduce livestock numbers on grazing allotments to compensate. This might be fine if the Forest Service were willing to compensate the ranchers for the lost production, but we all know that is not going to happen. This is the

same scenario that the ranchers in the Lincoln National Forest are struggling with too many elk competing with livestock for the available forage in the region.

The Forest Service sure doesn't have a problem forcing ranchers to reduce livestock numbers but won't hold the Department of Game and Fish to the same standard. If the Forest Service was truly interested in protecting the resources, then they should hold the Game Department to the same standard as they do the ranchers who own the grass.

Anyway, my point is, the wolves are applying so much pressure on the elk herds in the Gila, and aside from the elk they kill, they are causing elk to move completely out of the Gila and into other areas to the north. There is no other direction for them to go.

So now what happens as the elk numbers decline in the Gila? What will replace the elk as a primary prey base for wolves? There are no deer. The only thing left will be the livestock. Cattle are being killed on a fairly regular basis anyway and will continue to be at risk. Horses are extremely vulnerable because they respect fences and cannot leave the country like the elk can. Is this part of the plan?

The wolves have had 10 years to reach some kind of acceptable balance and get established in the Gila. They're not even close. I offer to you that it is not within reach. An acceptable balance of wolves, prey base and people in the BRWRA is impossible and the program is already a dismal failure.

At what point will, whoever is in charge of this program (I'm not sure any of us know), say: ''OK. I guess that's enough . . .this ain't gonna work''.

Where is that sacrificial threshold? Will it be when a child is lost? Or maybe it's more than one.

All I'm asking for is honesty. What do the people you have sworn to serve, have to do to end this unbelievable injustice? Just tell us the truth.

Thank you for your time.

JOE DELK.

TUESDAY, JUNE 05, 2007 7:44 p.m.

From: Kim Tricky.

Subject: wolf incident

DEAR CONGRESSMAN PEARCE: Here are a few wolf encounters we have experienced first hand here on the H–V ranch. The ranch straddles the Arizona/New Mexico line with the bulk of the ranch in Catron County. The first incident is about a large domesticated wolf that wandered into the ranch. This happened about three years ago.

It was a very LARGE wolf, but obviously domesticated. Macky saw him drinking out of the horse water trough and watched him for quite awhile trying to decide what to do. The wolf showed no fear but was not threatening at all—just very thirsty. It then sort of followed him to the front of the corral and went chest deep into to duck pond where it continued to drink. When it came out of the water Macky threw a loop made of baling twine around its neck and tried to lead it to the trailer—it didn't lead very well, so was sort of a half-lead and half-drag kind of deal. He had to lift it into the trailer (yes, he really is that crazy!). We called the wolf people and J Brad Miller, who called me back. I told him the animal was obviously someone's pet, and absolutely huge!!! Very wolf looking with no decernable dog traits. He couldn't believe the size of the wolf when he came to pick it up—He said it was a timber wolf—like from Canada! They did take it in and do the DNA tests and the last I heard some lady came and claimed him. I'm sure someone had turned him out and he was looking for someone to take him home! He appeared to be older and had calluses on his elbows like he had been laying on concrete for quite a while. We have had several other wolf/dog episodes here around our house— all have proven to be hybrids turned loose.

Another episode was when we had three large black wolves hanging around our corral on the hill. We had several cattle in the corral and they were acting aggressive towards Macky when he showed up. He scared them off and called the Game and Fish. They determined that they were hybrids and tried to trap them but were unsuccessful and finally were able to shoot them. We lost a good cowdog the night before Macky saw these wolves. My son had left him out of the pen overnight and he simply disappeared. We never saw any sign of him afterwards.

The third event happened last summer in August. The San Mateo pack had been on our allotment since their release in March. They had killed a calf in one of our upper pastures (which was documented by the game and fish) but the calf belonged to a neighbor, not us. Then they were suspected in a couple of killings on the Arizona side of the line above our house. We noticed one of our good ranch geldings did not come in with the other horses and went to investigate. We found him dead and pretty decomposed and eaten out. Macky looked at his legs for signs of predation but could not tell anything, and because he was my son's horse and my son was very distraught over the death (at the time we assumed maybe he had been hit be lightning or something) that we buried him with the backhoe. The next day when Macky went out to catch one of the younger horses to work with him he discovered wounds and bite marks all over him. We called Game and Fish and they confirmed a wolf attack on this two year old thoroughbred colt (grandson of Seattle Slew). The colt has since recovered, but is very frightened of dogs now. We strongly suspect the other horse had been run and killed by the wolves also.

The second spring after the wolves were released we received a call from the Game and Fish about one collared wolf and two uncollared wolves jumping up and running calves in the Spur Lake Basin. They had tried to chase them off the calves with the plane and had called Macky to report. We then rode everyday over there with a USGF person looking for possible kills. All we ever found were tight bagged cows missing their calves. We would often see a cow ready to calve and the next day see her again without a calf and obviously tight bagged and bawling for the calf. When we gathered this pasture to brand we noticed we were at least 20 calves short of what we would normally expect to gather. These cows were all preg tested in the Fall and pregnant at the time they were turned out to this pasture.

TUESDAY, JUNE 05, 2007 1:48 P.M.

From: Mary Macnab.

Subject: Attacking the people—The Mexican wolf

This area has been inhabited for thousands of years and is still laced with living communities. The landscape has absolutely no ''core'' peopless area for wolves to recover in. Respected wolf biologists Ed Bangs and Stewart Brecht of the No. Rocky. Mt Wolf Recovery have recognized this and stated that it can never work here. The wolves were dumped right on top of us. Not ''over there'' or ''beside'', but right on top of our backyards, towns, communities, children, schools and the sensitive grazing/calving areas that support the small family ranches which form the basis for our regional, sustainable and generational economy here.

I am especially disturbed by the callous lack of concern the involved government functionaries have regarding incidents where wolves stalk and circle our children in the woods, in their yards, and walking home from school. One county is seeking funds for wolf-proof cages so children can wait for the schoolbus in relative safety. Small children cannot be let out of sight, even in their back yard, as many incidents of ''prey testing'' (staring at, stalking/following, showing no fear) have been experienced here, especially with children. Children old enough to venture out on their own and all others, to be safe, must carry a firearm when leaving home.

This unconscionable situation of irresponsible lawlessness in complete lack of respect for our foundational legal protections for safety, happiness, and right to protect private property have been thrown out the window in favor of alien agendas contrary to all the participating officials oath of office which (state and federal) upholds the most important and supreme duty—the protection of the rights of the people. ANYONE AWARE OF WHAT IS ACTUALLY OCCURING HERE SHOULD BE VERY ALARMED! This percedent of callous governmental disregard for the welfare of the people in favor of an agenda which is alien and extremely dangerous to them does not bode well for anyone's future in the United states.

Such careless disregard can destroy our communities, our families, our economies, our whole world.

The ''pogrom'' personnel, whilst receiving their relatively posh paychecks are flagrantly and regularly breaking federal law in the form the rules and regulations supposedly governing this program especially regarding the safety of the people and their livelihoods—many illegalities are protected by cover-ups. This is a program with no where to go but cultural genocide (by wolves/land torpedoes) or, mercifully, away.

I recently witnessed a dangerous dog attack another's pet in an urban area. Witnessed by several people, the response was immediate and loud. That dangerous animal ''should not be out where it could threaten'' others or their pets. One man said that if that dog ever threatened him or his dog ''it would be dead''. It was quite obvious that these urbanites would broke no dangerous animals ranging their and their pets' territory.

Here in pogromland we have no recourse. Cattle on the range are fair game unless you see the wolf attack which almost never happens. Compensation is a joke. Children can be stalked and monitored by known dangerous wolves daily with no real legal recourse to protect their safety until the wolf ''touches'' (read attacks) the child's body. One bite of these powerfully jawed animals can break the leg of a 1,200 lb. elk in half. Reporting incidents is fruitless as these are downplayed to nonexistance to make the pogrom look good to the higher-ups and the masses.

All is skewed or covered-up, by massive public information campaigns with the actual ground zero reality carefully censored. To these truly misinformed urbanites these perception development operations make the pogrom seem not only palatable, but charismatically desirable. This leads to the ''public support'' so often used as the pogrom's justification for existance.

THERE ARE MANY SIMILARITIES BETWEEN DUMPING KILLER PREDATORS IN PEOPLE'S YARDS AND COMMANDEERING AIRPLANES AND FLYING THEM INTO BUILDINGS. In both cases the targets are people, not government.

These federal functionaries who illegally and/or unsafely dump killer predators are not attacking the U.S. government. They are attacking average citizens in our homes and on our properties.

Will you appeal to the Department of Justice to explain why cover-ups and the breaking of federal law and rules leading to illegal

predator dumping is not terrorism, and why they are shirking their duty? Will you please prevail upon the U.S. Attorney to explain to the world why planned and deliberate acts of terror directed against the people are of no concern to his office, if indeed this is the case?

Sincerely,

MARY MACNAB,
Blue, AZ.

JUNE 5, 2007.

MR. PEARCE: Here is our testimony regarding the Mexican Wolf problem up to 2006. Since the beginning of 2007 we have had another confirmed Cow kill along with her missing calf. Our ranch is for sale now as we cannot sustain such financial losses. Hope this will help.

Thanks for your efforts.

Narrative Statement of Our Claims, March 2, 2006:

The US Fish & Wildlife Service (USFWS) wolf management program and actions adversely affect our civil rights and property rights and investment-backed expectations and way of life. We describe, below, the destruction of our property rights, disregard for our rights and privileges and the significant negative stress on our family.

In April of 2004, after many years of hard work and planning we were at last able to purchase our life long dream, a small business of our own, the Deadman Allotment we call it the V Bar Ranch. In the Fall of '04 we started finding lots of wolf tracks up and down the north fork of Negrito in the area where our cattle were watering. This was a concern to us as we had over $50,000.00 worth of cattle inventory, and the future for our new business depended on that inventory of cows and bulls. We soon found out that the US Fish and Wildlife Service (USFWS), Mexican Wolf Blue Range Reintroduction Projects (MWBRR), San Francisco Wolf Pack was in our area. The pack was causing much havoc on our neighbors, the Blairs, Rainey Mesa, Y-Canyon, N Bar, and the Tackman Ranches, and now we too were experiencing the same problems. To add to everyone's wolf problems, in the early part of 2005, the USFWS Wolf People re-released the Ring Pack back into our area. (Note: the pack had been removed 365 days earlier because of livestock depradation.) Ring female was pregnant and ready to have her pups, in which she denned up in our Eagle Peak Pasture to have them. These factors set the stage for the disastrous spring of 2005.

In March of '05 we found 5 dead cows within a one mile radius. Three of those cows were wolf kills, but we were unable to have them confirmed because by the time we found the carcasses in our rough terrain, they were too dry and eaten up to verify wolf teeth marks. We went on the topical evidence, wolf tracks, wolf scat, area, and position of where and how the cow was laying. It was a positive of the three out of five cows. So, there was $3600.00 worth of livestock down the tubes, not to mention the $1500.00 worth of calves the cows would have raised that summer.

As we continued into the spring of '05 the wolf situation got worse. The Y Canyon Ranch had their cattle in the Collins Park Pasture which neighbors our Collins Park holding pasture. All of the Collins Park area is easy open landscape. It is because of the topography of the area that our neighbors were finding wolf kill after wolf kill in their cattle in which were confirmed wolf kills by the USDA Animal & Plant Health Inspection Service (APHIS). Meanwhile all we were finding in our Eagle Peak Pasture (very rough terrain) was wolftracks, wolf scat with cow hair in it, and about six tight bagged cows minus their calves. Another $3,000.00 worth of calves lost. Adding all the topical signs up we knew what was taking place; our new business's assets were literally being eaten up by the wolves.

As we started gathering the cattle off the mountain into our Collins Park holding Pasture to brand and vaccinate the calves, we were very nervous about moving them down to where even more slaughter was taking place. So we were working as fast as we could. After gathering everything we came up seven cows short, and that was not counting the five cow carcasses we had found in early March. So, that added another $4,600.00 more to our losses thus far.

In mid June branding day at the Collins Park Corrals revealed that we had sixteen calves to brand out of 91 cows. Out of those 16 calves there were four that were injured. So we caught 2 of the calves and had Richard Grabbe with APHIS (Note: APHIS works hand in hand with USFWS Wolf Project) inspect the calves with us. Our suspicions were confirmed, there were indeed wolf bites and abrasions on the calves. Mr. Grabbe wrote a report on one of the calves as to confirming a non lethal wolf attack. So, here we were with 4 gimpy calves, two of which never fully recovered from their injuries, costing us another $800.00. (Note: understandably cattle buyers do not like to buy crippled livestock.)

During our spring '05 round up time, the USFWS Wolf people had taken out (Captured, and removed, not killed) the female and one yearling pup of the San Francisco Pack thinking this would relieve the livestock massacres taking place in our area. (Much to their (USFWS) dismay, the killings did not stop.) Simultaneously, the USFWS Wolf People were trying to catch the Ring Pack Male, so we figured if the Wolf Project Folks would do that it would break up the killer packs even more and perhaps we would see some relief in sight from the livestock losses. Unfortunately, when John Oakleaf (the Wolf Project field team leader) was asked what their plan was when they caught the Ring Male, he told us that the male Rings radio collar was not working and that they would re-collar the animal and turn him loose. That's when we decided to remove our 16 cow/calf pairs in an effort to save what calf crop we had left. This was a hard decision to make because we had such good feed and water right there on our own little V Bar Ranch, after all that's what we bought it for. The extra cost of a hauling expense and pasture rent of around $1500.00 seemed ridiculous, but we felt we had to salvage what we could.

The pasture we moved our cattle to was on the F Bar D Ranch, 20 miles away, out of the Wolf Recovery area. It is owned by our employer, Frank DalMolin. (We hold this job in order to add income for improvements to our V Bar Ranch, so that when we retire our small business would be up and running.) Our safe pasture was to be short lived. Not even one week later after our cows were barely settled into their new pasture on the F Bar D, we found a F Bar D calf killed by a wolf less than 250 yards away from the livestock drinker. We were shocked, as the wolf people assured us when we reported to them, that the lone wolf sighted, was a scavenger and not a livestock killer and was probably just passing through. The wolfs number was 859, and he stayed, killed, and he dined on an F Bar D calf Here was a wolf in the private land sector, out of the recovery range, killing. A loss to our employer of around $700.00. Wolf #859 was trapped that night off the kill and promptly removed, but only to be re-released in the very near future, the spring of 2006. We now realize, that not only the businesses inside the wolf recovery areas are being destroyed but we were seeing what the future would hold for other businesses outside the MWBRR project areas. All businesses in our rural areas will be destroyed by this Wolf Project, because every business in a rural area upholds one another financially. It will indeed have a dominoe effect.

In January of 2006 at our V Bar Ranch (Deadman Allotment), we started the year off with a fat full grown cow (probably heavy bred), found dead, stretched out across a boulder, about 50 yards from our lick tub. It was a confirmed wolf kill costing us yet another $1500.00. Mr. Grabbe with APHIS set a trap and caught an uncollared male wolf. The MWBRR Project protocol was to collar the wolf and turn the thief loose to go about his wolfly business of killing. The newly collared #1008 wolf was now on record. Since then we have found the leg bone of a calf, 2 crippled calves, 1 crippled bull, and 2 tight bagged cows missing their calves. Estimated cost at this time is around $3700.00.

With the new year starting off with more wolf depradation we are reminded of what John Oakleaf, field personel with the MWBRR Project told us, he said, according to his studies from the wolf project in Idaho, for every wolf kill you find, there are 8 more that you are not finding. With this in mind, we realize our small business cannot sustain such financial losses and we will be put out of business by the Mexican Wolf Blue Range Reintroduction Project. We have spoken with a realtor about selling the ranch and were told that because of wolf problem we would not be able to market our place as a viable working ranch. So, all we are left with is the 115 acres of private land worth an estimated $115,000.00. This would leave us well over $140,000.00 short of our investment. It would seem like a small amount for a lot of people, but to us, this was our life savings and dream eaten up by the Mexican Wolf Blue Range Recovery Project.

In conclusion, the Mexican wolf introduction will make it impossible for us to stay in business, to cover our operational expenses into the next year, and it would significantly restrict our ability to get loans. Unless there is immediate relief from the actions by the FWS. We are being denied our basic rights and liberties, including restraint of trade and denial of pursuit of happiness.

Submitted by,

JIM AND SHERRI HAUGHT,
V Bar Ranch (Deadman Allotment) Owners.

DOBSON FAMILY FARMS,
SHEEP SPRINGS SHEEP CO.,
June 5, 2007.

Hon. STEVE PEARCE,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE PEARCE: I recently received an email that was forwarded us from Laura Schneberger, Winston, NM. In the email, Laura asked for testimony on experiences related to the Mexican Wolf Program. As an Arizona neighbor, we are facing the same problems. I hope this letter and accompanying documentation will help you in your battle to set things right.

On April 30th of this year, I visited Washington DC and was able to meet with most of the Arizona legislators and discuss several topics of concern with regard to the agriculture and livestock issues facing our family business operation. Among these topics of conversation was the reintroduction of the Mexican wolf into Arizona and New Mexico.

As I told the Arizona delegation, I firmly believe the money being spent on this endeavor is not only a waste of taxpayer's dollars, but will in fact make it impossible for future generations to make a living raising livestock on the forest grazing permits. I am 68 years old. It is my intention to turn my livestock operation over to the 4th generation of the Dobson family. However, if things continue as they are now, the 4th generation

of Dobsons will no longer be able to raise livestock. Wolves are currently being reintroduced into areas less than ¾ of a mile from our private property. Cattle and sheep graze on this property during the summer in our breeding season. The wolves, if they are allowed to attack and kill our livestock, will prevent us from having a normal breeding season.

Enclosed is a current report from the U.S. Fish and Wildlife Service who confirmed a sheep kill by a Mexican Wolf on our private property. This is what we are up against if the wolves are allowed to remain in the area.

I have just this week sent this information to each of the Arizona delegates and welcome your support in helping to remove these wolves from our forest grazing permit. My family and I greatly appreciate your assistance in this matter and offer any assistance that we can provide to help you in New Mexico.

Respectively submitted,

DWAYNE E. DOBSON,
Sheep Springs Sheep Co.,
Dobson and Dobson Livestock.

TUESDAY, JUNE 05, 2007 9:30 A.M.
Subject: FW: What has the wolf program cost you?

MONDAY, JUNE 04, 2007 5:32 P.M.
Subject: Fwd: What has the wolf program cost you?

Arizona needs to pitch in and tell our story too! Pass this to your friends and neighbors who have been effected.

Send a letter, your testimonial. Thanks, your true story is needed.

DARCY ELY,
Four Drag Ranch @ Eagle Creek.

From: Laura
To: Laura
Mon, 4 Jun 2007 8: 17 a.m.
Subject: What has the wolf program cost you?

All, If you have had Mexican wolf experience, whether it is related to livestock, recreation, personnel, or anything relating to your home life or your children's and your own well being, please write it out and send it via email or snail mail or fax, to Tim Charters at the above address. This Must be done within the next two weeks.

Congressman Pearce is collecting actual incidents that have caused people to be affected by Mexican wolf program problems in their day to day lives. This program and it's managers are adept at sweeping things under the rug and downplaying the seriousness of the problems on the ground. Therefore, Your testimony is needed at the congressional level. Congressman Pearce wants a stack of letters to support his actions.

This is something that you can also help your neighbor do, if your neighbors don't have internet, please please print this and take it to them. Also, I have a lot of addresses, but not every address of folks who have been impacted by this program, so please call your neighbors and let them know about this effort.

It is vital that this is done and the hundreds of incidents and wolf problems are in the congressman's hands as soon as possible. Even if you have written it all out before, please do it one more time. If you have any questions please contact me.

LAURA SCHNEBERGER,
Gila Livestock Growers Association.

TUESDAY, JUNE 05, 2007 1:45 P.M.
From: Mary Macnab.
Subject: Mexican wolf crises.

DEAR CONGRESSMAN PEARCE: This wolf program will affect every person in this country whether they have livestock, hunt, or like to hike in the woods or not as it is yet another illegal, treasonous act by a corrupt government designed to dispossess the citizens of their property and turn them into a nation of helpless victims.

Supposedly we don't live in a country where the government can do this to people. This country has a constitution which is sacred and the highest law of the land and cannot be violated without committing treason, the highest crime of a civil nature of which one can be guilty. The Constitution simply does not allow majority rule over the constitutionally protected rights of others. This is the main point I wish to make although the wolf (dog) program has affected people in Catron County in many ways.

We are watching our communities and our culture die. At public meetings we see first hand the looks of glee on the faces of the evil fascists who are perpetrating this destruction.

This all takes us back to the dark ages when people were constantly under siege.

Children are afraid to walk home from their bus stops. Parents must now see that they are safely attended and safely escorted both going and coming.

What happened to our safety, peace, prosperity? This is oppression! A war on the people!

Sincerely,

TOM MACNAB
Catron County, NM.

MONDAY, JUNE 04, 2007 1:21 PM
From: Jim Taylor.
Subject: wolf program cost.

We are involved in a small mother-cow operation, and fortunately are fairly well removed from the areas wolves have been introduced to-however-we did sight a pair on our property (17 miles east of T or C, NM) and this sighting was confirmed by our neighbors to the east of us and all the way south to the Cutter area.

We reported this sighting to US fish and game—several months later, one of their reps came by asking about the sighting . . . as if they really cared. We attended one ''wolf meeting'' in T or C—hosted by fish and game I guess. Forest Svc, State fish and game, US fish&game, and some more reps from other govt agencies there. I did some rough, unqualified math in my head in relation to what all these talking heads with the govt agencies were making (salaries, expenses, transportation, etc) then added what their employees (field grunts) were making—then the cost of equipment, feed, medicine, etc, then the scariest part—what their bosses (the politicians, lobbies, and other general carpet baggers) were milking us (the tax paying public) for. I stated to the chair of that meeting that I surely didn't begrudge anybody employment, but I felt our tax dollars—and their educations, could certainly be put to better use than feeding a bunch of wild dogs. Seemed pretty darn silly to be messing with obsolete evolution while we have so many socio-economic challenges in this country—(the homeless, the hungry, the uninsured, just to scratch the surface). Instead of feeding a wild dog, why not channel that money and all the ''brain power'' these wolf activists and their lackeys control to a very evident and more worthwhile endeavor. I don't like the tax burden I carry, but if I've got to pay those taxes, I hate to see them squandered on the wolves. From where I sit, the whole program stinks—I think it's about how many dollars the carpet bagging activists can garner, and the wolves are no more than a vehicle for them to reach that end. AND AT THE TAXPAYERS EXPENSE. I also believe the wolf program is a poorly masked assault on the livestock industry and possibly even conspires to a future land grab, as ranchers are forced out of business. Sorry, but I cant find much nice to say about the program.

JIM TAYLOR,
Engle, NM.

MONDAY, JUNE 04, 2007 12:49 PM
From: Frank Morris.
Subject: The wolf in the yard.

SIR: In 2005 I suffered a broken ankle and was home in a cast. (No dramatic story here, I just fell over) on a March morning at approximately 10 a.m. I heard both of my dogs (ACDs) barking furiously on the front porch. struggling from my chair I opened the front door. There, not ten yards away was a Mexican wolf looking directly at me. The dogs nearly knocked me over getting into the house. The wolf looked at me for a full thirty seconds before turning and trotting away absolutely unconcerned. The animal was a full grown adult male and did not appear to be collared. It was in fact a wolf, not a coyote. I know this not only from my observation but also from my dogs reaction, typicly they run a single coyote off the place.

I live far outside the ''Wolf study area'' at the very southern most point of the Gila approx. 7/10 of a mile north of hwy.152 @ MM10 bordering Nat. Forest.

FRANK ''TWO JUMP'' MORRIS,
Hanover, NM.

MONDAY, JUNE 04, 2007 2:23 PM
Subject: Point of Cattle on San Carlos Apache Reservation.

DEAR SIR: We reported in the recent review that our cost estimate on losses has been over $300,000.00 in cattle lost. This was several years ago and just recently, we have reports of 2 more cattle being killed by wolves. This has been reported to FWS and hopefully we can get compensated for these losses. Our reservation has 82% unemployment rate. Many people do not work and Apaches have a host of social problems from this cycle of poverty that we are in and the economic harm caused by wolves eating our cattle herd compounds the problem to a dispossessed people. Here an animal, through federal policy, disposses us of income and causes economic deprivation to Apaches on the reservation.

Thanks,

STEVE M. TITLA,
Globe, AZ.

FRIDAY, JUNE 8, 2007.
From: jwolkins.
Subject: The Wolf Program.

TO REPRESENTATIVE STEVAN PEARCE: We understand that you are collecting incidents where citizens have encountered wolves, since the reintroduction of the wolves into the Arizona-New Mexico border area. We are ranchers on the Blue River, just over the state line (Az. side). Since the outset of the program, we have lost one pet dog to the wolves. However, we have had several other unpleasant episodes with the wolves. With the dog, it dragged into the yard with puncture wounds in the hip and leg. The evening before there had been 3 wolves in our meadow by our barn. When I took the dog to the vet, Dr. Duncan, he said the wounds were consistent with a large canine attack. The dog had to be put down, but later John Oakleaf (with the wolf program) went to look at the dog and said it looked like it had been hit by a car! The dog had no access to the highway so we knew that didn't happen! This is how the wolf personnel always respond when a wolf is implicated. We had the wolves chase our cows and calves in the same meadow, but we always drove them off. Later, we moved to a different ranch on the Blue River (partly because of the wolf problems). At this ranch, all our cattle are right near us and not on Public lands. So when the

wolves were dropped into the Blue and immediately started attacking home-owners' dogs, etc. we knew we would soon have them at the back door. Sure enough, three of them came and tried to attack two of our dogs through the fence. Once again, we drove them away, but now the fear is always there, that the wolves will be back. The Aspen pack terrorized our close-knit community for weeks, but the wolf program still insists that they want to put 100 more wolves into the Blue. There is no prey base here for the wolves, except cattle, horses, pets and people. I have followed this program from its very beginnings, and know that millions and millions of taxpayer dollars have been spent, and to date, there are no more than 2 or 3 breeding pairs. In my estimation it has been a total failure, and has hurt the economy of our ranching and tourist industries very badly. I truly hope you can do something in your office to help people that are in a lot of stress because of this predator which should never have been put into a populous area.

Thank you for all your efforts.

MR. AND MRS. DERRILL O. WOLKINS,
J Lazy W Ranch, Blue, AZ.

INHERENT POTENTIAL FOR PTSD AMONG CHILDREN LIVING IN AREAS WHERE THE MEXICAN GRAY WOLF IS BEING ''REINTRODUCED''

In the spring of 1998 the Mexican Gray Wolf, who was on a list of ''endangered species'', ''reintroduced'' into ranching country in west-central New Mexico and east-central Arizona. The wolves in question had been primarily breed and ''hand raised'' in captivity. The species was most probably ''endangered'' because the wolves had been systematically eliminated, over a period of 150 years, by ranchers who were settling the area and developing herds of beef cattle to support themselves and their families. The cattle industry in the west had become big business in the mid 1800s when, during the civil war, the governments of both the North and the South were buying beef to feed their armies.

It was very apparent to the ranchers that wolves and cattle aren't gregarious companions! It was also very apparent that wolves were also NOT compatible with the normal activities of ''family life'' within the ranching areas!

Ranchin continued to be both a way of life and a profitable business in the areas above described until the concept of ''turning back the clock'' became popular.

Americans are proud of their heritage. It is admirable to want to remember the past and preserve species that played a role in our lives. However, reintroducing wolves in the Southwest is about as intelligent as it would be to ''reintroduce'' smallpox!

Within a few years it became very apparent to the inhabitants of eastern Arizona and western New Mexico that the ''reintroduction'' of the Mexican Gray Wolf was contributing to the demise of their lifestyle and their communities!

Of paramount concern to the population was the effect of the wolf ''reintroduction'' on the children in the region!

As a Medical Doctor with a background in both Pediatrics and Child Psychiatry, I was asked to meet with ranching children and their families within the ''reintroduction'' area to ascertain the psychological effects of the wolf reintroduction program upon the children.

I was able to compare the results of the parent questionnaire which I had constructed for parents in the wolf reintroduction area with questionnaires circulated to ranching families in New Mexico and Arizona who do NOT reside in ''Wolf'' country. This was made possible through the efforts of the Cattle Growers Associations in New Mexico and Arizona, thus obtaining a control group for evaluating my findings.

In my study group each child was seen face to face and personally interviewed by me between February 1 and March 15 of 2007. Children were seen either in the schools which they attended or in their homes. Questionnaires were completed by their parents.

Weaknesses in this study include:

1. The lack of ''random selection'' of subjects from the wolf ''reintroduction'' area. (All the ranches in this area had been visited by wolves.)

2. Possibility of ''prejudice'' on the part of the author, relative to her residence on a ranch within the ''reintroduction'' area.

3. The relatively small numbers in each group. It should be noted that because the study involves ''ranching'' the total population interviewed within the ''reintroduction'' area includes at least 90 percent of all families with children living on actual ''working ranches'' within the area.

Results of the Study:

To date questionnaire have been obtained from equal numbers of children living on ranches in both the wolf ''reintroduction'' area and the ranching areas of Arizona and New Mexico where the Mexican Gray Wolf has NOT been ''reintroduced''. Several returns were not calibrated because of technical concerns (e.g.: reports about children 3 years of age or less).

Within the ''reintroduction'' area parents report that:

93 percent of their children startle more easily (than prior to the wolves arriving).

87 percent of the children believe that the wolves are presenting a danger to themselves or family members. [Due to depredation of livestock and family pets, this IS a VERY REALISTIC concern!!]

80 percent of the children realize that they are HELPLESS to control or stop the events they see occurring around them because of wolves in proximity to their homes. One child watched her horse attacked and killed in the barnyard. She then ran up to the ranch house with one of the wolves in hot pursuit!

80 percent of children in the ''reintroduction'' area . . . who previously slept in their own beds/bedrooms through the night, now frequently get out of their beds during the night and come into their parents' room, wanting to get in bed with their parents.

73 percent of the children awaken in the night crying or screaming because of nightmares, not present prior to the wolf ''reintroduction''.

73 percent of parents state that they believe that the ''wolf events'' which have occurred involving their children have been very traumatic for the children.

67 percent of parents whose children have been involved in ''wolf events'' report that their children have ''become more clinging.'' [Among the children who have NOT been exposed to wolves (control group) 10 percent are reported to have experienced recent traumatic events. None of these children are reported to have become more clinging.]

53 percent of the children who have experienced traumatic events involving wolves now appear to be unable to remain focused during activities which they participated in for age appropriate lengths of times prior to their exposures to wolves.

None of the youngsters exposed to wolves are reputed to have exhibited any of the symptoms described above prior to their exposures to the Mexican Gray Wolf.

It is definitely noteworthy that the behaviors/symptoms described above constitute the major symptoms involved in the diagnosis of Post Traumatic Stress Disorder.

None of these children are reported to have exhibited any of the symptoms described above prior to the ''reintroduction'' of the Mexican Gray Wolf in the area of their homes.

Questionnaires returned from ranches outside of the wolf ''reintroduction'' area indicate that 40 percent of these youngsters have ''experienced one or more recent traumatic events NOT involving wolves''. 20% of these children have recently developed a fear of snakes. 10 percent are having trouble staying focused on events they were usually able to stick with for age appropriate periods.

Post Traumatic Stress Disorder is a major psychiatric illness. While it may exist ''short term'', and dissipate when the precipitating factors (e.g.:—wolves) are removed, the disorder frequently becomes permanent, and, occurring in childhood it may impede the child's normal psychological development. Certainly, ongoing exposure to the events which led to the original symptoms can be expected to interfere with development of a stable psychological outlook.

The serious psychological problems currently being expressed by children in the wolf ''reintroduction'' areas of Arizona and New Mexico can best be addressed by the immediate re-location of the offending wolf population!

In researching the ''reintroduction'' project it is apparent that the ranching families within the area were NOT consulted prior to reintroduction of the wolves!

As a physician who has dealt with children now for 50 years. I am convinced that concerns for the welfare of the children involved MUST take precedence over any and all concerns for the ''wolf project''!!!

JULIA MARTIN, M.D.,
LUCE RANCH,
Blue, AZ.

WEDNESDAY, JUNE 13, 2007 1:51 PM

From: Tom & Jeanie Hutchison.

Subject: Mexican Grey Wolves.

When the Aspen Wolf Pack was terrorizing the Blue River residents, we had several incidences with them as they went back and forth, many times, through our property. One incident in particular sticks in my mind.

It was early January and I was home alone. My husband's mother had suffered a stroke and he was in Tucson to tend to her. It had been raining and snowing quite a bit, and the river was in quite a flood stage. All of my neighbors on this end of the river were gone, and the flooded river made it impossible for me to get out, or for anyone to come in. So not only was I home alone, I could expect no outside assistance if I should need it.

I had not been sleeping well because of the constant wolf harassment of our dogs and our small flock of Barbados Sheep. The wolves would always come in in the middle of the night, and thankfully, my dogs were a great ''early warning system''. It was about 12:30 in the middle of the night when I heard an awful dog fight right in my front yard. I jumped out of bed and ran out the front door barefoot and in my pajamas, and into the snow. I know that my dogs don't have a chance against a wolf, but my brave dogs don't know that. As I was running out the front door I started yelling . . . I can't even tell you what I was yelling, only that I knew I had to break up the fight and protect my dogs. The alpha pair of the Aspen Pack were at my front gate, fighting with my 2 dogs through the wire fence. The wolves ran away to the north toward my neighbor's home. One of my dogs had sustained a bloody cut on the top of his nose, but that was all the damage, that time. (Note: On another occasion, my dogs fought with the Alpha male wolf through a back fence about 50 feet from our back door, and just over the fence from my sheep. That time, the same dog suffered

some cuts to his muzzle. The ''rag-box's'' battery had gone dead.)

I came back into the house for a robe, slippers, flashlight, wolf radio-collar monitor, and my shotgun with ''cracker shells'' in it. I knew the falling snow would soon fill the tracks, so I quickly went into the road to confirm my sighting. Indeed, the two adult wolves had walked right down the road in front of my home and confronted my dogs at the gate, then ran on up the road when I went out. As I was walking toward the pens behind my house to check on our livestock, I heard the ''rag box'' that the Wolf Program people had provided, begin to flash and sound off. This is a battery-operated system that starts making lots of noise and flashing lights whenever it picks up a radio-collar signal from the collared wolves. They were so close to me that I didn't even have the antenna on the radio receiver, and the signal was coming through very loud and clear on my hand-held radio. I knew the wolves had circled back and were coming in on my sheep! I began to run again and started yelling and shooting ''cracker shells'' into the dark. I heard their radio-collar signal lessen and fade as they headed north again.

Needless to say, I came back into the house in a sorry state. I'm in my 60's and far too old to be out chasing wolves through the snow in the middle of a winter night. If anything had happened to me, wolf-caused or not, I wouldn't be here writing this story. I immediately phoned all the Wolf Program people I had phone numbers for. One had the nerve to ask me if I was SURE it was wolves!! Unless they've started radio-collaring very large coyotes . . . yes, it was wolves . . . two of them. Another asked me, well, what did I expect them to do about it?? I suspect I singed his ear hairs with my reply.

JEAN HUTCHISON,
Blue, AZ.

MR. PEARCE: Few things relating to economic impacts on the lake Roberts community, program issues I see (tip if the iceberg) and the affects on my horses with 1 wolf showing up on my property and the affects this had and will have on the Lake Roberts community. The Lake Roberts community is bounded on all sides by the Gila National Forest. Our community has a general store and 4 lodging/hotels. All but one have recently changed hands and are going through renovations. Additionally our community has many retirees and horse ranchetts. The majority of the families here have about 3 or 4 horses and may from time to time have a foal. Our community is very tourist based. People enjoy the lake, head to the cliff dwellings, camp and enjoy the amazing beauty of this area. This is a good community of good people. Everyone here pitches in to help each other. We are all concerned here about wolf impacts. Some people are concerned about speaking up.

I was at a meeting in Silver City this spring where FWS admitted they do not have funding and personnel to properly manage this program but are going to continue to expand. The complaints I have heard and stories continue to horrify me. The lack of investigation, destruction of evidence, bending of rules to suit the program mangers and truthful reporting seems to be always in question.

From a program management standpoint this program has been mishandled on so many levels and I find it hard to believe they are under funded and unable to handle the wolves they have now. Yet they are going to expand. That is a RED Flag to me.

It also appears that they have trouble holding on to quality personnel or have hired dysfunctional personnel or that personnel are shifting between agencies and extreme environmental groups. Not to forget the abuse and lack of customer focus. The customers would be the people with the people living with these wolves being the major customers. I feel all the managers and the people working for them should be focused on the people living with the program first and the wolves second. That is not what has occurred.

I am concerned about the attitudes of the high level wolf managers when they say things like a kid being attacked and killed by a wolf is no different than dieing on the highway . . . we do not stop building highways. What? I see the need for transportation and the safety that has been incorporated into highways and cars and the necessity of travel and transportation differently that the desire for having wolves and the lack of safety considerations of the wolf personnel. This bias of not considering or dismissing child safety very concerning to me. I wonder if they discount my life just as easily or the lives of my four legged family members.

There is also a need transportation and a desire by some for wolves both are not needs. Wolves are not needed in our community of Lake Roberts and I am sure in other communities in and around the Gila and AS National Forests. We function just fine without wolves.

I could go on here but the key is no oversight. Would you fly in a plane that was not independently certified? Would you feel that the airplane developers could be trusted or do you think oversight would be necessary? I feel this program as any that has safety implications should have independent oversight. I also feel the wolf program has been run in a very insensitive way for the people forced to live with the program and writing that up could take pages.

The things I see show signs of a very dysfunctional organization in the wolf program.

I do hope for additional funding for USDA wild life services as it appears they are very under funded to do the investigations necessary. The trails here in the forest are also a mess, dangerous and in disrepair. It would have been nice if the wolf program money had been put into a more positive use where all could enjoy the forest.

I with another local person, organize horse clinics where people come from all over the west to attend. This has a very positive economic impact on the Lake Roberts community as the hotels are filled and meals and other local purchases on non holiday weeks. We do 2 or 3 of these during the summer. Usually June, July and August for more than a week each time. If one wolf incident happens . . . and that would be as much as a horse spooking or being unsettled these clinics will be over. One howl and done forever!

No one wants to come to a beautiful place to put their horse in danger. These are also very expensive horses. The thousands of dollars of positive economic impact to the community will be lost. I worry now about all the horses when they are here.

I can also no longer take my dog on trail rides. He is very sad and depressed about this as am I. My dog has been useful to my safety in the past where he has assisted in running off a bear and lion. Not bad for a little lab mix. I am concerned when I am working my dressage horses in the arena and my dog is not in sight that something bad might happen.

I also breed my horses to expensive warmblood stallions and the foals are often worth more that 7,000 when born. One wolf accident and it is a full economic loss. Often you have to feed the lame horse for the rest of its life. A horse costs at a minimum $1200 to feed and for shots every year. When I raise a foal it is one a year. A lot rides on one foal. This is also true for my neighbors. We have lots of small horse farms here and many of us raise only 1 foal a year. But is more than economics . . . it is really about the loss of safety and enjoyment of my property and the protection of my four legged family members.

While my wolf incident is very minor compared to others they still have had an economic and safety concerns within my family.

After the millers horse ''Six'' was slaughtered. I asked to be educated on how to live with wolves as Defenders say I should. I grew up in Canada and thought I knew but I am always willing to learn. This call was placed to Bruce Thompson about the middle of January 2007. It is now June I am yet to be educated on how to live with wolves. I have directly asked Bruce Thompson head of NM Game and Fish 3 additional times even stating I would get other horse owners in the area together. Still the only call I got was the call I will describe below. I have asked 4 times to Bruce and 1 time to a NM game official. It is now June. My local Game and Fish guy (not part of the wolf program and I think he feels bad) says he is going to try and put something together for me and others to help. He is a good guy and I am disgusted with the rest.

I also asked Bruce Thompson about oversight and other issues with the program and he went into how that is not needed and how FWS, AZDGF and NMGF all work together as one big happy family. I feel with no independent oversight then abuse will occur and it appears with this program that has occurred.

The end of January I did get a call from Saleen Richter (not sure of spelling) from NM Game and Fish she made it clear that she was busy and did I really want educated because wolves would probably not be in Lake Roberts. She went on to discredit the Millers and state how they lived way out there and this is why they had had the wolf problem, and that they leave their horses for weeks at a time. I understand from the millers this is not so. She definitely implied the Millers were not good people and implied they were responsible for the wolf slaughtering their horse and that she was busy there protecting the wolves from their other horses. I said to her what about my injured horse that cannot run as fast as the others, or my neighbors older horse or my other neighbors lame horse or the foals . . . and that often I am gone for weeks at a time on business and I have someone caring for my horses does that make me a bad person? She then made it clear in her implications that she did not want to come out to educate me as to how to live with wolves. All and all a very weird and unprofessional conversation with this NM Game and Fish official and I am offended to be paying for this program.

Then on February 21, I left my home office to put my horses in the barn for the night. I got to my horses and my dog refused to leave the truck. I cannot remember when he has ever not happy bounded out off the truck. My horses were frantic and were racing around their paddock and nervously looking up our mountain which borders with the national forest. They had already run through the electric tape fence that divides two of the paddocks. No horses were seriously injured but my mare that is lame for life with a broken hip did injure her hip again. I did have to administer pain killers (butte) for about 1 week due to this re-injury.

I opened the gate and the horses blasted towards the barn. They never go in their stalls at night until they are clean and hay is in their waiting for them. My one mare later left her stall ran back past me to return to her corral and in my presence kept

stepping forward and nodding with her nose in pointing type behavior looking up the mountain. I did not see a wolf. My eyesight is bad and the mountain has lots of vegetation. I think the wolf was about 100 yards up the hill which is 20 feet from the edge my paddock fence.

I then went to toss a lead rope over her neck and was preparing to halter her when she blasted out (she never does this) and back to the barn. She was covered in a sticky panicky sweat and all my horses were very upset but did calm down when I closed the barn doors. I could have been injured with my mare's serious panic and was lucky that I did not get run over by a 1000 horse.

Horses are prey animals and usually do not like to be confined but on this day they felt their barn was the safest place for them. I found this very interesting and had not experienced this behavior before. Maybe this is why the Millers horse Six ran to his corral . . . he was so panicked he thought it was the only safe place for him. My horses like their barn but often they enjoy being out even in the worst weather.

For the next few weeks not only were they more on edge and looking up the mountain constantly. One horse was always more on watch more than normal. They also lost weight for two weeks and were not eating well during the day when turned out. My horses were not rideable for a week and I even canceled going to a small show (no entry fees lost) due to their upset.

For over a month when my horses were let out of the barn in the morning they walk to the main door and look up the mountain and cautious step out of the barn. In the past they would be let loose from their stalls and confidently trot out of the barn never even looking.

It is summer now and my horses are still in the barn at night. This is extra expense of shavings of over $100 per month. I will be spending 800 more dollars this year on shavings. Also the time to clean the stalls which is more time consuming that cleaning paddocks.

My fencing has to be repaired at a cost of $175 due to this wolf panicking my horses. I can easily see this wolf program is costing me more than $1000 per year not to mention the time expenditure. I do not feel I am getting any benefit from this program only a huge headache and I am not even in a constant wolf impact area like Reserve and Winston New Mexico.

I need to treat the wood in my barn again and make various repairs. I do need to leave the horses out but I am in fear of if that is the night that the wolves come through again? Will I need to board them somewhere again at an additional cost and gas expense.

I can also no longer take 2 horses out leaving one at home without putting that horse in the barn. Where as before my horse would remain at home calmly and eating now they are unhappy, pacing in the stall and not eating. This might seem minor but there has been a major shift in how I work with my horses.

On this day that the horses were upset saw and heard the wolf plane. It is a rarer sighting here . . . and never a good thing to see either. It circled south of my home which is south of Sapillo Creek. The flight report for that day shows the wolf was north of sapillo creek based on the locations given. I did not observe this plane circling north . . . while it could have also I find in interesting that a few hours later there was a wolf on my place.

My horses have seen lion and bear . . . even ridden up on them on the trail. The fear level and panic with this predator was different. When a lion is around the horses will be a bit bothered and I call on of the outfitters and let them know something is around. The predator usually ends up leaving one way or another. Having the right to treat the wolf like the lion and the bear would a helpful start as wolves should not be hanging around my place.

I do worry about the direction of this program and I consider the majority of these wolves very habituated. I am very concerned about children and the people that come out here to camp and trail ride. The tourists that come here want to be safe and have fun. The hunters here (I am not a hunter nor is my family) also have a very positive impact on the communities. I benefit by these business being located in my community. They are a positive economic impact to the communities. I have not yet met one person at the local restaurants or that has stopped to ask directions that were here to see wolves. If they asked about dangerous wildlife they are nervous at the idea of lions let alone wolves.

Thanks again for your time and understanding my story here. I know it was a bit long winded but I wanted you to understand the impact that appears so small is really pretty big.

BARB DAWDY.

THE WOLF AT THE DOOR!

Here's one of those stories as told by Michele White, a friend of Brittney's:

On November 30, 2004, about 8:00 P.M., Brittney Joy and I (Michele White) were sitting in the family room watching TV and we heard one of the dogs, named Tessa, pawing at the door. Then, what we thought was a dog fight was the sound of something much more. Brittney and I ran to the back door and opened it quickly to realize that it was not two dogs fighting, but was a big wolf standing five feet from the door opening. The wolf jumped on the one dog named Tessa, which is five years of age. While we were yelling at the dogs and motioning her inside, the older dog, named Angel, which is 7 years of age, jumped and hit the wolf with her chest. Once the wolf was off Tessa, it started to run the opposite direction which the two dogs followed. Then the wolf turned around and headed toward the house chasing the two dogs. We then slightly closed the door in fear that it would run inside, but the wolf stopped about ten feet from the door and went the other direction. The one dog, Tessa, came in the house and we lost sight of the other dog, Angel, as she was still chasing the wolf. We called and called, and at this point Cassie Joy, Brittney's mother, who was just getting out of the shower when the incident took place, ran out the other door with her pistol. She was wet, barefoot, and in her pajamas. She fired four shots in the air. When Cassie came back in the house, is when Angel came back. Both dogs are spayed females.

Cassie came back in for another gun and a flashlight, plus shoes and a jacket. Then she went out to the corrals, making sure the mare and foal were all right. At this point, Dale Beddow joined her and they came back to the house to use the tracker. This tracker was loaned to them by the wolf office in Alpine because members of the Aspen wolf pack had previously been frequenting the Joy's home and had attacked two of their other dogs in October. (Reported and verified in the Field Notes.—Barbara Marks).

They received no signal and Brittney told them she saw the wolf heading up Bush Creek, so they went back out to haze the wolf away. They found the wolf about 250 yards away. It turned and ran up the hill. They searched for about 20 minutes and couldn't find the wolf, so they fired the gun three times in the air, then returned home.

During this time, Cassie's other daughter, Dustie, was trying to calm her sister down and then made phone calls to get phone numbers of wolf office staff.

There was a foul smell on the one dog, Tessa. It was so bad that we had to put them outside again. At this point, we called Shawn Farry who is in charge of the wolf activity. Cassie told him everything that had happened and he told her he would call Shawna Nelson who was on duty at the time to come right up and investigate.

Approximately 30 minutes after the initial report of the incident, Shawna and Valerie of the ''wolf patrol'' arrived. Shawna then proceeded to inquire about the incident. The residents at the Joy household told Shawna the story that is in the first part of this paper. Shawna then asked if the Joys were sure that the animal that attacked their dogs and invaded their home was a wolf or ''just a common coyote''. They were sure it was a wolf, but did not see a radio collar on it. When they told Shawna about the foul smell on Tess, Shawna smelled the dog. She said no four odor was identified. No investigation of the surrounding area was done at this point. The two women went up Red Hill Road (Forest Road 567) to see if they could get a signal on any of the radio collared wolves.

Cassie then made a call to John Oakleaf of the US Fish and Wildlife Service on her neighbor's suggestion to confirm that a report would be filed. After conveying to him the incident that occurred, he told Cassie that it could have been one of the uncollared wolves that had invaded their privacy. He would have Shawna and Valerie return to the Joy residence to fire off some 'cracker' shells to try and avoid another conflict, which they did.

The following morning, at about 8:00 A.M., Cassie observed the wolf running across an opening up Bush Creek about two hundred fifty yards from their residence and livestock. Jimmy Joy and their neighbor went to investigate. After a short investigation, fresh wolf tracks were found close to where the sighting had occurred. Cassie then called Shawna to report another wolf sighting within sight of their home. About one full hour later, Valerie came to the Joys to now investigate. Cassie then showed Valerie the wolf tracks that were found earlier, and where the sighting had occurred. Valerie could not find the tracks at first. Valerie told Cassie that she thought that the wolf in question was the uncollared male pup from the Aspen pack. Upon returning to the house, Tessa was spotted napping in the sun. At this point, Valerie then confessed to Cassie that the foul smell that Cassie had pointed out the night before was obvious. She also said it came from scent glands wolves have. Cassie asked Valerie if they could come back and fire off some more 'cracker' shells because she thought that the wolf was still nearby.

That evening, Shawna and Valerie returned to perform a short investigation. That evening, Shawna returned to take a written report.

JUNE 13, 2007.

MR. PEARCE: We would like to justify why our 13 year old daughter, Micha Miller has to carry a firearm everytime she steps outside. It is because the Durango Pack has been in our yard four times in five weeks, within feet of our door two times & the other two times they have been within 70 yards of the house. That is a little too close for comfort & Micha needs a way too protect herself when she's outside. Micha is very capable of handling a pistol or any other firearm, for that matter, extremely safely. She has taken her Hunter's Safety & passed with a 98%, she has also been around firearms all her life & enjoys hunting. I can honestly say she is safer carring a weapon than she is walking out of the house without it because of the habituated Durango Pack.

The Pack was released the last of April & they were in our yard on the 1st of May. The Wolf Recovery Program released them at Miller Springs about 40 miles south of our house & they were here on the ranch in two days. The reason they came up here is because AF924 was in our yard multiple time from September 2006 until November 2006 when she was captured & her mate was shot for 3 depredations. AF924 still has 2 depredation strikes against her as does her new mate AM973.

We are not ranch owners, but we have lived & worked on the Adobe Ranch for 9 years, this is our home. My husband, Mike Miller, takes care of about 500 head of mother cows on about 100 square miles. He has to check one pasture twice a day to make sure the Durango Pack has not killed a cow or calf, as the Pack is denned up in the middle of it. The cattle may not be Mike's but he is in charge of taking care of them & has to answer to the manager of the ranch if anything happens to them. Mike's hands are tied when dealing with the Wolf Recovery people directly.

When we were kids we didn't have to worry about carrying firearms or anything stalking us, we could just enjoy being kids. Our daughter & the other kids in the Recovery area don't have that privilege. They have to watch over their shoulders & stay close to their homes & not venture out to explore their own backyards. The fear of having a wolf attack them is so great that they can't have fun anymore. It is unfair to our kids what the Wolf Program & Bill Richardson has done to them!! They have made our kids prisoners in their own homes! They need to be told ''The wolves are NOT more important than our children's lives & well being!!!'' What I'm afraid of is one of our children getting seriously hurt or even killed before the program & Richardson will open their eyes to how wrong this whole program is.

The Durango Pack are not the only wolves close to our home. There is a black collared wolf that John Oakleaf, with the wolf program, claims to know nothing about. They say they don't have a black wolf. We are not the only one's to have seen it, two neighbors have also seen it. This isn't the first time we've heard that they don't have a certain wolf. We had a real light colored wolf in our yard & Dan Stark, another with the wolf program said to us & I quote, ''That's not one of our wolves!'' There are more wolves out there than the Wolf Program is admitting.

The wolf program people are supposed to be watching this Durango Pack to keep them out of our yard. When the workers are out here they are sneaking around, they go by the house & turn around just over the hill from the house or sometimes in the driveway, then drive away real fast thinking no one has seen them, instead of coming up to the house & letting us know if the wolves are in the vicinity or if we might have information that could help them track the wolves.

The Durango Pack has totally disrupted our lives! The things we did without worry, like working in the yard or mowing the grass, we now have to be armed & very aware of our surroundings. The Durango Pack are not ''problem'' wolves or ''nusance'' wolves, they are habitual wolves. They will not stop coming up into yards & hanging around people no matter how many times they are captured & re-released. The only way to stop a habitual wolf is to permanently remove them by any means necessary!

Thank you, Mr. Pearce, for informing everyone that the Wolf Program is not as wonderful as the Program wants them to believe. We appreciate your concern about the families in the Recovery Area. Thank you for all your help.

Sincerely,

MIKE, DEBBIE, & MICHA MILLER.

NEW MEXICO WOOL, GROWERS, INC.,
June 15, 2007.

Hon. STEVE PEARCE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN PEARCE: We are writing to you today on behalf of the membership of the New Mexico Wool Growers, Inc. the state's oldest livestock trade organization, in reference to the Mexican wolf reintroduction program. First we would like to thank you for everything you and your staff have already done on this issue. There is no question that you are committed to your New Mexico constituents and the livestock industry. With all that you have already done we know that you understand the pain, anguish and loss that has and is being suffered here in New Mexico.

We are seeing that folks have become hopeless in the face of a predator placed in their midst by their own government. That our government has been unwilling or unable to address the needs of the citizens whose lives they are destroying. It is not sensationalism to point out that children are not even safe in their own yards or in walking back and forth from their homes to the school bus. Life in America has changed since the introduction of this program and children and families should not have to be afraid to go outside. With that said, we are writing to once again ask you to do whatever you can to reduce the impact of the program on children and families as well as livestock and pet owners in the recovery area.

The public has been mislead for nearly a decade with the theory that no one is suffering losses at the mouths of wolves and that if there are losses they are being amply compensated. Nothing could be further from the truth. Any paltry compensation is not coming from the government that caused the loss, nor does it begin to cover the costs to private property owners. Furthermore, there is no way to put a monetary value on human pain and suffering. Americans deserve to feel safe and they deserve to be paid for what the government has so willingly taken from them.

The Mexican wolf program is termed ''experimental and non-essential.'' There is ample documentation that the experiment has failed and it must be terminated. There are wolves in the country and they need to be allowed to survive, or not, on their own. Families and property owners must have the ability to protect themselves without fear of fine or prison.

In the early years as settlers moved west, the prey base was limited and wolves turned to what was available—livestock. That holds true today under the conditions we are experiencing, but livestock is not the only prey, pets, children and families are part of the prey today.

There appear to be only two options for the program at this point. One is to totally withdraw funding and let the animals compete for survival just as other wildlife must do. The other is for the government to come up with an appropriation to cover the very real costs of the program on the people who are forced to live with these government owned and managed killing machines every day.

Once again we are thankful for all your work on this and other issues. If we can be of service to you, please do not hesitate to contact us.

Sincerely,

MIKE CORN,
President.

NEW MEXICO FEDERAL LANDS COUNCIL,
Roswell, NM, June 15, 2007.

Hon. STEVE PEARCE,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN PEARCE: We are writing to you today on behalf of the membership of the New Mexico Federal Lands Council, which represents ranchers who utilize federal and state lands. This letter is in reference to the Mexican wolf reintroduction program. We are very fortunate that you understand the pain, anguish and loss that has and is being suffered here in New Mexico. Your commitment to your constituents and the ranching industry has been a great attribute in dealing with this program. Thank you to you and your staff for the interest you have shown and the assistance that you have already given.

Life in New Mexico has changed since the start of the Mexican wolf reintroduction program. Residents in parts of New Mexico are not safe to let their children go outside in the yard to play or even to walk to the bus stop from their home. This is truly a tragedy. We are seeing that folks have become hopeless in the face of a predator placed in their midst by their own government. That our government has been unwilling or unable to address the needs of the citizens whose lives they are destroying. With that said, we are writing to once again ask you to do whatever you can to reduce the impact of the program on children and families as well as livestock and pet owners in the recovery area.

For nearly a decade the public has been misled with the theory that no one is suffering losses at the mouths of wolves and that if there are losses they are being amply compensated. Nothing could be further from the truth. Any paltry compensation is not coming from the government that caused the loss, nor does it begin to cover the costs to private property owners. Additionally, there is no way to put a monetary value on human pain and suffering. Americans deserve to feel safe and they deserve to be paid for what the government has so willingly taken from them.

The Mexican wolf program is termed ''experimental and non-essential.'' There is ample documentation that the experiment has failed and it must be terminated. There are wolves in the country and they need to be allowed to survive, or not, on their own. Families and property owners must have the ability to protect themselves without fear of fine or prison.

When people started settling in the west, the prey base was limited and wolves turned to what was available—livestock. That holds true today under the conditions we are experiencing, but livestock is not the only prey pets, children and families are part of the prey today.

There appear to be only two options for the program at this point. One is to totally withdraw funding and let the animals compete for survival just as other wildlife must do. The other is for the government to come up with an appropriation to cover the very real costs of the program on the people who are forced to live with these government owned and managed killing machines every day.

Once again we are thankful for all your work on this and other issues. If we can be of service to you, please do not hesitate to contact us.

Sincerely,

MIKE CASABONNE,
President.

MONDAY, JUNE 25, 2007 11:00 A.M.

From: Robert Flowers
To: Charters, Tim.
Subject: WOLF ENCOUNTER.

In Sept. 06 bow elk hunt I was hunting with a freind in the upper edge of 16c. The opening morning the bulls were sounding off and very close to camp. We stalked the herd for several hours until they got down into lower, open country. That night we caught them going back to higher ground. We could

not catch up with them and noticed some very large, fresh ''k–9'' tracks. The next morning we expected to intercept the herd in the same area, but not a bugle one. We decided to go up higher ground to find them. We drove on a road that skirted the adobe and follwed it into a creek that washed the road out. We then walk to the bottom of the draw to look for sign. We found sign!!! A freshly killed calf elk. Blood was still wet and the carcas warm. We found large, fresh ''k–9'' tracks, and long strands of grey hair in the brush. We must have run the wolves of the kill. Needless to say we saw, nor heard any more elk the remainder of the hunt.

ROBERT D. FLOWERS,
Dexter, NM.

WEDNESDAY, MAY 30, 2007 2:23 P.M.

From: jeannie jones.

Subject: Hello Wolf!!

As I was in the yard cleaning out a pickup a WOLF caming trotting thru the meadow! I ran for a camera and binoculars (for the collar). He crossed to the road and disappeared. NO picture.

It looked like it might have had a collar but not for sure.

So much for them laying around in the heat of the day! The time was exactly 1:30 PM and it was 78 degrees.

Guess the poor thing was hungry and hunting for the next innocent thing to kill or cripple.

May 29, 2007.

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

Mr. DICKS. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. DICKS. The restoration of wolves in the United States is a conservation success story. Wolves in the Great Plains and the Northern Rockies have made a dramatic comeback.

Mr. PEARCE. Will the gentleman yield?

Mr. DICKS. I will not yield. The gentleman had his 5 minutes. I am going to take my 5 minutes.

Mr. PEARCE. I thank the gentleman, who has no wolves in his district.

Mr. DICKS. And we need to let the Mexican wolf population have the same chance.

There is no doubt that there have been problems with the reintroduction, but we cannot cancel the entire program because of these isolated problems. There are programs in place that compensate livestock operators when wolves prey upon their stock. I am in favor of working to streamline and expand these programs. I am also in favor of pushing the U.S. Fish and Wildlife Service to work more closely with the affected livestock operators.

Finally, I believe we cannot interfere with the Endangered Species Act, and that's what the gentleman is attempting to do here. His amendment would overturn the Endangered Species Act, something that we have never done on this House floor that I can remember, and I don't think we should start today.

I have experience with the Red Wolf Program at Point Defiance Zoo in the State of Washington where we regenerated the population, and then we introduced them into North Carolina. That program has worked very successfully. We have wolves in Alaska. We have wolves in Canada. There were wolves in New Mexico. And this is part of nature.

I think the gentleman is completely overreacting to this. I urge him to withdraw his amendment and not to try to overturn the Endangered Species Act here on the floor of the House.

I urge all my colleagues to vote strongly against this ill-considered amendment.

The Acting CHAIRMAN. Does the gentleman from Washington continue to reserve his point of order?

Mr. DICKS. I withdraw my point of order.

The Acting CHAIRMAN. The gentleman withdraws his point of order.

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

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

Mr. TIAHRT. Mr. Chairman, there are really two ways to proliferate wolves, one is in the wild, where they respect their distance from humans, and the other is in captivity, where they have no respect for humans. The Mexican wolves have been propagated and proliferated in captivity, and as a result, they encroach into areas that put humans at risk.

I think the gentleman from New Mexico has brought up a valid concern because these isolated problems are now coming home to people who live in this area and having to carry firearms with them everywhere they go.

I would like to yield to the gentleman from New Mexico to let him complete his point.

Mr. PEARCE. I would thank the gentleman for yielding.

Recently, in Catron County, the local county commissioner started posting signs like this, ''Dangerous Wolf Area.'' It just is a continuation of the theme that we're trying to accomplish something in the Second District of New Mexico that you're not willing to accomplish in your own districts.

I will tell you that we heard testimony in the Resources Committee that described the most provocative sound to a wolf is a crying baby or a laughing baby. It's a matter of time until these wolves, which will stalk for weeks and weeks and weeks at a time around local homes, it's a matter of time until a wolf catches one of these children. Their blood will be on your hands, my friend, because we've had the testimony in committee.

I would say that this has nothing to do with endangered species but instead has to do with protecting the lives of the people and the livestock of the Second District.

Mr. DICKS. Mr. Chairman, I would like to have a ruling from the Chair whether the gentleman's comments about blood on my hands is a violation of the House Rules.

The Acting CHAIRMAN. Does the gentleman demand the gentleman from New Mexico's words be taken down?

Mr. DICKS. Yes, I do.

The Acting CHAIRMAN. The gentleman will suspend.

The Clerk will read the gentleman's words.

Mr. PEARCE. Mr. Chairman, I would ask unanimous consent to withdraw my words.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The Acting CHAIRMAN. The gentleman may proceed.

Mr. PEARCE. Thank you, Mr. Chairman.

We again have the issue of depredation. There is no fund that pays ranchers when their livestock is killed. So we have the livestock, which in these days of ranching, ranching is a very hard business, and we have the livestock which is killed by these predators that continue to eliminate more and more livestock each year, with no payments being made from Fish and Wildlife Service.

I would simply point out, and I would thank the gentleman from Kansas for yielding, that this program is restricted to only two very rural parts of America. It is wrong; it is wrong-headed.

I would thank the gentleman from Washington for his suggestion to withdraw the amendment but would instead ask for a vote on the amendment.

Mr. TIAHRT. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PEARCE. 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 New Mexico will be postponed.

AMENDMENT NO. 19 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. 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. 19 offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. . None of the funds made available in this Act may be used to limit outreach programs administered by the Smithsonian Institution.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me again offer my appreciation to the chairman of the subcommittee and the ranking member of the subcommittee for the courtesies of both of their staff.

This amendment was offered last year. It is a continued commitment I have to the Smithsonian and the value of its programs and outreaching across America.

My amendment is simple, and it simply has the Congress on record to encourage and not limit outreach programs administered by the Smithsonian Institution, as I indicated, an identical amendment that was offered last year.

What are these outreach programs? These outreach programs involve reaching out to communities, African American communities, Asian American communities, Latino communities, Native American communities, and yes, New Americana. It is a program dealing with Kindergarten through college age museum education outreach opportunities. It enhances the K–12 science education programs and facilitates the Smithsonian's scholarly interactions with students and scholars at universities. Some would say that it brings the scholars of America out of the attics of America.

In addition, it has a program called the Mobile Museum, an exhibit that can visit up to three venues per week in the course of only 1 year, at no cost to the host institution or community. The net result is an increase by 150 the number of outreach locations to which SITES shows can travel annually. And in addition, through its flexibility in making short-term stops in cities and towns from coast to coast, a mobile museum has the advantage of being able to frequent the very locations where people live and work.

I believe America is a great country. We have a very rich history, and that history sometimes is lost because of the lack of technical assistance and education of our community. For example, may I share with my colleagues, the community in Houston called Freedmen's Town? It is a community that was settled by freed slaves. It now has a few remaining structures after urban revitalization. Part of the complexity of it is a lack of education, understanding of the value. Artifacts, museums, preservation, all of that is part of the work of the Smithsonian outreach that educates the community about the precious jewels that they have. Cobblestone streets that were laid by slaves, churches that were built by slaves, and a variety of other facilities, like an old school that was attended by freed slaves.

The Smithsonian's outreach program educates us about our history, provides mobile museums, connects America, connects us to this fabulous and extensive museum's holdings of the Nation's history by visual scenes. And so I would ask my colleagues to consider the importance of reaffirming, if you will, the value of the outreach program of the Smithsonian.

Mr. Chairman, thank you for this opportunity to speak in support of my amendment to H.R. 2643 the Interior and Environment Appropriations Act of 2008 and to commend Chairman DICKS and Ranking Member TIAHRT for their leadership in shepherding this bill through the legislative process. Among other agencies, this legislation funds the Smithsonian Institution, which operates our national museums, including the Air and Space Museum; the Museum of African Art; the Museum of the American Indian; and the National Portrait Gallery. The Smithsonian also operates another national treasure: the National Zoo.

Mr. Chairman, my amendment is simple but it sends a very important message from the Congress of the United States. My amendment provides that none of the funds made available in this act be used to limit outreach programs administered by the Smithsonian Institution. An identical amendment was offered to last year's appropriations bill, H.R. 5386, and was adopted by voice vote.

Mr. Chairman, the Smithsonian's outreach programs bring Smithsonian scholars in art, history, and science out of ''the nation's attic'' and into their own backyard. Each year, millions of Americans visit the Smithsonian in Washington, DC. But in order to fulfill the Smithsonian's mission, ''the increase and diffusion of knowledge,'' the Smithsonian seeks to serve an even greater audience by bringing the Smithsonian to enclaves of communities who otherwise would be deprived of the vast amount of cultural history offered by the Smithsonian.

The Smithsonian's outreach programs serve millions of Americans, thousands of communities, and hundreds of institutions in all 50 States, through loans of objects, traveling exhibitions, and sharing of educational resources via publications, lectures and presentations, training programs, and websites. Smithsonian outreach programs work in close cooperation with Smithsonian museums and research centers, as well as with 144 affiliate institutions and others across the Nation.

The Smithsonian's outreach activities support community-based cultural and educational organizations around the country; ensure a vital, recurring, and high-impact Smithsonian presence in all 50 States through the provision of traveling exhibitions and a network of affiliations; increase connections between the Institution and targeted audiences (African American, Asian American, Latino, and native American, and all of America); provide kindergarten through college-aged museum education and outreach opportunities; enhance K–12 science education programs; facilitate the Smithsonian's scholarly interactions with students and scholars at universities, museums, and other research institutions; and publish and disseminate results related to the research and collections strengths of the Institution.

The programs that provide the critical mass of Smithsonian outreach activity are: the Smithsonian Institution Traveling Exhibition Service (SITES), the Smithsonian Affiliations, the Smithsonian Center for Education and Museum Studies (SCEMS), National Science Resources Center (NSRC), the Smithsonian Institution Press (SIP), the Office of Fellowships (OF) and the Smithsonian Associates (TSA), which receives no federal funding.

To achieve the goal of increasing public engagement, SITES directs some of its federal resources to develop Smithsonian Across America: A Celebration of National Pride. This ''mobile museum,'' which will feature Smithsonian artifacts from the most iconic (Presidential portraits, historic American flags, Civil War records, astronaut uniforms, etc.) to the simplest items of everyday life (family quilts, prairie schoolhouse furnishings, historic lunch boxes, multilingual store front and street signs, etc.), has been a long-standing organizational priority of the Smithsonian.

SITES ''mobile museum'' is the only traveling exhibit format able to guarantee audience growth and expanded geographic distribution during sustained periods of economic retrenchment, but also because it is imperative for the many exhibitors nationwide who are struggling financially yet eager to participate in Smithsonian outreach. As economic downturn and uncertainty continue to erode the ability of museums to present temporary exhibitions, the ''mobile museum'' promises to answer an ever-growing demand for Smithsonian shows in the field. A single, conventional SITES exhibit can reach a maximum of 12 locations over a 2- to 3-year period.

In contrast, a ''mobile museum'' exhibit can visit up to three venues per week in the course of only 1 year, at no cost to the host institution or community. The net result is an increase by 150 in the number of outreach locations to which SITES shows can travel annually. And in addition to its flexibility in making short-term stops in cities and towns from coast-to-coast, a ''mobile museum'' has the advantage of being able to frequent the very locations where people live, work, and take part in leisure time activities. By establishing an exhibit presence in settings like these, SITES will not only increase its annual visitor participation by 1 million, but also advance a key Smithsonian performance objective: to develop exhibit approaches that address diverse audiences, including population groups not always affiliated with mainstream cultural institutions.

SITES also will be the public exhibitions' face of the Smithsonian's National Museum of Mrican American History and Culture, as the planning for that new Museum gets under way. Providing national access to projects that will introduce the American public to the Museum's mission, SITES in FY 2008 will tour such stirring exhibitions as NASA ART: 50 Years of Exploration; 381 Days: The Montgomery Bus Boycott Story; Beyond: Visions of Planetary Landscapes; The Way We Worked: Photographs from the National Archives; and More Than Words: Illustrated Letters from the Smithsonian's Archives of American Art.

To meet the growing demand among smaller community and ethnic museums for an exhibition celebrating the Latino experience, SITES will issue a scaled-down version of the National Museum of American History's 4,000-square-foot exhibition about legendary entertainer Celia Cruz. Two 1,500–square-foot exhibitions, one about Crow Indian history and the other on basket traditions, will give Smithsonian visitors beyond Washington a taste of the Institution's critically acclaimed National Museum of the American Indian. Two more exhibits, In Plane View and Earth from Space, will provide visitors in the field with a taste of the Smithsonian's recently opened, expansive National Air and Space Museum Udvar-Hazy Center.

Several exhibit tours will be extended by popular demand. The most important of them are The American Presidency and Our Journeys, Our Stories, the original itineraries of which could not accommodate multiple exhibitor requests.

For almost 30 years, The Smithsonian Associates—the highly regarded educational arm of the Smithsonian Institution—has arranged Scholars in the Schools programs. Through this tremendously successful and well-received educational outreach program, the Smithsonian shares its staff—hundreds of experts in art, history and science—with the national community at a local level.

The mission of Smithsonian Affiliations is to build a strong national network of museums and educational organizations in order to establish active and engaging relationships with communities throughout the country. There are currently 138 affiliates located in the United States, Puerto Rico, and Panama. By working with museums of diverse subject areas and scholarly disciplines, both emerging and well-established, Smithsonian Affiliations is building partnerships through which audiences and visitors everywhere will be able to share in the great wealth of the Smithsonian while building capacity and expertise in local communities.

The National Science Resources Center (NSRC) will strive to increase the number of ethnically diverse students participating in effective science programs based on NSRC products and services. The Center will develop and implement a national outreach strategy that will increase the number of school districts (currently more than 800) that are implementing NSRC K–8 programs. The NSRC is striving to further enhance its program activity with a newly developed scientific outreach program introducing communities and school districts to science through literacy initiatives. Some of NSRC's goals are:

Double the number of school districts implementing NSRC K–8 programs, growing from an estimated 15 percent of the school population to 30 percent

Significantly expand national outreach programs to ethnically and culturally diverse school districts through the work of the NSRC's three centers of excellence

Engage 125 school districts—representing an additional 5 percent of the United States K–8 student population—bringing the impact of the NSRC's work from 20 percent to 25 percent of the nation's youth

Continue to develop and bring first-class educational resources to the nation by forging partnerships with school systems, educators, education and museum professional associations, and others to expand opportunities for development and dissemination of Smithsonian-based education resources

Through a collaborative effort with other Smithsonian education units, expand the educational opportunities available throughout the country, particularly in the area of science education reform

Expand the number of science materials currently available to school districts for grades K–3 and continue pursuing newly-published children's books, which will enhance science education programs throughout the country

Continue to develop and bring first-class educational resources to the nation by forging partnerships with school systems, educators, education and museum professional associations and others to expand opportunities for development and dissemination of Smithsonian-based education resources.

In addition, through the building of the multicultural Alliance Initiative, the Smithsonian's outreach programs seek to develop new approaches to enable the public to gain access to Smithsonian collections, research, education, and public programs that reflect the diversity of the American people, including underserved audiences of ethnic populations and persons with disabilities.

For all these reasons, Mr. Chairman, I urge adoption of my amendment and thank Chairman DICKS and Ranking Member TIAHRT for their courtesies, consideration, and very fine work in putting together this excellent legislation.

Mr. DICKS. If the gentlewoman would yield, we are prepared to accept the gentlelady's amendment. We accepted it last year. We think it's a positive amendment.

Mr. TIAHRT. Will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I would be happy to yield.

Mr. TIAHRT. I wanted to congratulate the gentlewoman on a fine amendment. We have no problems with it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I conclude by thanking both the chairman and the ranking member, and I ask my colleagues to support this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

□ 1900

AMENDMENT NO. 34 OFFERED BY MR. HENSARLING

Mr. HENSARLING. 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. 34 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Clover Bend Historic Site.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

Mr. DICKS. Mr. Chairman, I reserve a point of order on this amendment.

The Acting CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Thank you, Mr. Chairman.

First I want to thank the chairman of the committee. I especially want to thank the ranking member, my friend from Kansas, for all their good work on this bill. I know a lot of good work went into this.

For one, I am still concerned that our overall spending levels in growing this bill are roughly twice the rate of inflation, I think 7.6 percent over the President's request. But I know a lot of good work has gone into this.

My amendment specifically would ensure that none of the funds in the bill would go to fund the Clover Bend Historic Site in Clover Bend, Arkansas, which, again, is one of the earmarks that is place in the bill. I don't mind admitting before this House that I am not a huge fan of earmarks. I am certainly not here to say they are all bad. Many are worthy. Many do good things.

But too often, as I look at the earmarking process, too often we see a triumph of the special interest over the public interest. Too often we see a triumph of seniority over merit. Mr. Chairman, up until recently, too often we saw a triumph of secrecy over transparency.

I will be the first to admit that this particular amendment and earmarks, in general, are a very small portion of the Federal budget. But, Mr. Chairman, I fear they are a very large portion of the culture of spending in this institution.

Mr. Chairman, I've been a veteran of several of these earmark debates. They tend to follow several different lines of argument. Typically a Member will come to the floor to defend his earmark and say he knows his district better than anybody else. That is true. They typically come to the floor. They will say, well, good things can be done with this money.

I am prepared to concede both of these points. I know the Member who offered this project knows his district better than I do. I know good things could be done with this money.

But let's put this expenditure in context, Mr. Chairman. We still have a deficit. It is declining, but we still have a deficit, which means that until we balance the budget, we are raiding the Social Security trust fund. In addition, spending is exploding. Look at what is happening in entitlement spending, which threatens to bankrupt future generations. Right now, we are on a fiscal path to either double taxes on the next generation or to have little Federal Government besides Medicare, Medicaid and Social Security. Yet, as I look around, almost every single State in the Union is running a surplus.

So, Mr. Chairman, I ask myself a simple question. There are a number of earmarks submitted in this bill. Again, I am sure good things can be done with this money. But can we continue, given this context, to fund earmarks of this type simply because, one, we have done it before, simply because we are creative and we can think of these things, simply because it is a good project?

I am not here to necessarily say it is a bad project. But given the entitlement crisis, given the fact that our Democratic colleagues in their budget resolution voted for the single largest

tax increase in American history, I just ask myself this question, is it truly a priority? Not is it bad, not is it wasteful, but is it truly a priority? Because every time we plus up some Federal budget, we are having to lower some family budget.

Again, I know the gentleman from Arkansas knows his district better than I do, but I know my district better than he does. Taxpayers from the Fifth District of Texas are going to have to help fund this particular earmark.

Mr. Chairman, I just fear that if we end up saying yes to everyone's program today, it is just a matter of time before we end up saying no to our children's future tomorrow. It is a small step. It is a small earmark. I understand this. But if you are going to lead, you need to lead by example. This is one small step we can take for fiscal sanity.

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

Mr. BERRY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN (Mr. MCDERMOTT). The gentleman from Arkansas is recognized for 5 minutes.

Mr. BERRY. Mr. Chairman, I want to thank Chairman DICKS and the ranking member, Mr. TIAHRT, for their leadership on this subcommittee and for their bipartisan approach to these issues. I rise in opposition to the Hensarling amendment. I respect his right to offer the amendment.

I find it interesting that we have a sudden attack of fiscal responsibility on the other side of the aisle after adding $3 trillion in the last 6 years to the national debt. I find it interesting that we suddenly have an attack of fiscal responsibility after a Democratic administration had created almost a $6 trillion surplus, and that has been squandered by the Republicans across the aisle.

I think it is sad that we would object to a small community in rural Arkansas that has put tens of thousands of dollars into this project to preserve a little bit of history and a little bit of heritage in this wonderful community.

Clover Bend was one of the earliest settlements in Lawrence County, serving as a significant river landing for the area's bustling cotton and timber industry. Remote as the settlement was, it clung to existence. In 1829, steamboats were finding their way to its landing. The settlement was established as an important landing in river travel. Some years later, the actual town was moved from the river to the present site about 2 miles east.

The Clover Bend Historic Preservation Association was formed in 1983 at the historic site located on the former Clover Bend school campus. In 1937, a transaction was made through the Resettlement Administration to buy the plantation and establish 86 farmsteads from the original Clover Bend plantation. It gave 86 families in the depths of the Great Depression a new start, a new chance. It created a wonderful rural community where people came together for the common good to get the job done. It is something that is well worth preserving.

On the morning of May 4, 1939, after a decade of near starvation for many Lawrence County farmers, some 36 families gathered on the banks of the Black River to receive keys to their new homes. These were the first families chosen from the many to buy about 45 acres with a house on it. The site contains ten structures and was added to the National Register of Historic Places as an historic district in 1991. Clover Bend is a multipurpose site with a wide range of historical significance. The ultimate goal for Clover Bend is to become a fully functional museum and education center.

Funds will be matched by the State of Arkansas. This assistance is needed in order for the Preservation Association to continue to maintain and promote Clover Bend to the region and to preserve what is there and what the heritage of that place is. Through the countless hours of volunteers in the region and the support of the State, this request will allow the goal of the Preservation Association to become a reality.

As is the case so many times, there is one person, a wonderful woman named Viola Meadows, that has held all this together. Through tons of sweat equity, she has made it possible for us to be here today to see this entire project come to fruition. It is not like they are asking us to pay for the whole thing. They are asking us for just a little bit of help. I urge a ''no'' vote on this amendment.

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

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

Mr. Chairman, I make no apology for the amount of money in this bill to address problems in Member districts or the process through which projects were selected. I just want to tell the gentleman from Texas, Mr. TIAHRT and I did this on a bipartisan basis. We worked this out. Our staffs worked together. We went through these projects very carefully. We only approved one out of every ten projects that were requested by the Members.

Now, I would remind the gentleman that in the Constitution of the United States, the most fundamental power of the United States Congress is the power of the purse, the power of the Congress to redress grievances of the American people, to help on projects that are important to the Members' districts.

Now, in this budget, we also laid out all the projects that are requested by the President. I would just, as one example, point out to the gentleman that in 2004 in terms of STAG grants, there were $533 million; in 2005, $513 million. These are all earmarks.

□ 1915

In 2006, $282 million. In 2007, zero. In 2008, $140 million. This is responsible. The administration even says we met their test on earmarks. We went through these projects carefully, we looked at them closely, and we did it in a professional way.

So I would urge the gentleman to consider these facts. We are not going to be doing this the way it was done in the past, but we have the right to do it. And even the gentleman from Texas can't give away the power of the purse, because it is in the Constitution of the United States, and the Founding Fathers of this country stated that this was one of the most important powers that the Congress possessed. Throughout history, the British Parliament worked feverishly over the years to gain the power to be able to decide and limit the executive, the king in this case, of Britain. That was one of the most important powers that the Parliament developed over many hundreds of years.

So I am here tonight to defend our right to take care of our constituents, and I defend the process by which we did this. We did it in a professional way. We did it with both parties sitting in the same room looking at all these projects, helping each other, so we didn't make any mistakes.

I just want the gentleman to know how strongly I feel personally about this. We did a good job, and we cut it way back, and I thought the gentleman from Texas would be here applauding what we did, not attacking it.

Mr. Chairman, I withdraw my reservation.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HENSARLING. 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 Texas will be postponed.

AMENDMENT NO. 44 OFFERED BY MR. HENSARLING

Mr. HENSARLING. 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. 44 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the St. Joseph's College Theatre.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this amendment would restrict funding for the St. Joseph's College theater

renovation located in Indiana. Again, I want to follow up on some of my earlier comments and address comments that the chairman made. If he was listening to my earlier comments, I started out complimenting much of what I see in the bill, and to the extent I see a reduction in the number of earmarks, I take that to be a very good thing.

But I was elected by the people of the Fifth District of Texas, and with all due respect to all of my colleagues, I yield my voting card to no one or my judgment to no one. So I am not here to impugn the judgment of the chairman, but I may have different concerns, and the people of the Fifth Congressional District of Texas may have different concerns as well.

I believe that historical preservation is a very good thing, but I know that much of the funding that has come from the Save America's Treasure program, what started out ostensibly geared toward Betsy Ross and the Declaration of Independence, has ended up funding so many other different projects.

Do you know what? I have got a lot of worthy historical and cultural projects in my own district, in the Fifth Congressional District of Texas. I am just not sure, at a time when Members, many who have come to this floor and said they would not raid the Social Security trust fund; as long as we are running a deficit, and we are doing that; recently the Democrat majority in their budget resolution voted to increase the debt ceiling; in their budget resolution, they voted for the single largest tax increase in history; all I question is, given all that background, government will be paid for. Sooner or later, government will be paid for, either by this generation or the next.

So I am not saying these are necessarily bad projects, but I do question whether or not, given the context, particularly the entitlement spending crisis that is looming, if they are truly a priority. Clearly they are a priority in the mind of the chairman, and I sincerely respect his opinion, but they are not necessarily a priority to me or the people of the Fifth District of Texas.

In my district, I have the Grand Saline Salt Palace. It sits on top of one of the largest salt mines in the entire United States of America. It is a very unique museum, actually made of salt. They give away free salt samples so people won't go and lick the walls. This is something that is unique in America, but is it truly a priority that we should have Federal funding for? I don't necessarily think so.

Now, there has been a debate in this body before about the history of the hamburger. Well, in the State of Texas, they say the birth of the hamburger was in Athens, Texas, which happens to be in the Fifth Congressional District that I have the honor of representing. It was invented in the 1880s by Mr. Fletcher Davis at 115 Tyler Street in Athens. Maybe that is something that is worthy of Federal expenditure to preserve this.

The Texas State Railroad that takes people on an old steam locomotive throughout beautiful Piney Woods of east Texas has been in existence since the 1800s. It has some funding challenges. It is something that I think is worthy of preservation. But, again, given the context of the largest tax increase in American history, given that people are still raiding the Social Security trust fund, it is not something I personally feel comfortable coming to this body and requesting that we use Federal funds for these purposes.

These are great historical and cultural locations within my district, but I am not sure they rise to the occasion to meet the National Treasures Act language, particularly when, again, all this spending has to be paid for.

So, I understand that people are experts on their district, that they want to defend their projects. But, again, it is taxpayers from, among other places, the Fifth Congressional District of Texas, that are having to pay for all this. Therefore, they start to lose their American treasures, their ability to buy a home, their ability to send their children to college, their ability to start a new business. I am still working to preserve those American treasures, and that is why I submitted this amendment, and I urge its adoption.

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

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. VISCLOSKY. Mr. Chairman, I appreciate the recognition, and I rise in strong and adamant opposition to the gentleman's amendment. During my remarks, I would like to make three points and also indicate that this project is in the City of Rensselaer, Indiana, at St. Joseph's College. It is for the restoration of a historic theater that continues to be used by the faculty and students of the school, as well as the constituents and citizens of Rensselaer and Jasper County, Indiana.

The total cost for the renovation of this project is about $965,000. The request and approval by the subcommittee was for $100,000. I would want to thank the chairman of the subcommittee, Mr. DICKS, as well as the ranking member, my good friend, Mr. TIAHRT, for their consideration of this very important project.

The first point I do want to make is that this has great value to the community in which it is situated. While the gentleman who offered the amendment enumerated a whole series of other possible projects in another State, that is not the subject of this amendment. It is the restoration of a historic theater at St. Joseph's College in Rensselaer.

It was built in 1914 and designed in revival style, referred to as Collegiate Gothic. It is located in the college's historic district, and the goal of the project is to restore the theater as an attractive, useful centerpiece for the college and the City of Rensselaer while retaining its notable contribution among historic sites and structures in the great State of Indiana.

The second point I would want to make, and I would take off on the remarks made by the chairman, is he suggested that we have a right to spend this money. I agree with that assertion. I would take it a step further and say, we have a responsibility to make an investment in this country. We need to invest to preserve the past so we can continue to learn its lessons. We need to invest in this country for our present and for those who live here today. We need to invest in this country and its infrastructure for the future of this Nation and for the children of this generation and those yet to come. We have a responsibility as well as a right.

The gentleman from Washington, Mr. DICKS, also mentioned we are here to help each other out. I would conclude by stressing that point.

While I have a great deal of respect for the gentleman from the Fifth District of Texas, I happen to represent the First District in Indiana, and the last time I looked, society and the purpose of us joining together in a free government is to help each other out and to look out for each others' interests.

It is not the government that is paying this money, as the gentleman indicated; it is the people of this country who are paying for this project in Rensselaer, Indiana, that has value, which is the same reason why I think it is absolutely appropriate that taxpayers in places like east Chicago, Indiana, and Hobart, Indiana, expend some of their tax moneys as individuals to help the City of Dallas, for example, with their floodway to ensure that there is not property damage in the future, that there is not loss of life, that there is not injury to others in this country.

It is why I think there is a noble reason to ask people who live in Lowell, Indiana, and Chesterton, Indiana, and Gary, Indiana, to help fund research taking place at Oak Ridge in Tennessee. At first blush, why should we have an interest in making that investment? Because it inures to the benefit of not only everyone who lives in the United States, but everyone worldwide.

We should get over this concept that we have to be parochial in what we do and get over this concept that we should be selfish about what we are about. We are here to make an investment, and, as the gentleman from Washington rightfully pointed out, to help each other out.

So I strongly oppose the gentleman's amendment. I absolutely think it is bad policy, and I would ask my colleagues' support.

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

Mr. DICKS. I move to strike the requisite number of words.

Mr. Chairman, I want to say to my friend from Indiana, who has been a valued member of our committee for many years, that I strongly support his project. Our committee evaluated it. We looked at all the details. We think it is a worthy project that should be supported.

I urge my colleagues to oppose the gentleman from Texas' amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HENSARLING. 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 Texas will be postponed.

AMENDMENT NO. 56 OFFERED BY MR. HENSARLING

Mr. HENSARLING. 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. 56 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Maverick Concert Hall.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this amendment would prohibit funds in the bill from being used for Maverick Concert Hall preservation located in Woodstock, New York. I think the committee report provides $150,000 for this particular local project.

Again, the debate that I want to present now is similar to one I presented on some of the other earmark funds. I do want to address some of what I have heard earlier in the debate.

I would like to make it very clear to the chairman of the committee and to all my colleagues, I do not question the right to spend this money. I don't question the right of this body to expend these funds. I simply question the wisdom of expending these funds given that the Nation continues to run a deficit, given that we have a looming entitlement spending crisis. The Comptroller General of America has stated we are on the verge of being the first generation in American history to leave the next generation with a lower standard of living.

I question the wisdom of the expenditure, given the fact that we just had a budget resolution passed, against my vote, passed against, contrary to the debate I offered on the floor, that would present the largest tax increase in American history, an average of roughly $3,000 per American family.

Now, I heard one gentleman early on, in defending his particular earmark, say it was a small amount of money. Relative to the Federal budget, I am sure it is a small amount of money. But for those of us who have consistently throughout our careers come to this floor to debate protecting the family budget from the Federal budget, to come to this floor and debate more freedom and less government, you got to start somewhere.

I don't understand the argument. It is either, well, this is such a small amount of money, why are we bothering, or I hear the argument sometimes, it is such a huge sum, we can't do that. That would be Draconian.

I kind of feel like, well, especially since I have small children and I read them bedtime stories, it is kind of like Goldilocks and the Three Bears. Either the porridge is too cold or it is too hot. When is the amount just right?

I heard one of the earlier speakers talk about responsibility to future generations. I agree. I spend a lot of time thinking about future generations. Again, I am the father of a 5-year-old daughter and a 3-year-old son, and I know everybody in this body loves their children and loves their grandchildren. But I think a lot about the debt and the tax burden that is going to be passed on to future generations. And, again, I fear that although earmarks represent a small portion of the Federal budget, they represent a large portion of the culture of spending that has now led to over $50 trillion of unfunded obligations in the Medicare, Medicaid and Social Security programs alone.

So, where do the steps, the baby steps towards fiscal responsibility, start?

□ 1930

I just believe again that with this looming entitlement crisis, that we need to do more. We need to set even a higher standard. We need to set even a higher bar for the expenditure of these funds. And I am sure these are interesting and worthy sites, although I haven't visited them. I am not sure if they are worthier or are more interesting than many of the sites in my own district.

Again, I start to think about the people who will have to pay this. I think about their American treasure. I think about a guy named Bruce in Garland, Texas, in my district. And when I asked him what is this tax increase going to do, and it is going to be a tax increase or debt that is going to pay for these earmarks, he said, ''Congressman, in my particular case, an additional $2,200 in taxes would cut into the finances I use to pay for my son's college education. I really believe that given more money, Congress will spend more money, so that is not the answer. A control and reduction of spending is what is needed.''

And so I think about Bruce in Garland and about all of the Bruces in Garland. You are talking about $100,000 here and $100,000 there, and to paraphrase the late Everett Dirkson, pretty soon you're talking about real money.

When we are helping each other out, let's think about future generations who are going to end up paying for all of these earmarks.

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

Mr. HINCHEY. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. HINCHEY. First of all, before I begin, I want to express my deep admiration and appreciation to the chairman of this Environment and Interior Subcommittee, for the marvelous job he has done in putting this bill together. It is extraordinary in all that it does and improvements that it makes.

Also, I express my appreciation to the ranking minority member, Mr. TIAHRT, and all of the good work he has done and his responsibility on this committee, and particularly with regard to this bill.

Ironically, I want to express my appreciation to the gentleman from Texas because he gives me an opportunity to talk a little bit about the Maverick Concert Hall.

This small amount of money in this bill would provide for the restoration work on this Maverick Concert Hall. The Maverick Concert Hall was handbuilt in 1916 in a very unique rustic style. It was done so by famed Maverick Art Colony founder and philosopher Hervey White. Local carpenters put the building together, along with a band of resident ''maverick'' artists and volunteers.

The Maverick Art Colony was a key element in the emergence of Woodstock, New York, as a nationally influential art colony.

Now on the National Register of Historic Places, the hall is the home of the oldest continuous summer chamber music series anywhere in the United States. For 91 years, America's leading professional artists have presented summer concerts at the hall. The acoustics in this rural building are nearly perfect. Maverick concerts became the prototype for other summer music festivals, taking music from the cities and bringing them into rural, bucolic settings.

True to the egalitarian spirit of the original colony, the concerts are offered to the public and free for children and at very affordable prices in a lovely wooded surrounding for adults.

It is a marvelous place, and I am very proud to be the sponsor of this piece of this bill which would provide this very modest amount of funding for this particular project in the town of Woodstock, New York.

With regard to some of the things that the author and the sponsor of this amendment have put forward, I think it is important for all of us to recognize that he is very grossly mistaken

in some of the things that he said. For example, there are no tax increases in this budget, and no tax increases in any of the things that we are dealing with here today.

In fact, what we are trying to do, this new Democratic majority in this House of Representatives and in the Senate as well, what we are trying to do is to rebalance the budget because in the several terms that my good friend from Texas, the sponsor of this amendment has been part of, we have increased the national debt by a huge amount of money. We have almost doubled the national debt while he was in the majority party and voting for all of those things that brought about that increase in the national debt, almost doubling it.

He has been responsible, along with some others, really placing future generations deeply, deeply in debt.

He talks about the need to be responsible in the way we provide Federal financing for issues across the country. I would simply remind the sponsor of this amendment that on a per capita basis, far more Federal money goes into the State of Texas than goes into the State of New York, for example.

So with that fact in mind, if he was really sincere and serious about what he is saying, then he would be recommending that the people in his district reject the Federal funding that they are receiving. I don't advise him to do that, but I do advise him to be more serious, be more sincere, be more knowledgeable and understanding about your responsibilities here, the kinds of things that we are obliged to do, particularly in the context of the way we are authorized under the Constitution to provide for the people of this country. To spend the money appropriately, intelligently, doing good things for all of the people.

Mr. TIAHRT understands that. It is quite clear in the way that he has helped put this bill together. And, of course, Mr. DICKS understands it very well. And we understand it, too. That is why we are going to be supporting this bill very enthusiastically and why I ask everyone here to reject this amendment from our friend from Texas.

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

I want to commend the gentleman from New York for his participation on our subcommittee and for all of his good work during the year.

I must say, a performing arts facility in a town can be such a fantastic thing. One thing I hope my colleague from Texas remembers is that the local community has to match the money. I think in this case this is a grant of $150,000 to Save America's Treasures which clearly this is one of. And then the local community has to raise $150,000, and out of that there are improvements to the facility and the structure that are done over a period of time.

Again, as we analyzed all of these projects, this is exactly what we had in mind. This legislation was authorized by Congress. And I would mention also that Mrs. Bush has her program, the Preserve America Program, which our committee has supported. Mr. TIAHRT has been a strong supporter of that program. I saw Mrs. Bush the other night and I told her we were working hard together up here to try and preserve this program, which does exactly the same things as Save America's Treasures. There may be a nuance or two, but basically it is the same thing.

So again, I support the Hinchey project and oppose the gentleman from Texas's amendment. I appreciate the good work of my colleague from New York over all of the years we have been on this committee together.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HENSARLING. 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 Texas will be postponed.

AMENDMENT NO. 74 OFFERED BY MR. HENSARLING

Mr. HENSARLING. 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. 74 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Bremerton Public Library.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this amendment would prohibit funds in the bill from being used for the Bremerton Public Library Restoration Project in Bremerton, Washington. The supplement to the committee report provides $150,000 for this project.

According to a 2001 article in the Kitsap Business Journal, restoration of the building previously received a $100,000 grant from the Bill and Melinda Gates Foundation. An equal amount was provided by the local government. The building is described in the same article as being a unique art deco style building. The Bill and Melinda Gates Foundation has an endowment apparently of over $30 billion, and as of April 2007, the State of Washington was projected to have the eighth largest surplus in the country at $1.23 billion.

So, again, I question not that good things can't be done with these Federal funds, not that this is not a project worthy of preservation and restoration, I simply question the wisdom again of using Federal taxpayer funds on such a project given the background. And I will respectfully disagree with the gentleman who spoke before me, the gentleman from New York, given the largest tax increase in history. He may not believe it is the largest tax increase in history, but The Washington Post, not exactly a bastion of conservative journalism wrote: ''And while House Democrats say they want to preserve key parts of Bush's signature tax cuts, they project a surplus in 2012 only by assuming that all of these cuts expire on schedule in 2010.''

It may be an expiration to the gentleman from New York, but to the people of the Fifth Congressional District of Texas, it smacks of a big tax increase.

And as I look at all of the different projects that have been brought forth tonight, I just ask myself a question: Is there any good project back home that apparently is not worth a Federal subsidy? If we say ''yes'' to all of these projects today, I fear we will be saying ''no'' to our children's future tomorrow.

Again, where is this money coming from? Government will be paid for. Either you are increasing taxes on the American people through the largest tax increase in American history, or you are going to pass on taxes even further by not doing anything to reform entitlement spending. That is the real fiscal tragedy. That is where the real scandal is. It is in the $50 trillion of unfunded obligations and not one word, not one word, Mr. Chairman, in the Democrat budget about what to do in entitlement spending.

Instead we have, again, local project after local project after local project. Maybe we have fewer than we had last year, and I assume the chairman is accurate when he says that and I salute him for that. But still, given the fact that the Federal Government is spending roughly $23,000 per American family, the largest level since World War II, given that the Democrat majority, over the course of 5 years, is about to impose a $3,000 increase in taxes on those same families, and given that we still have a Federal deficit that I have fought against since I have been here, often battling with my own party leadership, something I wish some of the people on the other side of the aisle who espouse a similar philosophy, I wish they would raise their voices occasionally.

Again, I would like to say that as worthy as many of these projects are, America's true treasures are the treasures to be found in the family, those dreams that are discussed around the kitchen table. That dream of launching that first small business, that dream of being able to finally send the first child to college. That dream of actually being able to afford the health care premiums to make sure that the family

is well. Those are America's true treasures, and those are the treasures that I am trying to preserve.

We have to go further in changing the culture of spending and not expending funds for any purpose simply because we think of it or because we say good things can be done. Better things can be done when the taxpayers keep their own money.

□ 1945

Mr. DICKS. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. DICKS. This is an amendment that affects a project in my hometown of Bremerton, Washington.

The downtown Bremerton library building opened in August 1938. Now, that may sound recent, but, remember, Washington has only been a State since 1889. The building was funded under the Works Progress Administration. The WPA was one of Franklin Roosevelt's principal public works programs that helped America recover from the Great Depression. The building is constructed in an art deco style which was a signature style during the twenties and thirties and a favorite today of preservationists across the country. The building has a large rotunda with skylights. Because of its distinctive style, the library remains one of the most attractive buildings in downtown Bremerton. Like many art deco buildings, the library has a very bright color, in this case a vibrant yellow.

The downtown Bremerton library was constructed on land that has housed a library for nearly a hundred years. When this library opened in 1938, it served as the main library. The City of Bremerton and Kitsap County combined their library system in 1955. In 1978, a new headquarters library was built for the regional system and the downtown library became a branch library.

The library in downtown Bremerton has been undergoing rehabilitation for the last 1½ years. The city invested $100,000 last year in general fund money and $100,000 from its community development block grant funds. These were matched with $100,000 from Kitsap County and $100,000 from the Gates Foundation. The moneys were spent replacing windows and doors, remodeling bathrooms, rebuilding the roof and other structural improvements which brought the building, to a reasonable degree at least, up to current building codes and took care of pressing life/safety concerns. This year, the city is spending an additional $200,000 in general fund money to replace the existing heating, cooling and air ventilation system, to remove asbestos from the heating plant and associated piping, replace much of the building's plumbing, and to rewire the entire building for additional electrical capacity and other modern communication equipment.

When I was a kid growing up in Bremerton, Washington, this was the library that I used to go to with my mother and father and my younger brother, Les. Bremerton is a city where we have the Puget Sound Naval Shipyard, probably the most effective and productive shipyard in the United States. We have about 10,000 workers working there, and we have thousands of sailors who are home-ported in Bremerton and at the Trident submarine base at Bangor. I would like to think that this facility would be available to those men and women serving us in the military and for all of those thousands of government employees who work in the Kitsap County area. This is a good project. The money that we are providing, $150,000, will be matched by the city of Bremerton. They've already put in a lot of additional money. And this is a partnership. This is one of those good projects where there's a partnership.

I urge my colleagues to strongly oppose this amendment and to support this worthy project.

I would also say, again, to the gentleman, this is such a dramatic reversal, what we have done on this side of the aisle on earmarks from the comparison when the other side took power. In 1994, there were about a thousand earmarks. In 2006, there were 13,000 earmarks.

The other thing I would suggest, too, it's one thing to go after the projects of your colleagues, but the President has what we would call earmarks, executive branch earmarks in this budget. If the gentleman was evenhanded in his approach, and I think he has been very fair in how he has selected these projects, but if he was evenhanded, he would go after some of the things that the President requests. As I said, the Preserve America Program is almost identical to Save America's Treasures, but I don't notice the gentleman offering an amendment on that particular project. No, I don't want to incentivize him, but I guess we can't because there is a unanimous consent agreement.

But, again, I appreciate what the gentleman is saying, and it is important. Dealing with the entitlements where two-thirds of our spending is has got to be done, and I hope that we can approach those problems just the same way as the gentleman from Kansas (Mr. TIAHRT) and I have approached this problem, with approving only one in ten of the projects that were requested from our colleagues.

Again, it is our power. Don't give up Congress's power of the Constitution, which is the power of the purse. That would be a tragic mistake that would haunt this House for many years.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HENSARLING. 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 Texas will be postponed.

The Acting CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. ANDREWS) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1612. An act to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes.

S. Con. Res. 25. Concurrent resolution condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ANDREWS:

At the end of the bill (before the short title), add the following new section:

SEC. 4___. None of the funds made available in this Act may be used to plan, design, study, or construct, for the purpose of harvesting timber by private entities or individuals, a forest development road in the Tongass National Forest.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

Mr. YOUNG of Alaska. Mr. Chairman, I reserve a point of order on the amendment.

The Acting CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I yield myself 2½ minutes.

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

Mr. ANDREWS. Mr. Chairman, the gentleman from Alaska, who no doubt will oppose this amendment, is a principled and fierce advocate for his constituents. And over the years, the taxpayers of the country have financed the construction of 5,000 miles of roads

which facilitate industrial and community activity in his district which he strongly and understandably believes in.

I respectfully submit, Mr. Chairman, that we have financed this enough. Since 1982, the taxpayers of the country have expended over $1 billion to finance the construction and maintenance of these 5,000 miles of roads. The economic result of this investment has been an average annual net loss of $40 million a year. I believe that this is not sustainable. Yes, jobs have been created, and this is very important for anyone in anyone's district. But the average cost of this job creation has been $200,000 per job.

Now, this amendment does not say that the existing roads cannot be used. It does not say that the existing roads cannot be maintained. It does not say that the existing roads cannot be used for the purposes for which they were originally intended, for development and commerce. What this amendment does say, Mr. Chairman, is that we will not invest more money in more roads. We will not invest more money at a rate of $40 million a year to extend this system.

For reasons of fiscal good sense, for reasons of environmental good sense, for a precious national resource, I believe that this House should revert to the language which is included in last year's bill and prevent the expenditure of more funds for the extension of this 5,000-mile road system in order to save the public money and in order to preserve this important national treasure.

This is a bipartisan amendment. I am pleased that my friend from Ohio (Mr. CHABOT) is my cosponsor. It has received bipartisan support in the past. I would respectfully ask my colleagues to vote ''yes.''

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

POINT OF ORDER

Mr. YOUNG of Alaska. Mr. Chairman, speaking to my point of order, this amendment constitutes legislation on an appropriations bill in violation of clause 2(c) of rule XXI because it will impose substantial new duties on the Secretary of Agriculture. Under Deschler's Precedents, volume 8, chapter 26, section 50, where an amendment seeks to impose on a Federal official substantial duties that are different from or in addition to those already contemplated in law, then it is considered legislative in nature and violates clause 2(c) of rule XXI.

Moreover, under Deschler's Precedents, volume 8, chapter 26, section 52, even though a limitation or exception therefrom might refrain from explicitly assigning new duties to officers of the government, if it implicitly requires them to make investigations, compile evidence or make judgments or determinations not otherwise required of them by law, then it assumes the character of legislation and is subject to a point of order under clause 2(c) of rule XXI.

This amendment will require the Secretary of Agriculture to make investigations and compile evidence not otherwise required under existing law, as well as make a substantive determination not required by any law applicable to his authority. See 8 Deschler's Precedents, chapter 26, section 52.38.

The amendment bars planning and studying of certain roads, those used for timber harvesting by individuals or private entities in the Tongass National Forest. Roads used for other purposes and by other entities are not affected. In addition, the amendment bars the use of funds to ''construct'' such a road. Under volume 23 of the U.S. Code, section 101(a)(c), ''construction'' is defined to include reconstruction of roads. This definition is reflected in the Forest Service budget, which differentiates between construction/reconstruction of roads and maintenance of roads. This is also reflected in the road provisions affecting all roads, including those in the Tongass National Forest. I cite pages 7–36, 7–33 and 4–115, ''Road and Bridge Construction/Reconstruction,'' of the draft proposed Tongass Forest Plan relating to roads to reflect this understanding. Therefore, this amendment will apply to not only proposed roads but also to the 3,653 miles of permanent roads already in the Tongass National Forest. Some of these roads are not currently used for timber harvesting but could be in the future.

Under the National Forests Roads and Trails Act (16 U.S.C. 532–538), the U.S. Forest Service constructs forest development roads ''within and near'' national forests that ''will permit maximum economy in harvesting timber from such lands tributary to such roads and at the same time meet the requirements for protection, development and management thereof, and for the utilization of the other resources thereof.''

Under the current Forest Service Transportation Planning Handbook and the Tongass Forest Plan, the Secretary does not identify or track roads by the character of their use nor is such a determination required for reconstruction of existing roads. A road in a national forest may have multiple purposes, including recreation access, subsistence hunting access, vehicle use for emergencies, travel routes, utility maintenance or egress to Forest Service ranger stations or other structures.

Moreover, a road could be used for timbering operations by multiple participants, including the Forest Service itself, the State of Alaska, local governments, mining corporations with mining permits, private contractors or Native Alaskan tribal entities. According to the Forest Service, these landowners take between 80 million and 100 million board feet of timber from their lands in a year.

□ 2000

Some of these users would not be barred by the Chabot amendment. No current law requires the Secretary to differentiate between users of Forest Service roads. In support of this assertion, I quote from a recent letter from Under Secretary of Agriculture for Natural Resources and the Environment: ''Because the Forest Service does not distinguish roads on the basis of who uses them, implementation of the proposed Chabot amendment on the Tongass National Forest would require new processes, policies and additional work to ensure that, if the Forest Service is spending funding on roads, such roads are not utilized by individuals or private entities in support of harvesting timber on Federal or non-Federal lands.''

Under the terms of the amendment, the Forest Service would have to make an initial determination that the road proposed for construction or reconstruction would not be used for impermissible uses by impermissible people. For existing roads proposed for reconstruction, this would mean first monitoring the road to see how it is used and by whom over some period of time.

In addition, the Secretary would also have to monitor and enforce compliance with the limitation after the road is built or reconstructed. Enforcing this restriction would be burdensome. The Tongass National Forest, and the Nation's largest public forest, is 16.7 million acres, approximately the size of the State of West Virginia. It is comprised of scattered lands located along the mountains of Alaska's southeastern coast, and portions are remote and difficult to get to.

Within the forest are approximately 128,000 acres of State, Alaska Native Corporation and private land are accessed only through the Tongass National Forest roads. According to the Forest Service, 3,653 miles of permanent miles of roads have been constructed in the Forest, and these roads are used for travel, forest management, recreation, subsistence access, remote community connections, as well as the timber harvest.

Only 570 Forest Service personnel are assigned to the forest, one employee for every 45,000 acres. The majority of these employees do office work and are not out in the field, so the Secretary would have to make substantial hires and reassign these personnel to patrol roads. I cite eight Deschler's Precedents, Chapter 26, section 52.22 regarding the imposition of duty to monitor actions of recipients as transforming a limitation amendment into legislation.

For those reasons, I ask you to sustain my point of order.

The Acting CHAIRMAN. Does any other Member wish to be heard on this point of order?

Mr. ANDREWS. Mr. Chairman, I do.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized.

Mr. ANDREWS. I would simply urge the Chair to overrule to the point of order on the grounds that precedent, that identical language was found to be in order in the last Congress.

The Acting CHAIRMAN. Do any other Members wish to be heard on this point of order?

The Chair will rule.

The amendment turns on the purpose of the Forest Service in preparing for or building a road. If the justification for the road includes the harvest of timber by private entities, the limitation would apply. If not, the limitation would not apply. Nothing on the face of the amendment would require the Forest Service to monitor continuing use of the road.

As noted in volume 8 of Deschler's Precedents, section 51.13, a limitation may deny the availability of funds even if resulting in circumstances suggesting a change in applicability of law. It is also possible to restrict funds even if contracts may be left unsatisfied as a result.

The fact that this amendment requires those who would plan a road to know the purposes for which they are doing so is not a new duty or determination but, rather, a mere incident of the limitation. Second-order consequences do not render the amendment a violation of clause 2 of rule XXI.

The point of order is overruled.

Mr. ANDREWS. Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. YOUNG of Alaska. Mr. Chairman, I first want to compliment the gentleman from New Jersey, and the gentleman, Mr. CHABOT, of Ohio. This was sprung on me 2 years ago, and I was quite upset, and I'm still upset, but you are being gentlemen about it.

I will return that favor. Last time, it was very unhappy and very ugly.

But, again, I urge my colleagues to vote against this. Let's be clear about this amendment. This amendment is not about fiscal responsibility, in all due respects. It's a giveaway to the radical and environmental groups that want to treat the Tongass and all southeast Alaska as their taxpayer subsidized playground.

The problem with the timber harvest program is that environmental groups have purposely driven up the costs of managing it by filing multiple, multiple frivolous lawsuits and appeals. Now that they have successfully created the problem, they're offering a solution: target a Member of Congress unfamiliar with Alaska and the Tongass, and express concern that the Tongass timber program has become uneconomical and should not be funded by the taxpayer, request that they offer an amendment, threaten Members with negative score on their annual report cards for failing to support the amendment.

This is like a personal injury lawyer who sues lawyers over living, and then complains to Congress about the high cost of medical care. As long as you are talking about taxpayer dollars and fiscal conservatism, it should be noted that the lawsuits and appeals responsible for the high cost of doing business in the Tongass are all funded by the American taxpayer under the Equal Access to Justice Act, which says if you are an environmental fundraising group in the ninth circuit, you file lawsuits by piece work and get your money back for every one you file.

This is the ''taxpayer waste'' we should be discussing here today, taxpayers waste. If not for the never-ending onslaught of frivolous, taxpayer-funded lawsuits and appeals, the U.S. Forest Service could be managing a timber program at a net profit.

In addition to putting a Federal stamp of approval on these groups' antics, a ''yes'' vote on this amendment will cripple what's left, what's left of the several hundred Alaskan jobs. At one time, I had 15,000 jobs in my State that's been taken away. You have outsourced them.

The timber industry supports the best-paying year-found jobs in southeast Alaska, or they did. Even though environmentalists have already succeeded locking up over 96 percent of the Tongass, and eliminating most of these jobs, they are now after the remaining 4 percent, the last few hundred jobs, 15,000 versus 400, and this is America? This is nothing economic. This is economic terrorism. What's worse, the American taxpayer has been paying for it.

If supporters of this amendment would like to join me in restricting the frivolous timber appeals and lawsuits filed by the environmental trial lawyers against every timber sale and every road in the Tongass, we could lower the cost of timber harvest and return the profit to the taxpayer.

Very frankly, I believe this amendment is a job-killing bill, supposedly protecting taxpayers, but it's about fooling them. It's about forcing my constituents out of work and removing people from the Tongass so the environmentalists have a 17 million acre taxpayer subsidized playground for themselves.

I want to remind people, I have been through this in 1980. This Congress took away 16.5 million acres of Tongass. They took it all away but 10 percent. We were told there would be peace in the valley, yet same groups, same trial lawyers, same environmental groups are trying to take that last 4 percent away, 400 jobs, out the drain.

Each one of you were talking about how bad the economy is in the United States, how you outsourced your jobs, you and your industrial States, and yet you are doing this to the State of Alaska, the jobs that Alaskans have. It's a disservice to this body to continue to pander to a group that knows nothing about it other than the fact they want their playground. It's the wrong thing to do to us.

I know the why the two gentlemen are introducing this amendment. I understand it. But think of what you are doing to your Americans. The workers are left. Let us manage the timber. We would have had a profitable area, but asked by your supporters of this amendment have stopped our ability to manage the forest in a profitable way and driven those jobs overseas, into Canada, into South America, where they defoliated the forests.

We have done a disservice to a renewable resource, a terrible disservice to a renewable resource. This Congress has not managed its force, because they want to supposedly protect the trees, and those trees are dead trees, my good friends, they are dead. They should be harvested.

All I am asking is not to impose this on them so we can get that little, final 4 percent available for the Alaskan workers and for this Nation. That's not asking much. I am urging my colleagues to vote, very strongly, a no on this amendment. It's the wrong thing to do. It's the wrong thing to do for this Nation, wrong thing to do for the State of Alaska, but it's the wrong thing to do for the Americans of this great Nation.

Mr. ANDREWS. Mr. Chairman, I first appreciate the very respectful manner which our friend from Alaska carried on the debate.

I yield the balance of our time to my friend from Ohio, who is the cosponsor of this amendment, Mr. CHABOT.

Mr. CHABOT. I want to once again commend the gentleman for offering his leadership on offering this amendment this year.

Mr. Chairman, since 1982, the Forest Service has lost nearly $1 billion subsidizing private timber in the Tongass National Forest. That's a $40 million loss every year. If anyone wonders why our national debt is as large as it is, and it's currently about $8.8 trillion, yes, that's with a ''T,'' trillion, one needs to look knew further than taxpayer boondoggles like this one. They add up.

There are thousands of miles of roads in the Tongass. The Forest Service acknowledges that existing roads are ''sufficient to satisfy local demand for roaded recreation, substance, and community connectivity needs and demands in most districts.'' Yet year after year, the Forest Service spends millions of tax dollars building roads for private timber companies that, by the Agency's own admission, aren't really necessary.

To make matters worse, the Forest Service has a nationwide road and maintenance backlog of about $10 billion, tens of millions of which are in the Tongass. Incredibly, the Forest Service isn't maintaining existing roads, yet they want to build more, even though they admit that there are already enough. Does that make any sense? Of course not.

This is a simple, straightforward amendment. It would simply prohibit

the Forest Service from building logging roads for timber companies subsidized by the American taxpayer in the Tongass. It does not stop timber companies from building their own roads.

I know that there are some who want you to believe differently, but this amendment has nothing to do with the roadless rule or interfering with the Tongass land management plan. It is everything to do with good government.

Opponents of this amendment will argue that the massive losses in the Tongass are due to litigation. Taxpayer dollars are ending up in the pockets of trial lawyers. I am not usually accused of being a darling of the trial lawyers but they did a study to find out how much of the appeals and litigation cost was a factor. Only 2 percent of cost was because of litigation.

Opponents of this amendment have argued many things in the past. The fact is that there are now only 200 jobs, and every single job, as the gentleman from New Jersey mentioned, is costing the taxpayer $200,000 in subsidies for each one of these. It makes absolutely no sense. That's why groups like Citizens Against Government Waste, the National Taxpayers Union are strongly in favor of this amendment, because they know that it makes no sense anymore to have tax dollars going in the amounts that they have been going. We spent almost $1 billion now subsidizing the building of roads in the Tongass.

Again, I am not opposed to logging when it's done on the timber company's dime. But in this case, they are using the American taxpayer to subsidize these 200 jobs at the tune of $200,000 per job. That just makes no sense, and that's why I strongly urge my colleagues to support this amendment.

I want to once again thank the gentleman from New Jersey for his leadership on this amendment.

Mr. ANDREWS. Mr. Chairman, I would urge a ''yes'' vote, and I yield back the balance of our time.

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

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

Mr. TIAHRT. Mr. Chairman, I oppose this amendment. I am also a fiscal conservative, but I think this amendment is misdirected. We should not limit the funds to do proper forest management on the Tongass.

Some limited road building is needed to take care of the land. The Tongass National Forest is, indeed, a wonderful place. But under the existing forest management, approximately 90 percent of the 16.8 million acre forest, over 15 million acres is roadless and undeveloped.

Only 4 percent of the forest is suitable for commercial timber harvest, and only half of that area is within the inventoried roadless areas.

The amendment would prevent the Forest Service from doing road maintenance on a large area of southeast Alaska. Most of these communities have no road access to the outside world, but they need the Forest Service roads to get around during their daily activities.

This amendment would also harm a variety of forestry, recreation and wildlife conservation activities by preventing the proper road maintenance. The existing forest plan allows timber harvest on only 300,000 acres, only about 2 percent of the more than 15 million total acres of roadless area on the forest.

I have a letter here from the United States Department of Agriculture, and it's from a person called the forest supervisor up in Tongass. He said we have heard the figure today that there was $40 million lost each year. He says from fiscal year 2005 to 2006, the Tongass spent $2.4 million less on roads, reducing the level from $10 million to $7.8 million; from 2006 to 2007, the program reduced further to $6.1 million. All told, over the past 3 years, the forest has cut spending by $4.1 million to less than 50 percent.

So I don't know where the $40 million per year figure came from when they are only spending $6.1 million this year on the roads. In addition, when you add up all the jobs, according to the Forest Service, it's about 1,000 jobs that are at risk with this legislation.

This, by also prohibiting roads, also makes the forest more vulnerable to forest fires. So if you love the forest, if you love the bounty, if you love the beauty, then oppose this amendment.

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

Mr. YOUNG of Alaska. I thank the gentleman for his comments.

I would ask the authors of this amendment if they would respond to the question.

Will you respond, Mr. CHABOT and Mr. ANDREWS?

I am going to introduce legislation to allow the forest to be sold to the State of Alaska. If you are fiscally conservative, we will raise about $4.5 billion, we will pay you for it.

Then we can manage it as we should manage it, because right now it's not being managed. When I introduce that bill, are you willing to get on my bill to sell that forest to the State of Alaska so we could manage it as it should be managed.

Would you be willing to sponsor that bill?

□ 2015

Mr. ANDREWS. If the gentleman would yield, I, of course, could not commit to a bill I haven't read. But I will say this. If there are sound management environment principles, it's an issue I'd have to take under consideration.

Mr. YOUNG of Alaska. I appreciate that because it's very simple to say the Tongass will be sold at fair market value to the State of Alaska. And I think that would solve our problem.

Mr. ANDREWS. If the gentleman would yield, I would certainly have an open mind to his idea should he introduce such a bill.

Mr. CHABOT. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. CHABOT. The gentleman from Alaska has so many years of distinguished work and experience in this House that he if he offered a bill like that, I would certainly be willing to closely read that bill and seriously consider cosponsoring it.

Mr. YOUNG of Alaska. Again, I just hope you understand, this is a national forest. It only has 4 percent available. A national forest that has 4 percent. And the gentleman, the ranking member, has mentioned the fact that there's no $40 million being spent.

And by the way, this is on national land because the comment was made about the roads could be built by the persons that's doing the logging. That's true. But if it's built by that person, those roads are no longer available to the general public. And what has happened, we've built a network of roads on Prince Wales Island primarily that provide, for all the local communities, communications capability that tie in with the ferries. Those roads still belong to the United States, just not the State of Alaska. They're part of the United States road system.

And so I'm just suggesting that these roads, if it was done by just a contractor, then that right wouldn't be there. Those roads would have to be pulled up, put to rest back to the original contour.

So, again, I know who's asking you to do this. I understand it. But it's really being a little disingenuous. In fact, the roads themselves are in a different area that was on private land. This is on Federal land, not private land.

And so I respectfully again ask for a ''no'' vote on this amendment because it's the wrong thing to do for the State of Alaska and for the United States.

Mr. TIAHRT. Mr. Chairman, I also would request my colleagues to vote ''no'' on this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. ANDREWS. 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 New Jersey will be postponed.

AMENDMENT OFFERED BY MR. GARY G. MILLER OF CALIFORNIA

Mr. GARY G. MILLER of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARY G. MILLER of California:

At the end of the bill, before the short title, insert the following:

TITLE VI — ADDITIONAL GENERAL PROVISIONS

SEC. 601. No funds made available by this Act may be obligated or expended to conduct the San Gabriel Watershed and Mountains Special Resource Study (authorized by the San Gabriel River Watershed Study Act (Public Law 108–42)) in the cities of Diamond Bar, La Habra, Industry, Chino Hills, and the community of Rowland Heights in Los Angeles County, California (as defined by the following boundaries: the City of Industry on the north, Orange County on the south, the City of Diamond Bar and California State Route 57 on the east, and the City of La Habra Heights and Schabarum Regional Park on the west.).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. GARY G. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARY G. MILLER of California. Mr. Chairman, I rise to offer an amendment to restrict funding in this bill from being used to conduct the San Gabriel River Watershed and Mountains Special Resource Study in certain cities within my Congressional district and one neighboring city.

The difference between my amendment and the other amendments, everybody's been trying to strike funding in somebody else's district. I'm saying, don't spend it in my district.

This amendment is simple. It only affects communities within my district who do not want to be subject to a Federal National Park Service study.

I appreciated Mr. DICKS' support of this amendment last year when the House passed it by voice vote and urge the House continued support of this amendment.

In 2003, Congress authorized the National Park Service Watershed and Mountains Special Resource Study to survey the San Gabriel River and its tributaries and the San Gabriel Mountains, north of and including the city of Santa Fe Springs to determine if any resources are available to National Park Service designation.

Let me be clear. My district is not in the San Gabriel Mountains nor does it contain tributaries, and it is not north of Santa Fe Springs. It is east of this area that is authorized to be studied.

I did not oppose the original authorization of this study because, according to my interpretation of the language, my district would not be affected. However, it appears that the NPS has interpreted this language too broadly.

I strongly believe that the inclusion of cities in my district in the NPS study went beyond the scope of the Congressional authorization.

Several cities have contacted me and the National Park Service in extreme opposition to their inclusion in this special resource study. I have reached out to the NPS on numerous occasions to ask them to remove these cities from the study. They have refused.

I come to the floor today to ask that you support efforts to ensure that cities are not forced to be part of a study that was not intended to include them.

This amendment does not affect any other city in the study other than those in my district (plus the City of Industry) that have asked to be excluded. If other Members want their cities to continue to be included in the study, then the amendment will not affect them.

The bottom line is that I represent these cities, and they have told me they do not want to be included in this study.

The cities in the 42nd Congressional District, which I represent, have worked hard to address the challenges associated with rapid pace of growth in our region, including finding innovative solutions to manage future development, alleviate traffic congestion and preserve open space.

These cities are in the best position to make decisions regarding land use within their boundaries, and I am opposed to any Federal action that may compromise the local authority in the future.

The results of the study could ultimately be used to compromise the ability of local governments to decide what is best for their communities. Land management responsibilities and decision making should be made at the local level where officials have a clear understanding of community needs.

Existing land-use management by local municipalities is preferable to Federal involvement in a rapidly growing region.

I urge my colleagues to support my efforts to protect the communities that I represent by removing them from this study. A vote in favor of this amendment is a vote for local control and against Federal intervention where it is not welcomed or needed.

Once again, I ask my colleagues to support this simple, straightforward amendment to ensure the Federal Government does not reach beyond congressional intent.

Mr. DICKS. Mr. Chairman, I reluctantly rise in opposition to this amendment.

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

Mr. DICKS. The gentleman is correct. Last year, when Mr. TAYLOR was chairman and I was the ranking member, Mr. TAYLOR wanted to accept this amendment, and I went along with Mr. TAYLOR.

However, this year, I am the chairman, and the Congresswoman, Ms. SOLIS, is concerned about this amendment and is opposed to it.

And let me just give you a little text of what she said. This amendment is based on a fundamentally flawed understanding of the study process incorporated in the legislation which she authored, which was signed into law on July 1, 2003, and would result in a change in the study design.

The San Gabriel River Watershed Study Act was signed into law on July 1, 2003, after a lengthy effort to build consensus, an effort which included outreach to and coordination with all the members of the San Gabriel Valley delegation, including representatives of Diamond Bar, La Habra, Industry, Chino Hills and the unincorporated areas of Los Angeles County and the community of Rowland Heights. As a result of this effort, the legislation passed the U.S. House of Representatives with broad support.

Congressman RADANOVICH noted in a letter to the editor on August 4, 2002, that, ''legislative process works best when those with differing views get together to resolve those differences and arrive at solutions that are responsible, workable and widely acceptable. That is what happened in this instance.'' The process by which this legislation was drafted and enacted was iterative and compromising. In fact, upon passage, Representative Pombo noted that this bill enjoys the broad support of both the majority and the minority and urged his colleagues to support it.

During this process, the boundaries of the study were clearly defined. According to the legislative text, the Secretary of the Interior shall conduct a special resource study of the following areas: the San Gabriel River and its tributaries north of and including the City of Santa Fe Springs, and the San Gabriel Mountains within the territory of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, as defined in section 32603 (c)(1)(c) of the State of California Public Resource Code.

This study was directed to be done in consultation with Federal, State and local governments, including the San Gabriel and Lower Los Angeles River and Mountain Conservancy and other appropriate Federal, State and local government entities. These areas were chosen for their importance in the regional watershed.

During consideration of this legislation, the Department of Interior recognized the need for this study. It noted that:

''The watershed of the San Gabriel River contains important natural resources which are disappearing throughout Los Angeles County. Continuous greenbelt corridors provided by the river serve as a habitat for breeding, feeding, resting or migration birds and mammals, which allows migration to take place throughout developed areas. The rugged terrain of the higher reaches of the watershed contain different vegetations, including rock outcroppings and vegetation native to the Pacific Coast foothills. This area also has a rich cultural heritage, which is evident by the large number of historically significant properties within the proposed study area. Among them is the Mission San Gabriel Archangel, founded in 1771 by the Spanish missionaries who were moving up the coast of California.''

The Department of the Interior also noted that this study would have to examine a number of alternatives for protecting resources in the area. Specifically, the Department of the Interior stated:

''Alternatives to Federal management of resources are often considered in a special resource study for this type of area including national trail designations, national heritage area designations, and the provision of technical assistance to State and local governments for conservation of rivers, trails, natural areas and cultural resources. A study of an area where land ownership and jurisdictional boundaries are as complex as they are in the San Gabriel River Watershed would likely emphasize public-private partnerships.''

What I can't do here, because the gentleman and the gentlelady from California have not been able to work this out, I can't accept this amendment when the gentlelady is in opposition to it. And I think what she's basically saying is that you should not be able to take out all of your jurisdictions from this study because they need to be in there to do a comprehensive study. That's how I view it.

Mr. GARY G. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from California.

Mr. GARY G. MILLER of California. Just so that we make sure the record is straight, and I appreciate your courtesy and your time and I do understand the situation you're in.

When Mr. Pombo made that statement, it was accurate because he came to me and I said, is my district included in this area; and they said, no, it would not be. And based on that understanding I said, well, then, I support what she's doing because if she wants to do it in her district, I have no problem with that. Then after the fact, when the amendment came last year and we agreed to it, Mr. Pombo also said that he did not believe my district should have been in there originally.

But I understand your situation. I understand your courtesy, and all I can do is ask for support of my amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GARY G. MILLER).

The amendment was rejected.

AMENDMENT OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. GINNY BROWN-WAITE of Florida:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. The amount otherwise provided by this Act for ''NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES—NATIONAL ENDOWMENT FOR THE ARTS—GRANTS AND ADMINISTRATION'' is reduced by $32,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I offer this amendment today to cut the pay raise that is included in the bill for the National Endowment For the Arts.

Mr. Chairman, we have many problems facing us in Congress today. We have a Federal deficit of $8.8 trillion. We still haven't built the fence along the border, and we still don't have enough people out there protecting our borders. Yet, my colleagues on the other side of the aisle are pushing forward bills that would amount to the largest tax increase for Americans in American history.

As a matter of fact, in my district, in Florida, it will mean about a $2,400 tax increase, not this year, but in the future years, in 2 years, when some of the tax breaks expire. That's $2,400 more that my constituents will have to pay.

And now we hear that they want to fluff up the National Endowment For the Arts by almost $36 million more. That's more than last year. This is the same public tax dollar funded National Endowment of the Arts that boasts that they are the largest funding organization for arts in the United States, using our tax dollars, of course.

This is the same NEA that provided a grant for the production of the Dinner Party, which is a 140-foot triangle depicting the imagined genitalia of 39 historically important women, including Susan B. Anthony and Georgia O'Keefe.

This, Mr. Chairman, is the same NEA that provided a grant for a program entitled, ''Not For Republicans,'' which addressed several topics, including sex with Newt Gingrich's mom. To the average American taxpayer, this is not art. This is smut.

The National Endowment of the Arts has funded works of art, and I put ''art'' in quotes, that are so controversial, offending and downright disgusting that, quite honestly, I could not mention them on the House floor.

□ 2030

And for their work in promoting this smut, the leadership, the Democrat leadership, now wants to reward the NEA by giving them a $36 million raise over last year and a $32 million raise over what the President has requested. That's right. The NEA was funded at $125 million last year, the President requested $128 million dollars; yet in this bill, in the Interior Appropriations bill, we see that the NEA will be funded at $160 million dollars.

How many Americans get almost a 40 percent pay raise for offending most of the Nation? This is the case of rewarding bad behavior with tax dollars.

My amendment strikes only the increase included in this bill and brings the funding back in line with the President's request of $128 million. Again, let me remind my colleagues that this is a $3 million increase if we go back to the President's level.

Mr. Chairman, Americans need art in their lives and I recognize art is subjective enjoyment. Whenever possible, back in my district, I support the arts, but I do it with my dollars, not with tax dollars, where the average American does not agree with some of the ''art'' that is being funded with their tax dollars. Americans are tired of wasteful Washington spending and are unwilling to pay for this so-called art with their tax dollars.

Don't reward the National Endowment for polishing trash and call it art. Vote in favor of my amendment to bring NEA funding back to the President's level of $128 million. Again, that is even $3 million more than last year.

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

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

I would be delighted to yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I love the introducer of this amendment, but I don't love her amendment. It would reduce a much-needed funding increase for the National Endowment for the Arts from $160 million in the bill to the President's requested level of $128 million.

I first want to compliment the chairman and ranking member again for putting together a good bill that adequately funds our key priorities. Our national parks, the environment, and the arts receive strong support, and the bill takes a critical step to addressing climate change and global warming.

We owe both of you a debt of gratitude for your good work here.

The NEA has been shortchanged for too long, and it is time to ensure that it has the resources necessary to carry out its mission of supporting excellence in the arts, bringing the arts to all Americans, and providing leadership in arts education. With much-needed incremental increases since 2001, the NEA has developed widely popular programs, including the Big Read and Shakespeare in American communities, to encourage Americans to participate in cultural experiences. What is impressive is that it is in every community practically in the country: large communities, small communities, urban communities, rural communities.

The arts improve the lives of so many people including children, the elderly, and those on limited budgets who might otherwise not have the opportunity to see some very beautiful, spiritual, and enriching performances. Federal funding helps enable talented

individuals to pursue careers in the arts.

Besides the obvious cultural benefit, the economic impact of the arts is real and impressive. As of January, 2007, there were 2.7 million people employed by over 546,000 arts-centric businesses, which represent 2 percent of our Nation's total employment.

In Connecticut's Fourth Congressional District, there are 2,841 arts businesses that employ 14,711 individuals. Last year all 435 congressional districts received at least one grant. For every dollar of Federal investment, each grant typically leveraged $7 of State and private investment.

I grew up in an arts family. My parents, both performing actors, met in the theater. Listening to my father play the piano each night and hearing stories from their days on the stage gave me a profound appreciation for creative expression, an appreciation that I know so many of my constituents and I share and love.

With that I would urge defeat of this amendment. We are spending a meager amount, candidly, on the arts on the Federal level. This is a noble attempt by the chairman of the committee to do what needs to be done, and I hope that we maintain what is in the budget.

I thank the gentleman for yielding.

Mr. DICKS. Mr. Chairman, reclaiming my time, I thank the gentleman from Connecticut for his strong statement in support of the funding for the National Endowment for the Arts.

I would point out to my colleagues that in 1993 we had a $176 million budget for the NEA. That was cut by almost 50 percent, and over time this budget has been built back up. We have had many votes on this. The Slaughter-Dicks amendment has been voted on many times by the Congress and in strong support of the National Endowment for the Arts.

Now, we didn't do this frivolously. Mr. REGULA, when he was chairman, and I worked together and came up with some guidelines for the NEA. And I think the NEA has done a better job under Bill Ivey, Dana Joya, Jane Alexander, who have all been outstanding leaders of the Endowment.

This is important for the education of our children. This is also important because, as the gentleman from Connecticut mentioned, all 435 districts received a project. And when I was first on the committee, it was the big cities that got funding for the National Endowment for the Arts. That is no longer the case.

Also, it is a very major economic tool. The gentlewoman from New York has pointed out many times how the funding for the arts has caused a tremendous economic expansion in the country. And I think it is a very important point.

So let's continue to support the National Endowment for the Arts. I wouldn't want you all to go home and have to explain why you made this terrible, outrageously big cut on the arts.

But I just wanted to say that this is an important amendment. These groups all over the country are excited about Congress stepping up and increasing the funding.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I yield myself the balance of my time.

I believe that our constituents would much rather support the arts with their dollars instead of channeling this additional increase through Washington where Lord only knows of that dollar that gets up sent up here how much actually goes back into the District for the arts. Yes, my district has received some funds. But, additionally, they don't want to have the concurrent tax increase that goes along with the increase in spending.

The amount that the President has requested certainly is sufficient for the National Endowment for the Arts, and I encourage the Members' support for this amendment.

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

Ms. SLAUGHTER. Mr. Chairman, I rise to claim the time in opposition to the amendment.

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

Ms. SLAUGHTER. Mr. Chairman, this seems a familiar job for both Mr. DICKS and me and certainly for our cochair, Mr. SHAYS.

For a while, we thought we were over the years of mugwumpery when people thought the National Endowment for the Arts was something that they could kill without any cause. And as has been pointed out several times, the last 2 years, it has passed by voice vote, but it has certainly come back with a vengeance this year.

Let me talk about something for a minute that I don't believe has been discussed today, and that is the effect on our school children of art. We know for a fact that every school child in secondary school that has art for 4 years goes up 57 points on their verbal SATs, and we know it is attributable to art. We know that the days that art is in the schools that there is no absenteeism. We know that children that learn to create don't destroy. We know that in developing minds, the effect that art and dance and movement have on that. As a matter of fact, I think the University of California Davis has done extensive study showing the correlation between studying a keyboard and computers, between studying modern dance and math. We have all seen it over and over again. And we worry all the time about, one, how are we going to keep our children in school and, second, how are we going to make better students of them? This is cheap at the price, Mr. Chairman.

And Ms. GINNY BROWN-WAITE was saying that her district didn't get much back. I happen to have the figures here. As of January, 2007, her district is home to 967 arts-related businesses that employ 2,565 people who will be really sorry if she is successful here tonight.

Let me repeat again what we have said today because it has gone up exponentially every year. In 1992, we had $36.8 billion coming back into the Treasury. In the year 2000, we had $53.2 billion, with an audience expenditure of $80.8 billion. In 2005, which are the last figures we have, $63.1 billion organization expenditures and $1.31 billion audience expenditures. And if somebody can tell me one other thing that we do in this Congress that costs us less than $200 million that brings that kind of return back into the Federal Treasury, I will be astonished. I have been asking that for years. Nobody has ever come up with anything that is even close.

It is so important that we maintain these programs. It is so important that in the small communities that the regional theatres are kept alive. It is seriously important that children in all parts of this country are exposed to education through music and dance, that they are able to develop their own talents. But, moreover, I want to go back to what I said at the beginning. We know the effect of art on the developing brain. It is so important that many governors make sure that babies born in their States go home from the hospital with a CD of Mozart. We should try to make sure that we can continue this. It is important. Even to this day, even with this increase, we will not be up to the amount of money that we had in this budget when I came here in 1987.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, if we were just at a cost-of-living increase, we would be at $259.2 million. We are at 160. We are fighting to get back to where we were, but we have got a long ways to go.

Ms. SLAUGHTER. And, reclaiming my time, the return we get on it is enormous, Mr. Chairman, not just in money to the Treasury, which, of course, is important; not just in the myriad of jobs that it creates in every single district because that is terribly important too; but it is important because it says who we are. We work in a work of art, frankly, but it is the artists that have gone before us that tell us who we were, and it is the artists who will tell us who we are now, who we are going to be.

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

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

I yield to the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I am sure that the gentlewoman from New York did not mean to misquote me. I did not say my district did not receive very much money. I said my district does receive some money, but I did not say that they did not receive very much money. I just wanted to make sure that the record was corrected on that.

And, yes, thankfully, I do have an arts community that is alive and well. And I have communities that will support that arts community. But what we don't want to see is digging ourselves further in the ''let's just pile more money on various agencies'' model, which only will drive up our deficit. That was the point that I was trying to make.

If my constituents have a choice of maybe encouraging their friends and neighbors to go to an event to increase the revenue, but we are sending the money up here to Washington only to have it sent back with this increase. They would prefer to have that money generated at the local level.

Mrs. LOWEY. Mr. Chairman, I rise in opposition to this amendment and would like to thank Representative DICKS for providing over $320 million for the National Endowment for the Arts and National Endowment for the Humanities.

Our contributions to the arts and humanities are the standard by which our history as a society will be measured. A strong public commitment to the arts and humanities, along with a dedication to freedom, is the hallmark of great civilizations. History has shown that religious and political freedoms go hand in hand with greater artistic and literary activity, and that the societies that flourish and have a lasting influence on humanity are those that encourage free expression in all of its forms. This is a lesson that resonates with people of every age, background, and belief, and one that we can guarantee our children learn.

Our support for the arts and humanities also has a profound impact on our economy. In my Congressional District, there are close to 2,000 arts-related businesses, providing more than 9,000 jobs. This creates a substantial economic impact. Nationally, the arts industry generates $134 billion in economic activity, sustaining over 5.7 million jobs.

Even more significant is the return on the investment for the American taxpayer. While the federal government spent just over $250 million on the NEA and NEH in Fiscal Year 2007, it collected over $24.4 billion in tax revenue related to the arts industry. Federal funding for the NEA and NEH is crucial to the arts community, helping leverage more state, local, and private funds. Clearly, the numbers show that investment in the arts is important not only to our national identity, but also to our national economy.

Mr. Chairman, we must act decisively to commit ourselves to our national heritage and culture, by voting to properly fund the NEA and NEH. I urge my colleagues to support creativity and reflection, to support our economy, and to support the continued growth and expression of democracy in its fullest form by rejecting this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. GINNY BROWN-WAITE of Florida. 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 Florida will be postponed.

□ 2045

AMENDMENT NO. 51 OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. 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. 51 offered by Mr. CAMPBELL of California:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for Wetzel County Courthouse, New Martinsville, West Virginia.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL of California. Mr. Chairman, this amendment is dealing with an earmark for $140,000 for the Wetzel County Courthouse in New Martinsville, West Virginia.

Now, Mr. Chairman, I actually looked up on a Web site to see the Wetzel County Courthouse, and it is a building that was built sometime between 1900 and 1902, and it looks like a very fine historic building. I actually am personally into historic preservation. I personally support, through charitable contributions, the preservation of various historic buildings around California, actually, and around the Nation.

I believe that we ought to keep our historic buildings and keep them up and appreciate them and treasure that history that we, as a fairly young country, are just beginning to build. So that's not why I am proposing to strike this earmark from this bill.

It's not that this isn't a historic building; it clearly is. It's not that perhaps it requires some renovation; I don't know, but perhaps it does. But the question is, is this really the sort of thing upon which we should be spending our scarce Federal tax dollars?

Let me point out again that this is a county courthouse. It's not a Federal courthouse; it is a county courthouse in West Virginia. Now, I'm sure that there are taxes, property taxes, whatever, in that county, and perhaps those tax dollars, if the local magistrates felt it was appropriate, could be used for this, or perhaps city dollars in that city or that area, or perhaps State dollars, or perhaps charitable dollars, a preservation society is set up or becomes set up, or whatever, to support this courthouse.

But it just seems completely inappropriate to me, Mr. Chairman, that we are spending scarce Federal dollars on this sort of thing. Now, I have a county courthouse in my county; it was built around the same time. It's old also. I'm sure we could use $140,000 for it. I'm sure we could use $140,000 for any number of county courthouses that are old and historic across this country. Are we going to fund them all? Is it the Federal taxpayers' responsibility to restore them all or to make some contribution to them all? I really don't think so.

And it's not, as I say, that perhaps this isn't a need, but I just don't think it's appropriate to spend Federal tax dollars on this sort of very local objective and local project that has no Federal nexus.

Now, my friends on the other side of the aisle spent a lot of time the last few days talking about PAYGO. But one of the things to point out is that this bill is not subject, the entire bill basically, all of the spending in the budget is not subject to PAYGO because there is a 4.5 percent increase in total spending in this appropriations bill that we're debating tonight. And there is no offset for that 4.5 percent. There is no other spending that is reduced by 4.5 percent. So every dollar we spend on this bill tonight is a dollar that adds to the deficit. Every single dollar contributes to further raiding the Social Security surplus.

So the question is, is this $140,000 that we believe we should increase the Federal deficit by $140,000 for this courthouse, should we raid the Social Security surplus by an additional $140,000 for this courthouse, or should we not spend the taxpayers' money on something like this local project?

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

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. MOLLOHAN. Thank you, Mr. Chairman.

Mr. Chairman, I appreciate the opportunity the gentleman offering the amendment gives me to speak in favor of the funding for the Wetzel County Courthouse.

This amendment, Mr. Chairman, would strike funding needed to repair the Wetzel County Courthouse, a very valuable historic structure in that community. It was built, Mr. Chairman, in the first decade of the 20th century. This courthouse is listed on the National Historic Register, and this courthouse serves as the centerpiece for New Martinsville's efforts to preserve its legacy and expand new tourism opportunities.

Wetzel County, Mr. Chairman, is one of the smallest counties in my district, and the county has very limited funds available for capital improvements and repairs to its structures. They need this grant to help protect this important historic property.

Finally, Mr. Chairman, it's important to note that the Wetzel County Courthouse is not just a historic building, however historic and what a grand legacy it has in the county; it still

functions as a courthouse and a county office complex.

Mr. Chairman, I urge a ''no'' vote on the amendment.

Mr. DICKS. Will the gentleman yield?

Mr. MOLLOHAN. I will yield to the gentleman from Washington.

Mr. DICKS. I want to rise in strong support of the gentleman's project. Our committee looked at it very carefully. We think it is an outstanding project and one that deserves to be funded.

I urge a ''no'' vote on the Campbell amendment.

Mr. MOLLOHAN. Mr. Chairman, I thank you and Mr. TIAHRT both for your careful review of this project and the opportunity to input it in the process.

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

Mr. CAMPBELL of California. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIRMAN. The gentleman from California has 1 minute remaining.

Mr. CAMPBELL of California. Thank you, Mr. Chairman.

If I may continue, then. I appreciate the comments from the gentleman from West Virginia. And I frankly don't dispute or have any basis upon which to dispute anything the gentleman said, but that wasn't my point. My point was that it is not appropriate to use Federal funds for this sort of thing, regardless of how great the local community may find this to be a local need.

The Federal tax dollars cannot support every little local project, every local need, every historic building everywhere that we need.

To close, I would like to quote, if I could, Mr. Chairman, Thomas Jefferson, just to let people know that this is not a new issue. And he said, ''Have you considered all the consequences of our proposition respecting post roads? I view it as a source of boundless patronage to the executive, jobbing to Members of Congress and their friends, and a bottomless abyss of public money. You will begin by only appropriating the surplus of post office revenues, but other revenues will soon be called into their aid. And it will be a scene of eternal scramble among the Members as to who can get the most money wasted in their State. And they will always get the most who are the meanest.''

Thomas Jefferson is right. I would ask you to support this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CAMPBELL of California. 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 California will be postponed.

AMENDMENT NO. 31 OFFERED BY MS. HARMAN

Ms. HARMAN. Mr. Chairman, I have an amendment at the desk on behalf of Mr. UPTON, Mr. LIPINSKI, Mr. INGLIS of South Carolina and me.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 Offered by Ms. HARMAN:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISION

SEC. 601. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the ''ENERGY STAR'' or ''Federal Energy Management Program'' designation.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from California (Ms. HARMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. HARMAN. Thank you, Mr. Chairman.

This is a bipartisan amendment offered by Mr. UPTON, Mr. LIPINSKI, Mr. INGLIS and me. We've offered it to every appropriations bill so far and it's been accepted by voice vote to every appropriations bill so far. We're hopeful that the excellent chairman of the Interior Appropriations Subcommittee will accept it in this case.

I do want to commend him, by the way, for putting a superb bill on the House floor, especially in support of the arts and several other projects that I consider very significant.

At any rate, our amendment, bipartisan amendment, asks the government to set an example for the rest of the country by purchasing energy-efficient light bulbs. Existing law requires Federal agencies to buy products that meet Department of Energy, Energy Star or Federal Energy Management Program standards. This amendment adds teeth and says that no fund shall be expended unless this occurs.

Mr. Chairman, it takes about 18 seconds to change a light bulb. In 18 seconds, each of us can change our energy future by changing that light bulb to one of these Energy Star or energy-efficient light bulbs. I'm sure that my coauthor, Mr. UPTON, will offer more specifics on this right now.

Mr. Chairman, I'm pleased to yield to Mr. UPTON.

Mr. UPTON. Mr. Chairman, I might say that, as the gentlelady said, we've offered this amendment that has passed on every appropriation bill thus far.

We know the Federal Government is the largest purchaser of light bulbs in the world. By requiring that only Energy Star light bulbs are purchased, beginning October 1, in fact, we know that we will save the taxpayers hundreds of millions of dollars this next year in terms of energy savings.

We also know that if every home did what the Federal Government is going to do, based on the testimony that we had in the Energy and Air Quality Subcommittee, we would save as a Nation $65 billion, billion, B-as-in-big, kilowatt hours of electricity, which is the equivalent of 80 coal-fire electric plants every single year.

This is a good amendment. It has been bipartisan. We've appreciated the relationship that we've had with the chairman and ranking members of not only the full committee but the subcommittee. I would like to think that we would be able to pass this amendment again by a voice vote and make a stand that in fact the entire government is going to be saving billions of dollars at the end of the day based on the amendment that we're offering today.

Mr. DICKS. Will the gentlelady from California yield?

Ms. HARMAN. I would be happy to yield to the chairman.

Mr. DICKS. We are prepared to accept this amendment. We spent $52 million in EPA's budget for the Energy Star Program, so we agree with you that this is a worthy cause. Energy conservation is a big part of our initial effort on climate change and global warming. I appreciate your leadership on this important issue, and we're prepared to accept the amendment.

Mr. TIAHRT. Will the gentlelady yield?

Ms. HARMAN. I would be happy to yield.

Mr. TIAHRT. I want to congratulate the gentlewoman from California and the gentleman from Michigan for bringing this amendment here. The Energy Star Program has been a very successful program, and it has saved the American taxpayers many, many dollars already. I think this program, again, will get into the billions. It's something that we need to have as part of an overall comprehensive energy plan.

So I commend them on their amendment and encourage the passage of it by voice.

Ms. HARMAN. Reclaiming my time, I would like to thank both the chairman and the ranking minority member and my partner, Mr. UPTON, for our work together. This is a good example of the Federal Government setting a good example and a bipartisanship working in this House. I'm very pleased to be a part of it.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. HARMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CAMPBELL of California:

At the end of the bill (before the short title). insert the following:

None of the funds in this Act may be used for the Conte Anadromous Fish Laboratory.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL of California. Thank you, Mr. Chairman.

What this amendment proposes to do is basically to strike $150,000 of an earmark that is in the bill to provide equipment for the anadromous fish research in Falls Turner, Massachusetts.

Now, again, I did look up, even though I didn't look up the pronunciation, I did look up enough to know that anadromous fish spend their lives in salt water but migrate to fresh water to reproduce, like salmon. And I'm sure that studying their habits, or whatever this is going to study, is a worthy, I'm going to presume, at least, that it is a worthy intellectual exercise and that perhaps it has value for researchers or people studying fish or whatever it is. And again, like in the last amendment that I offered, that is not my point in proposing that we not use tax dollars to fund this.

□ 2100

But my point instead is with limited tax dollars, limited to $3 trillion, but limited nonetheless, of Federal tax dollars, with a deficit that we have that all of these appropriations bills will increase, not decrease, with the fact that we are still raiding Social Security surplus, is buying equipment for this study in this place something that should command $150,000 of taxpayers' money?

Again, as I mentioned before, I have heard Members on the other side of the aisle constantly refer to their PAYGO as how they are attempting to be fiscally responsible. But yet this bill increases spending by 4.5 percent over last year. There is no PAYGO there. There is no other appropriations bill that is reduced by 4.5 percent to save this money. There are no structural reforms in the entitlement programs, which we all know are scheduled for disaster, to save this money.

So this $150,000 is not just an amorphous $150,000 in a gigantic budget that means nothing. It is a real $150,000 that is using taxpayers' money but will increase the deficit and further raid the Social Security surplus by $150,000.

So the question before the body is not whether this research is interesting, or even whether it is useful to some people. But the question is, is it worth increasing the deficit by $150,000 to fund this? Is this sort of research the sort of thing the Federal Government should be involved in? If we are involved in this, why are we not involved in many, many other forms of research that are going on in my district or the district of every other Member who is here? The reason is because we can't afford to do that.

So I would respectfully suggest that we strike this money.

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

Mr. OLVER. Mr. Chairman, I claim the time in opposition to this amendment.

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

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment by the gentleman from California that would cut valuable research at the Silvio Conte Anadromous Fisheries Laboratory. It is a Federal fisheries laboratory now under the jurisdiction of the U.S. Geological Survey, though when it was built a couple of decades ago, it was under the aegis of the Fish and Wildlife Service. So it is a Federal function in the first place.

This research benefits commercial fisheries and sports fishermen across the Nation. As we now know, the word ''anadromous'' describes any fish species, such as the Atlantic salmon, that is spawned in fresh water but spends the majority of its adult life in salt water before returning to fresh water streams or lakes to spawn and then die.

In the Northeast, as in many other areas of the United States, during the 1800s, dams which altered the stream flow sometimes completely stopped the process of spawning, and pollution degraded the water quality and ended up virtually destroying this fish species that must navigate hundreds of miles of man-made obstructions in order to reach their spawning grounds.

That is exactly what happened to the Atlantic salmon, which was a major sports fishery and commercial fishery in Colonial times in all of the rivers from the Hudson River northward along the coast which included the Housatonic, the Connecticut, the Kennebunk, the Androscoggin and the Merrimac Rivers, those being probably the more major rivers up that way.

Ironically, the Silvio Conte Anadromous Fish Research Lab was established by Congressman Silvio Conte. For those who served with Congressman Conte, he was a Republican ranking member of the Appropriations Committee for all of the years of the 1980s and well into the 1990s, at least a couple of years into the 1990s. He was remembered as quite a remarkable gentleman and quite a remarkable and colorful figure within the Republican Party.

This fisheries research laboratory was created in response to the disappearance of the Atlantic salmon in these Northeastern rivers and the strong regional desire to see a restoration of those salmon runs as a great sports fishery.

The premier laboratory for research on Atlantic salmon and other anadromous fish in the eastern part of this country, at least, I am not sure how one deals with that on the western coast, but on the eastern coast, has been this laboratory in Turners Falls, Massachusetts.

The lab performed the basic and applied research for the improvement of fish passages, for the health and preservation of endangered fish species, and ultimately for the economy and the environment of the Connecticut River watershed, and by connection to the other watersheds where the restoration of the Atlantic salmon has been attempted.

It has been somewhat successful, not wholly successful. The salmon runs are not what they were. A few hundred salmon return to each of these rivers each year. But that is how the thing got started.

The research at the Silvio Conte Fisheries Laboratory improves the understanding of the impact of dams, the effect of the altered flows in the water quality, the various effects of pollution, contaminants on the ecology and migration success of anadromous fish species, and also on the genetics of all those species.

The research includes testing of fish passage designs to facilitate the movement of migratory fish over major dams. And the research is valuable to the region.

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

Mr. Chairman, I yield to my friend from Massachusetts. He said that so beautifully. I want to hear more.

Mr. OLVER. Mr. Chairman, the research is valuable to regional professionals and policy makers who are involved in the management of sport and commercial fisheries and are attempting to stop and reverse declines in those commercial fish populations across the country.

By the way, the $150,000 that is involved in this amendment is for the acquisition of scientific equipment necessary to this research, which has impacts up and down the eastern coast of the United States for all of the anadromous fisheries. But it was centered in the Atlantic salmon by Congressman Conte.

So I urge the rejection of the amendment by the gentleman from California.

Mr. DICKS. Mr. Chairman, reclaiming my time, I would just like to add that I served with Silvio Conte. He was the ranking Republican member of the Appropriations Committee. I had the chance to pursue anadromous fish in Alaska in Mr. YOUNG's district with Mr. Conte. There was no more avid fisherman than Silvio Conte. But he wasn't just a fisherman who liked to catch fish. He was also someone who cared about the resource and wanted to see the resource restored in the Atlantic States.

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

Mr. OLVER. Mr. Chairman, I am sure that the gentleman from Alaska (Mr. YOUNG) would remember that Silvio Conte has a very plush hunting lodge

named for him somewhere in the Kodiak, I think it is, that I am sure you have visited, Mr. YOUNG.

Mr. DICKS. Mr. Chairman, reclaiming my time, I wanted Mr. CAMPBELL to know all this history so that tonight he will just say, how could I have done it? How could I have done it to old Silvio? Let's have a ''no'' vote on this amendment.

Mr. Chairman, I yield back my time.

□ 2115

Mr. CAMPBELL of California. Mr. Chairman, I appreciate the gentleman from Massachusetts' reasoned defense of this. We are just going to have to disagree. He said in part of his comments that this is something which is of great interest to commercial fishermen and sports fishermen, so it begs the question of, is that what we are in the business of doing with Federal tax dollars, in increasing the deficit, et cetera, in order to provide research and information for sports fishermen and commercial fishermen? I happen to think we are not.

Mr. Chairman, I yield the balance of my time, except for 15 seconds, to my friend the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I remember serving with Silvio Conte, and he did love fish, but he also didn't like some of the boondoggle subsidies. You will recall he used to go to the floor with a pig's nose on every year and talk about the subsidy to beekeepers. So he saw some things that weren't supposed to be utilized for Federal funding, and the gentleman understands that.

I would just say, if we are worried about endangered species in the Northeast, maybe we could restore at least one Republican in Massachusetts in the name of Silvio Conte.

Mr. CAMPBELL of California. Reclaiming my time, I guess perhaps Silvio Conte might have said this same thing, but in 1822, President James Monroe said that Federal money should be limited to ''great national works only, since if it were unlimited, it would be liable to abuse and might be productive of evil.''

Mr. Chairman, I would ask for support of this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CAMPBELL of California. 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 California will be postponed.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I yield to Mr. FOSSELLA.

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman for yielding. I would like to engage Mr. DICKS in a colloquy.

Mr. Chairman, I would like to thank the chairman and the ranking member, Mr. TIAHRT, for their willingness to work on an important issue to my district in Staten Island.

In recent years, forests in Staten Island and other parts of New York, yes, New York City does have forests, have been under attack by the Asian Longhorned Beetle. The beetle has already eliminated 8,400 trees and, according to a recent New York Times article, Federal and State officials are expecting to eliminate 10,000 trees on Staten Island and Pralls Island due to the infestation of this invasive species. This does not include the additional 13,000 trees that are going to be sprayed with pesticides. In the United States, 35 percent of all urban trees are at risk, at a combined replacement value of $669 billion.

An infested silver maple tree located on a private wooded lot in Bloomfield in Staten Island is the first evidence of Asian Longhorned Beetle found. It was detected on March 22nd of this year. Thankfully, its early detection gives hope that the threat can be contained before it spreads to the nearby Staten Island Greenbelt Forest. However, without having the proper control mechanism in place by the July hatching period, Staten Island's 2,800 acre Greenbelt is in peril.

In May of this year, after the discovery of this on Staten Island, I wrote to the Secretary of Agriculture urging him to direct the U.S. Forest Service to develop a plan to address the Asian Longhorned Beetle in New York City.

The Greenbelt is one of the largest natural areas within the five boroughs of New York City and provides the most extensive system of connected trails within it. In contrast to other parks, such as Central Park and Prospect Park, the Greenbelt is maintained in a more natural state, both in the forested hills and the low-lying wetlands, and provides New York City residents a place to camp without having to drive 2 hours or more upstate.

In 2001, the United States Department of Agriculture forecast that the Asian Longhorned Beetle would be eliminated by 2009, but, unfortunately, due to a lack of funding, the Department of Agriculture now estimates it will take at least until 2033 to eradicate this 1½ inch beast. These funding setbacks reveal that the beetle will not only stick around in areas in which they currently reside, but they will also spread to new urban forest areas.

The bill before us today increases the Cooperative Lands Forest Health Management program by $9 million over the President's request of $47 million. With these additional funds, it is my hope that the United States Forest Service will dedicate some of these additional resources to fighting the beetle and eventually eliminate it from our forests.

Mr. Chairman, this is an urgent and serious problem for Staten Island and the rest of New York City's forests. I look forward to working with you to make sure the Forest Service has the necessary funding to eliminate this beetle and protect the trees that have thus far survived the beetle but may not be able to live much longer.

I would like you to be willing to work on this issue.

Mr. DICKS. Mr. Chairman, reclaiming my time, I would like to thank Mr. FOSSELLA for joining with me in this colloquy today and for bringing up this issue of national importance. The Asian Longhorned Beetle not only impacts forests in the northeast but also has been discovered until several cities, like Chicago. Invasive species like the Asian Longhorned Beetle are a serious problem, and I will urge the Department of Agriculture and the Forest Service to develop a plan to control the beetle. I also recommend using portions of the additional funding in the development of this plan.

AMENDMENT NO. 4 OFFERED BY MR. CONAWAY

Mr. CONAWAY. 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. 4 offered by Mr. CONAWAY:

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.

Mr. DICKS. Mr. Chairman, I reserve a point of order on this amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order against the amendment.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Mr. Chairman, I will attempt to be mercifully brief. My amendment would simply do this: Our rules and the way we function here would prevent all of the hard work that goes on in attempting to reduce spending. All of the efforts on behalf of many of my colleagues to actually trim things out of this spending plan really, they labored in vain. Because the mechanics of the system are that should we prevail in any of these votes later on tonight or tomorrow to actually reduce spending, then that money stays within the 302(b) category and is reallocated at some other point in the future and does not really reduce spending.

I understand this is a futile effort and the point of order will be sustained, so I don't intend to push it further than this, simply to use this time to bring my colleagues' attention to a failure in our system to in effect protect us from ourselves.

I have a standalone bill that would mechanically allow that any reductions in the spending that occur as a result of the hard work here in this Chamber on this bill that would go against the deficit to reduce the deficit, or should we ever get back into a surplus circumstance, would actually increase that surplus.

So, Mr. Chairman, I bring this to the attention of my colleagues. I do not intend to push it to a vote.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. KING of Iowa.

An amendment by Mr. PETERSON of Pennsylvania.

An amendment by Mr. CONAWAY of Texas.

An amendment by Mr. BISHOP of Utah.

An amendment by Mr. BARTON of Texas.

Amendment No. 7 by Ms. EDDIE BERNICE JOHNSON of Texas.

Amendment No. 13 by Mr. DENT of Pennsylvania.

An amendment by Mr. PEARCE of New Mexico.

Amendment No. 34 by Mr. HENSARLING of Texas.

Amendment No. 44 by Mr. HENSARLING of Texas.

Amendment No. 56 by Mr. HENSARLING of Texas.

Amendment No. 74 by Mr. HENSARLING of Texas.

An amendment by Mr. ANDREWS of New Jersey.

Postponed votes on other amendments will be taken at a later time.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 156, noes 274, not voting 7, as follows:

[Roll No. 551]

AYES—156

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Ellsworth
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuler
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—274

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—7

Davis (KY)
Davis, Jo Ann
Gilchrest
Mahoney (FL)
Ortiz
Payne
Sessions

□ 2141

Mr. CRAMER and Mr. ALTMIRE changed their vote from ''aye'' to ''no.''

Mr. BAKER and Mr. RADANOVICH changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. HULSHOF was allowed to speak out of order.)

IN MEMORY OF THE LATE HONORABLE WILLIAM HUNGATE

Mr. HULSHOF. Mr. Chairman, this past Friday, the great State of Missouri and the country lost a truly distinguished man, Congressman Bill Hungate, a man who previously represented the very seat that I am now privileged to currently occupy passed away.

Bill Hungate was a devoted husband and father. He was a decorated soldier. He was a talented and thoughtful jurist, and a gifted author and musician. But above all else, he was a man dedicated to public service.

After earning his bachelor's degree from the University of Missouri in 1943, Bill answered the country's call at the onset of World War II and enlisted in the Army. He fought bravely in the European theater over the course of the

next 3 years, and received numerous decorations and awards.

After the war was over, he returned home and earned his law degree from Harvard and after a short time in the private sector, he embarked upon a long and distinguished career in public service. He started first as a county prosecutor, then was a special assistant for the Missouri attorney general, and in 1964, he was elected as a Member of the 89th Congress, representing the 9th Congressional District of Missouri, and I see some of my colleagues nodding along who served with this great man.

As a Member of this body, he carried himself and conducted our business in a manner that befits this historic Chamber. Many of you may acknowledge or remember that as a member of the Judiciary Committee, his tenure in Congress will always be defined by the Watergate investigation of which he played an integral part. He not only authored one of the articles of impeachment brought against President Nixon, but he also chaired the hearings that investigated and ultimately upheld President Ford's ensuing pardon.

After serving the people of Missouri for 12 distinguished years, he left this Chamber with the same values and integrity that he walked in with. A few years later, he was called again to serve, this time by President Carter as a United States District Court judge, and the indelible marks he left on that institution are still felt today. And my colleague will probably remember the landmark decision of his which eventually led to the voluntary desegregation of the St. Louis county and city school districts.

Judge Hungate was a man on his worse day who was better than most people on their best. He never wavered in his principles, and was a firm believer in the promise of our country. He was a servant in the truest sense of the word.

I hope it is of some solace to his wife, Dorothy, his daughter Katie, his son William and his four grandchildren to know that so many people were affected by his life and are mourning his passing, and our thoughts and prayers are with them.

I yield to my very good friend and the dean of the Missouri delegation, the gentleman from Lexington, Mr. SKELTON.

Mr. SKELTON. I thank the gentleman for yielding and giving me this opportunity to memorialize and to remember a truly outstanding Missourian and American.

Bill Hungate was elected to Congress in 1964 and served until my class of 1976 arrived. Undoubtedly one of the most popular Members of this body, warm, jovial, a musician, he always had a good word and a cheery smile. He will be remembered for his work in Congress, but I think remembered most as a warm and decent human being.

After leaving Congress he became a Federal judge, and did quite well in that position. Whatever he did, he did well, as well as make friends and did an awful lot for our wonderful State of Missouri.

So I ask, Mr. Chairman, if we may pause for a moment of silence remembering the late Bill Hungate.

The Acting CHAIRMAN (Mr. BECERRA). All Members will rise and observe a moment of silence.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Without objection, 2-minute voting will continue.

There was no objection.

AMENDMENT OFFERED BY MR. PETERSON OF PENNSYLVANIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 196, noes 233, not voting 8, as follows:

[Roll No. 552]

AYES—196

Abercrombie
Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Bean
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Bordallo
Boren
Boswell
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Cooper
Cramer
Cubin
Cuellar
Culberson
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Doolittle
Doyle
Drake
Duncan
Edwards
Emerson
English (PA)
Everett
Fallin
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gerlach
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hinojosa
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Jefferson
Jindal
Johnson, Sam
Jordan
Kanjorski
Kind
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Salazar
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Souder
Space
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOES—233

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Campbell (CA)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Dreier
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Feeney
Ferguson
Filner
Frank (MA)
Frelinghuysen
Gallegly
Giffords
Gillibrand
Gillmor
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kirk
Klein (FL)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meeks (NY)
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Perlmutter
Petri
Pomeroy
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Reichert
Rogers (AL)
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—8

Davis (KY) Gilchrest Payne
Davis, Jo Ann Meek (FL) Sessions
Garrett (NJ) Ortiz

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). One minute remains in the vote.

□ 2152

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. BARTON of Texas was allowed to speak out of order.)

CHARITIES ULTIMATE WINNERS IN ANNUAL ROLL CALL CONGRESSIONAL BASEBALL GAME

Mr. DOYLE. Mr. Chairman, reserving the right to object, could I ask my friend what the subject is?

Mr. BARTON of Texas. I tell my dear friend from Pennsylvania that the subject is the object before me, the coveted Roll Call congressional baseball trophy.

Mr. DOYLE. Mr. Chairman, in the interest of comity, I am going to remove my objection and let the gentleman proceed.

Mr. BARTON of Texas. I thank my good friend from Pennsylvania.

Last night at RFK Stadium we had the 46th Annual Congressional Charity baseball game. The beneficiaries are the Washington Literacy Council and the Washington D.C. Boys and Girls Club. Those two groups will receive in the neighborhood of $90,000 thanks to the Members of Congress on both sides of the aisle.

It was a hard-fought game. There were excellent plays on both sides, but when the dust had cleared, for the seventh time in a row, the Republican team, playing on a level playing field with fair rules won a hard-fought 5–2 victory.

JOHN SHIMKUS and CHIP PICKERING were our MVPs, but the entire Republican team, every member of the Republican team got into the game through pitching, batting or running. Some did better than others in those endeavors, but we had a good time and nobody was hurt.

I would like to yield to my good friend, MIKE DOYLE, the distinguished manager of the Democratic team.

Mr. DOYLE. Or as my colleagues on the Democratic side have referred to me, the former manager of the Democratic team.

I want to say that I agree with my good friend, JOE BARTON, on one thing: The real winners last night were the charities, the Washington Boys and Girls Club and the Washington Literacy Council. This is a great tradition in its 46th year.

It was a hard-fought game. We have this very charitable gift on the Democratic side where we manage to have one inning where we completely fall apart and give the Republicans a bunch of runs. Last night was no exception.

Mr. BARTON of Texas. We thank you very much for that.

Mr. DOYLE. We had a stellar performance from JOE BACA who walked no batters, struck out four and only gave up one earned run of those five. The other four were compliments of the rest of the Democratic team.

I want to publicly apologize to those members who came out to practice every day and didn't get a chance to play. That is the one thing I do feel bad about. We will try to do better next year.

Our congratulations to the Republicans.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Without objection, 2-minute voting will continue.

There was no objection.

AMENDMENT OFFERED BY MR. CONAWAY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. CONAWAY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 264, not voting 6, as follows:

[Roll No. 553]

AYES—167

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Camp (MI)
Cannon
Cantor
Capito
Carter
Coble
Cole (OK)
Conaway
Cooper
Cramer
Cubin
Cuellar
Culberson
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Duncan
Edwards
Emerson
English (PA)
Everett
Fallin
Flake
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hinojosa
Hoekstra
Holden
Hulshof
Hunter
Issa
Jefferson
Jindal
Johnson, Sam
Jordan
Kanjorski
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
Lampson
Latham
LaTourette
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Radanovich
Regula
Rehberg
Renzi
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Space
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Young (AK)

NOES—264

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Bordallo
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Campbell (CA)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
Gillmor
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Reichert
Reyes
Reynolds
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Wilson (SC)

Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—6

Davis (KY)
Davis, Jo Ann
Gilchrest
Ortiz
Payne
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in the vote.

□ 2159

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BISHOP OF UTAH

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. BISHOP) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 270, not voting 11, as follows:

[Roll No. 554]

AYES—156

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boustany
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Giffords
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Pomeroy
Price (GA)
Putnam
Radanovich
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shuler
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—270

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fattah
Ferguson
Filner
Fortenberry
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Reynolds
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—11

Buyer
Christensen
Davis (KY)
Davis, Jo Ann
Farr
Gilchrest
Gutierrez
Ortiz
Payne
Sessions
Stark

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in the vote.

□ 2202

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BARTON OF TEXAS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BARTON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 153, noes 274, not voting 10, as follows:

[Roll No. 555]

AYES—153

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland

Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—274

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—10

Bachus
Davis (CA)
Davis (KY)
Davis, Jo Ann
Gilchrest
Ortiz
Payne
Schwartz
Sessions
Welch (VT)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining to vote.

□ 2206

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 252, noes 178, not voting 7, as follows:

[Roll No. 556]

AYES—252

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—178

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Davis, Lincoln
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stupak
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp

Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)

NOT VOTING—7

Davis (KY)
Davis, Jo Ann
Gilchrest
Ortiz
Payne
Pickering
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in the vote.

□ 2210

Messrs. SKELTON, WELCH of Vermont and LYNCH changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MR. DENT

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. DENT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 236, not voting 7, as follows:

[Roll No. 557]

AYES—194

Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berkley
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Conaway
Cooper
Costello
Crenshaw
Cubin
Culberson
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Dent
Donnelly
Doolittle
Drake
Duncan
Ehlers
Ellsworth
Emerson
Everett
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
LaHood
Lamborn
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Royce
Sali
Saxton
Schmidt
Schwartz
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—236

Abercrombie
Ackerman
Allen
Baca
Bachmann
Baird
Baldwin
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Calvert
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Dreier
Edwards
Ellison
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Pearce
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reyes
Reynolds
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sullivan
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—7

Davis (KY)
Davis, Jo Ann
Gilchrest
Ortiz
Payne
Ros-Lehtinen
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute left to vote.

□ 2214

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PEARCE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. PEARCE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 258, not voting 7, as follows:

[Roll No. 558]

AYES—172

Aderholt
Akin
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Berry
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Coble
Cole (OK)
Conaway
Costa
Crenshaw
Cubin
Culberson
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi

Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Ryan (WI)
Salazar
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—258

Abercrombie
Ackerman
Alexander
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Perlmutter
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Rodriguez
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—7

Davis (KY)
Davis, Jo Ann
Gilchrest
Ortiz
Payne
Pickering
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that they have 1 minute to vote.

□ 2218

Mrs. BIGGERT changed her vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 34 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 98, noes 331, not voting 8, as follows:

[Roll No. 559]

AYES—98

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Boehner
Brady (TX)
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Conaway
Cooper
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, M.
Duncan
Ehlers
Fallin
Feeney
Flake
Fortenberry
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Goodlatte
Graves
Hall (TX)
Hastert
Heller
Hensarling
Hunter
Inglis (SC)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
McCarthy (CA)
McCaul (TX)
McHenry
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Upton
Walberg
Westmoreland
Wilson (SC)

NOES—331

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Farr
Fattah
Ferguson
Filner
Forbes
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner

Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Davis (KY)
Davis, Jo Ann
Gilchrest
Herger
Norton
Ortiz
Payne
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members have 1 minute remaining in this vote.

□ 2221

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 44 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 97, noes 328, not voting 12, as follows:

[Roll No. 560]

AYES—97

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Bilbray
Bishop (UT)
Blackburn
Boehner
Bono
Brady (TX)
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Conaway
Cooper
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin
Feeney
Flake
Fortenberry
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Graves
Hall (TX)
Hastert
Heller
Hensarling
Herger
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kline (MN)
Lamborn
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Poe
Price (GA)
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Upton
Walberg
Westmoreland
Wilson (SC)

NOES—328

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Farr
Fattah
Ferguson
Filner
Forbes
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Christensen
Costello
Davis (KY)
Davis, Jo Ann
Fortuño
Gilchrest
Kaptur
Ortiz
Payne
Pickering
Sessions
Woolsey

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members have 1 minute to vote.

□ 2224

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 56 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 114, noes 316, not voting 7, as follows:

[Roll No. 561]

AYES—114

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Castle
Chabot
Coble
Conaway
Cooper
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin
Feeney
Flake
Fortenberry
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Graves
Hall (TX)
Hastert
Heller
Hensarling
Herger
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Upton
Walberg
Westmoreland
Whitfield
Wilson (SC)
Young (AK)

NOES—316

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)

Bishop (NY)
Blumenauer
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Buyer
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Farr
Fattah
Ferguson
Filner
Forbes
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Giffords
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—7

Davis (KY)
Davis, Jo Ann
Gilchrest
Gutierrez
Ortiz
Payne
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members have 1 minute to vote.

□ 2228

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. MEEHAN was allowed to speak out of order.)

HAPPY BIRTHDAY TO CONGRESSMAN NEIL ABERCROMBIE

Mr. MEEHAN. Mr. Chairman, I rise to congratulate our colleague, Mr. NEIL ABERCROMBIE, today on his 69th birthday.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Without objection, 2-minute voting will resume.

There was no objection.

AMENDMENT NO. 74 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 98, noes 333, not voting 6, as follows:

[Roll No. 562]

AYES—98

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bishop (UT)
Blackburn
Boehner
Bono
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Conaway
Cooper
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, M.
Duncan
Ehlers
Feeney
Flake
Fortenberry
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gohmert
Graves
Hall (TX)
Hastert
Heller
Hensarling
Herger
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Upton
Walberg
Westmoreland
Wilson (SC)

NOES—333

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt

Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—6

Davis (KY)
Davis, Jo Ann
Gilchrest
Ortiz
Payne
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 2232

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ANDREWS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 283, noes 145, not voting 9, as follows:

[Roll No. 563]

AYES—283

Ackerman
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Bonner
Bordallo
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doyle
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Flake
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Norton
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Perlmutter
Petri
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reichert
Rodriguez
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—145

Abercrombie
Aderholt
Alexander
Bachmann
Baker
Barton (TX)
Berry
Bishop (GA)
Bishop (UT)
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carter
Cole (OK)
Conaway
Costa
Crenshaw
Cubin
Culberson
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
Everett
Fallin
Feeney
Forbes
Fortuño
Fossella
Franks (AZ)
Gallegly
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Herger
Hobson
Hoekstra
Hulshof
Hunter
Issa
Jindal
Johnson, Sam
King (IA)
Kingston
Kline (MN)
Knollenberg
LaHood
Lamborn
Larsen (WA)
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Mollohan
Musgrave
Neugebauer
Nunes
Oberstar
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Porter
Putnam
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Ruppersberger
Salazar
Sali
Sarbanes
Serrano
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stupak
Sullivan
Tancredo
Thornberry
Tiahrt
Turner
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)

NOT VOTING—9

Clay
Davis (KY)
Davis, Jo Ann
Gilchrest
Gutierrez
Ortiz
Payne
Rogers (AL)
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 2236

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Mr. Chairman, on Tuesday, June 26, 2007, I was absent from the House for a familial medical emergency.

Had I been present I would have voted:

On rollcall No. 551—''aye''—King (IA) Amendment to H.R. 2643.

On rollcall No. 552—''aye''—Peterson (PA) Amendment to H.R. 2643.

On rollcall No. 553—''aye''—Conaway Amendment to H.R. 2643.

On rollcall No. 554—''aye''—Bishop (UT) Amendment to H.R. 2643.

On rollcall No. 555—''aye''—Barton Amendment to H.R. 2643.

On rollcall No. 556—''no''—Bernice Johnson Amendment to H.R. 2643.

On rollcall No. 557—''aye''—Dent Amendment to H.R. 2643.

On rollcall No. 558—''aye''—Pearce Amendment to H.R. 2643.

On rollcall No. 559—''no''—Hensarling Amendment to H.R. 2643.

On rollcall No. 560—''no''—Hensarling Amendment to H.R. 2643.

On rollcall No. 561—''no''—Hensarling Amendment to H.R. 2643.

On rollcall No. 562—''no''—Hensarling Amendment to H.R. 2643.

On rollcall No. 563—''no''—Andrews Amendment to H.R. 2643.

Mr. DICKS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HALL of New York) having assumed the chair, Mr. BECERRA, 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. 2643) making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

THE NATIONAL DEBT

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

Mr. GOHMERT. Mr. Speaker, I have with me a sign that I am proud of tonight. This is entitled the Blue Hound Dog Coalition because it is such a great idea to keep reminding the majority of what the debt is.

These are great signs, very similar to some we see around the halls. I know some people in our body are not wanting their signs to be brought to the floor; so I had to have one made up special myself. But it is a great thing to remind the majority of what the debt is because Democrats are in the majority. It is no longer Republicans that can be blamed for running up the price of gasoline. It is no longer Republicans that can be blamed for running up the debt.

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

Mr. GOHMERT. I yield to the gentleman from Maryland.

Mr. HOYER. How did it get to be $8.8 trillion? When you took over, it was only at $5 trillion. How in heaven's name over the last 6 years could you possibly be so irresponsible to take it from $5.5 trillion to $8.8 trillion? I am amazed, shocked, chagrined, and saddened.

Mr. GOHMERT. Reclaiming my time, it is like my momma used to say, you are responsible for what you are responsible for. The numbers are going up every day and it is on your watch. And I congratulate the gentleman. The numbers continue to climb, and I look forward to seeing what you do with them.

THE NATIONAL DEBT

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

Mr. CARDOZA. Mr. Speaker, Mr. GOHMERT clearly doesn't realize that under Mr. Reagan we had a $1.41 trillion deficit. Under Mr. Bush 1, we had a $1.04 trillion deficit. Under Bush 2, we had a $1.69 trillion deficit, for a total of $4.14 trillion under Republican administrations. Under Mr. Clinton, we actually had a $62.9 billion surplus.

So I would like to ask the gentleman who is truly responsible for the national debt?

I yield to the gentleman.

Mr. GOHMERT. Mr. Speaker, I appreciate the gentleman's yielding for the answer. I know we are all grateful to the Republican Congress since 1994 and 1995 and the great strides that were made in reducing the deficit. It has gone up since the war, and I look forward to seeing if you continue to increase it or help some of the rest of us bring it down.

FOREIGN DEBT

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

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I might also add to my good friend, the gentleman from Texas, that this President, our 43rd, has racked up more foreign debt than all 42 previous Presidents combined.

So if we are going to discuss who it is that is responsible for the numbers on your mock-up chart, let's ensure that we put the full blame on the 43rd President who is fully responsible for the number on that chart and fully responsible for the debt that has been accumulated more than the 42 other Presidents combined.

□ 2245

THE NATIONAL DEBT

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

Mr. COSTA. I think it's important that when we're talking about the debt, that we be up front with the facts for the American public. Yes, the war has certainly cost a great deal, but it's off budget. It's off budget, just like a host of items that are off budget, specifically designed in that way.

The largest single segment on the debt is the interest on the debt, which is 6 percent and growing rapidly. And it's true that we've acquired more debt in the last 42 years than the previous 41 Presidents than this President has accomplished in his last 6 years.

So I think it's important that we be up front with the American people when we're talking about the debt and the figures that are involved there.

Yes, we've got to turn this ship around. It won't come overnight, but it will come with the bipartisan cooperation that I think we saw took place with President Clinton's administration, and that's what we ought to be doing.

WHO IS RESPONSIBLE FOR THE NATIONAL DEBT

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

Mr. SALI. Well, Mr. Speaker, and ladies and gentlemen that are here, there has been a great discussion about who is actually responsible for all this debt, which team it is. And I think at the end of the game, the conclusion has to be that, by golly, maybe you just can't trust anybody around here. And so I would encourage the good majority leader to make sure that a balanced budget amendment gets passed through this House this year so that the next time that the Republicans take control of this body, by golly, they won't engage in any deficit spending.

There is the challenge to the majority right now, to make sure that you keep the Republicans under control.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HALL of New York). 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.

RADIO FREE AMERICA AND THE SPEECH POLICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, it is written, ''Congress will make no law respecting the establishment of religion or prohibiting the free exercise thereof, or bridging the freedom of speech or the freedom of press or the right of the people to peaceably assemble and to petition the government for redress of grievances.'' Of course, this is the First Amendment to the United States Constitution. And Mr. Speaker, it is first because, without these first principles, the rest of the following amendments are meaningless. These are rights that Americans take very seriously, particularly in regard to freedom of speech and freedom of the press.

There are some in Washington, D.C., however, that feel if someone is saying something they don't like, they ignore this freedom of the right to speak and try to control speech. This is where the so-called Fairness Doctrine comes into play.

In the early 1940s, the Federal Communications Commission, or the FCC, established the so-called Fairness Doctrine. It was instituted in an attempt to ensure that all broadcast station coverage of controversial issues be fair and balanced. This mainly applied to radio stations. This means allowing equal time for each side on an issue. If a radio station wanted to talk about the need to secure the borders, they would have to grant the same amount of time to individuals who wanted open borders.

The Fairness Doctrine was considered by many journalists a violation of the First Amendment right to freedom of speech and freedom of press. And I agree with this assertion. It even led many journalists to avoid reporting on controversial issues to protect themselves from having to report on the other side of the issue. This led to the opposite effect of the doctrine that the FCC had intended. It actually stifled free speech.

So, by 1987, the FCC revoked the Fairness Doctrine, realizing the gross error in their ways in total disregard for the freedom of speech. There have been several attempts by speech-control advocates to reenact the Fairness Doctrine, and all of these attempts have continued to fail. But this decision still does not sit well with many in Washington, D.C., who feel that broadcast talk radio is one-sided. What it really means is that talk radio largely boasts conservative views and not liberal viewpoints. Liberal radio doesn't go over well with Americans, and these stations generally fail financially and with the American listeners. So the critics of conservative radio

have started a movement to eliminate conservative talk radio unless equal time is allowed for liberal viewpoints. Basically, they want a reinstatement of the unfair Fairness Doctrine. But what the critics may really be irate about deals more with illegal immigration than it does with talk radio, because that is the current controversial issue on talk radio stations.

Since their voices are so rarely heard in Congress, the American public has come to express their opinions by talk radio, especially on this issue of illegal immigration. The backroom, closed-door meetings the Senate has had to reach a deal on amnesty that the American public certainly doesn't want has encouraged talk radio shows to inform the public of this absurd nonsense of amnesty.

Talk radio has been one of the only vehicles that has kept the public informed about the ''give America away'' amnesty program and the political pandering and preference policies for illegals that the Senate bill is advocating.

So because the amnesty crowd doesn't like what they hear on the radio, they want the Federal Government to control this speech by forcing radio stations to give them free air time. If the liberals don't like talk radio, it is patently unfair to force radio stations to pay for and give away air time to them. You see, liberals can't make their case on their own radio station because no one listens to them.

So, Mr. Speaker, the Constitution protects free speech, not equal speech. Congress is to make no law abridging the freedom of speech whether we like the speech or not.

It's simple, Mr. Speaker, speech is to be free, not fair. Fair is too subjective a word. Our grandfathers guaranteed us free speech, not fair speech, and there is a big difference.

Congress is to stay out of the controlling of speech business because it says so in the U.S. Constitution. Our ancestors wrote the First Amendment mainly to protect two types of speech, political speech and religious speech. Those are the most controversial of all types of speech and the most important types of speech. That's why they are protected in our Constitution.

By trying to regulate what is said on the airways, the Federal Government and the speech police are speaking out of line.

And that's just the way it is.

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 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.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

(Ms. WATERS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from 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 New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DEMOCRATS NOT MOVING TOWARDS ENERGY INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. SALI) is recognized for 5 minutes.

Mr. SALI. Mr. Speaker, every Member of this body recognizes the honor our constituents have reposed in us in allowing us to serve them here. For me to represent the people of my hometown, my home county, the entire western part of my State in the House of Representatives is an extraordinary honor.

Like all my colleagues, I try to remember why my constituents sent me here. Perhaps Thomas Jefferson captured best what our service here as Members of Congress should really be about, and I quote. ''A wise and frugal government, which shall leave men free to regulate their own pursuits in industry and improvement, and shall not take from the mouth of labor and the bread it has earned.'' This philosophy is not reflected in the priorities of the new majority which, interestingly, celebrates Thomas Jefferson as its founder.

It has appeared to me over the past 6 months the priorities of the new majority are increasing government spending, growing the Federal bureaucracy and deepening America's dependence on foreign fuels.

In the past 3 months of the second quarter of this year, the new majority has approved more than $80 billion in new spending, new spending for programs, including a proposal to spend Idahoans' hard-earned tax dollars to pay off the student loans of practicing attorneys. At a time when the national debt is out of control, authorizing $80 billion in new spending just cannot be seen as fiscally responsible.

This new majority has also proposed an increase in Federal bureaucracy. Just recently I was in a hearing discussing legislation that would add yet another layer of red tape to Federal agencies in order to improve customer service. Adding another layer of government bureaucracy is far from frugal, but more ironically, since when has more government ever improved government? Since when has adding more government ever improved government?

Another priority of the new majority is the energy bill, which I've been calling the ''no energy'' bill. America should be moving towards energy independence. America's economy growth, Idaho's manufacturing and agriculture future and our families' ability to make ends meet are all intertwined. The new Democrat majority, however, is not moving towards energy independence. Rather, the ''no energy'' bill will only serve to increase America's dependence on foreign fuels.

In their bill, our friends across the aisle propose to curtail nearly all forms of domestic exploration and development, including resources of ANWR, natural gas reserves, offshore drilling reserves, oil shale deposits, nuclear power and hydropower. Such a policy can only increase America's reliance on foreign fuel. Instead, America should be fully engaged in exploration and development of domestic energy.

This exploration and development should be coupled with the development of alternative energy. The majority, however, proposes to bury the development of alternative biomass energy in a myriad of legal challenges and bureaucracy surrounding the so-called Clinton administration Roadless Rule.

The new majority's assault on energy development does not end there, instead extending the assault to one of the most green energies, wind energy. The new Democrat majority recently held a hearing to give ear to complaints that wind energy causes fatalities among the bird and bat populations of this country. Now, holding a hearing on bird and bat fatalities from wind energy does not just sound absurd; it is, particularly when you consider that many more times birds are killed by office windows, cars and trucks, and, of course, cats than by windmills. What's next, outlawing sky scrapers? Outlawing cars and trucks?

America's energy crisis must be solved. Continued reliance on foreign energy while simultaneously curtailing domestic development and exploration will only result in higher and higher fuel prices at the pump. That is an unacceptable result, and Congress must be committed to pursuing policies to reduce our dependence on foreign fuel.

Unfortunately, the priorities of the new majority, as evidenced over the second quarter, are not Idaho's priorities, and consequently, they are not

my priorities. In my view, Congress must make it a priority to cut spending, making the tough choices to live within its means. Congress must make it a priority to shape bureaucracy in Federal Government. And Congress must work to solve the energy crisis by providing for domestic exploration and development.

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 Texas (Mr. GOHMERT) is recognized for 5 minutes.

(Mr. GOHMERT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 2300

HONORING LT. COL. KEVIN SONNENBERG

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tonight, I rise to honor the life of Lt. Col. Kevin Sonnenberg of the Ohio National Guard, another American war hero who was laid to rest today in his beloved State of Ohio. His peers have noted that Col. Sonnenberg will be remembered as a fearless fighter pilot who perished before his time serving the Nation he loved.

Col. Sonnenberg died on the 15th of June, 2007, when his F–16 Fighting Falcon crashed near Balad Air Base in Iraq, shortly after takeoff.

He had just departed on a mission to provide air support to Coalition ground forces fighting anti-Iraq forces.

Colonel Kevin Sonnenberg was an instructor pilot and C Flight Commander assigned to the 112th Fighter Squadron in Toledo, Ohio. He had numerous deployments with the unit, including Operation Northern Watch, Turkey; Operation Southern Watch, Kuwait; Operation Enduring Freedom, Qatar; and Operation Iraqi Freedom, Iraq. He truly is an American hero.

Colonel Sonnenberg was well decorated for his service during these missions, receiving awards and decorations including: The Bronze Star, Meritorious Service Medal with Valor, the Air Medal, the Aerial Achievement Medal with two Devices, the Air Force Achievement Medal with two Devices, the Joint Meritorious Unit Award with Gold Border, the Air Force Outstanding Unit Award with one Device, the Combat Readiness Medal with four Devices, the National Defense Service Medal with one Device, the Armed Forces Expeditionary Medal, Iraq Campaign Medal, Global War on Terror Service Medal, the Air Expeditionary Ribbon with Gold Border, the Air Force Longevity Service Award with three Devices, the Armed Forces Reserve Medal with four Devices, the Bronze Hourglass ''M'', Arabic four, Small Arms Expert Marksmanship Ribbon with one Device, the Air Force Training Ribbon, the Ohio Distinguished Service Medal with Valor, and the Ohio Faithful Service Ribbon with two Devices.

A 1983 graduate of Napoleon High School, Kevin Sonnenberg earned a Bachelor of Science degree from Bowling Green State University in 1987. He graduated from the Academy of Military Science in 1991, followed by the Squadron Officers School in 2001 and the Air Command and Staff College in 2007.

An Instructor Pilot of F–16s with more than 1,900 hours flown, Lieutenant Colonel Sonnenberg served several assignments in his tenure with the Ohio Air National Guard, including his most recent with the 112th Fighter Squadron.

A traditional member of the Ohio National Guard, Lieutenant Colonel Sonnenberg was also a commercial pilot and farmer. He had been a commercial airline pilot with Delta Airlines since from 2000 until his death. He grew up farming with his father and remained devoted to their partnership.

In the Great War of the last century, the poet Alfred Noyes penned his thoughts about English fighter pilots in ''To the Royal Air Force.'' His words written so long ago capture the spirit of today's F–16 fighter pilots and Kevin Sonnenberg when he wrote,

''Whether at midnight or at noon,
''Through mist or open sky,
''Eagles of freedom, all our hearts
''Are up with you on high . . .
''From realms beyond the sun
''And whisper, as their record pales,
''Their breathless, deep, Well Done!''

His fellow airmen wrote that, ''Lieutenant Colonel Sonnenberg will be remembered as a Renaissance man, able to maneuver America's most advanced aircraft in a perilous war zone one week and then discuss corn and soybean crops with Henry County farmers the next. And he did both with his natural, down-home nature that endeared him to so many across Ohio, the Air Force and the world. He should be honored as a patriot whose commitment to his country was surpassed only by his devotion to God.''

Lieutenant Colonel Kevin Sonnenberg was a man of action, a man of character, a man who revered God and country and family. He drank deep from the cup of life and lived the journey well, though too short. I imagine he would concur with the words of Christina Rosetti in her poem, ''Remember'':

''Remember me when I am gone away,
''Gone far away into the silent land;
''When you can no more hold me by the hand,
''Nor I half turn to go yet turning stay.
''Remember me when no more day by day.''

I would like to close my remarks by paying tribute to him on behalf of the F–16 fighter pilots of the 180th Tactical Fighter Squadron in our region, to their support staff, to all the members of the Ohio National Guard, to their families and all Buckeyes who truly revered this man's life.

Just about a month and a half ago, I wished off that unit with over 350 members of the Ohio National Guard to fly to Iraq to join their colleagues who have been based there for several months. I gave Kevin Sonnenberg a hug before he left, as I did to every F–16 pilot that left.

This F–16 unit is the best that America has. They rank at the top of every single measure that this Nation has. He was among the finest of the finest in our country. He gave his all to us. He did all he was asked to do. He died loving his family, his country and his God; and we love him and his family and his country and our God.

Mr. Speaker, it is fitting that we end this evening in tribute to the life of a great American airman.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.
Ms. WATERS, for 5 minutes, today.
Mr. HINCHEY, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. SALI, for 5 minutes, today.
Mr. GOHMERT, for 5 minutes, today, and June 27 and June 28, 2007.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PEARCE and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $4,696.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1612. An act to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes; to the Committee on Foreign Affairs.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 27, 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:

2315. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Findings of Failure to Attain; State of Arizona, Phoenix Nonattainment Area; State of California, Owens Valley Nonattainment Area; Particulate Matter of 10 Microns or Less [EPA-R09-OAR-2007-0091, FRL-8322-5] received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2316. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of Youngstown, Ohio to Attainment of the 8-Hour Ozone Standard [EPA-R05-OAR-2006-1022; FRL 8324-9] received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2317. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [EPA-R07-RCRA-2006-0923; FRL-8322-6] received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2318. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Removal of Vacated Elements [EPA-HQ-OAR-2001-0004; FRL-8324-6] (RIN: 2060-AN92) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2319. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Phase 2 of the Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard-Notice of Reconsideration [EPA-HQ-OAR-2003-0079, FRL-8324-3] (RIN: 2060-AO00) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2320. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands [Docket No. 070213033-7033-01] (RIN: 0648-XA45) received June 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2321. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Pacific Tuna Fisheries; Restrictions for 2007 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean [Docket No. 070215036-7107-02; I.D. 012307A] (RIN: 0648-AU79) received June 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBEY: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2008 (Rept. 110–212). Referred to the Committee of the Whole House on the State of the Union.

Mr. WELCH of Vermont: Committee on Rules. House Resolution 517. Resolution providing for consideration of the bill (H.R. 2829) making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–213). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MCCARTHY of New York (for herself, Mr. GEORGE MILLER of California, Ms. MATSUI, Mr. HINOJOSA, and Mr. PLATTS):

H.R. 2857. A bill to reauthorize and reform the national service laws; to the Committee on Education and Labor.

By Mr. TERRY:

H.R. 2858. A bill to promote the production and use of ethanol; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself, Mr. HINCHEY, and Ms. SCHWARTZ):

H.R. 2859. A bill to assist States in making voluntary high quality full-day prekindergarten programs available and economically affordable for the families of all children for at least 1 year preceding kindergarten; to the Committee on Education and Labor.

By Mr. POMEROY (for himself, Mr. WALDEN of Oregon, Mr. STUPAK, Mrs. EMERSON, Mr. THOMPSON of California, Mr. MORAN of Kansas, Mr. KIND, Mr. PETERSON of Pennsylvania, Mr. ALLEN, Mr. BERRY, Mr. CAMP of Michigan, Ms. HERSETH SANDLIN, Mr. MCINTYRE, Mr. TANNER, Mr. BISHOP of Georgia, Mr. BOSWELL, Mr. BOYD of Florida, Mr. BOUCHER, Mrs. BOYDA of Kansas, Mr. BRALEY of Iowa, Mr. CARNEY, Mr. DAVIS of Alabama, Mr. EDWARDS, Mr. ETHERIDGE, Mr. GILCHREST, Mr. GRAVES, Mr. HARE, Mr. HASTINGS of Washington, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. JONES of North Carolina, Mr. KANJORSKI, Mr. LAHOOD, Mr. LUCAS, Mr. MATHESON, Mr. MCHUGH, Mrs. MCMORRIS RODGERS, Mr. MCNULTY, Mr. MELANCON, Mr. OBERSTAR, Mr. PAUL, Mr. PICKERING, Mr. RAHALL, Mr. REHBERG, Mr. RENZI, Mr. SALAZAR, Mr. SIMPSON, Mr. TIAHRT, Mr. WELCH of Vermont, Mr. WILSON of Ohio, Mr. YOUNG of Alaska, Mr. THORNBERRY, and Mr. ROSS):

H.R. 2860. 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 Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ:

H.R. 2861. A bill to forgive certain loan repayments of teachers of limited English proficiency students, to direct the Commissioner of the National Center for Educational Statistics to study educational achievement performance measures of limited English proficiency children, and for other purposes; to the Committee on Education and Labor.

By Mr. CASTLE (for himself and Mr. MCKEON):

H.R. 2862. A bill to amend the Elementary and Secondary Education Act of 1965 to establish an accurate and reliable graduation rate for measuring student academic achievement; to the Committee on Education and Labor.

By Mr. DEFAZIO:

H.R. 2863. A bill to authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe; to the Committee on Natural Resources.

By Mr. GRIJALVA (for himself and Mr. EHLERS):

H.R. 2864. A bill to amend the provisions of the Elementary and Secondary Education Act of 1965 regarding school library media specialists, and for other purposes; to the Committee on Education and Labor.

By Mrs. MALONEY of New York (for herself, Ms. ROS-LEHTINEN, and Mr. LANTOS):

H.R. 2865. A bill to award a Congressional Gold Medal to Rabbi Arthur Schneier in recognition of his pioneering role in promoting religious freedom and human rights throughout the world, for close to half a century; to the Committee on Financial Services.

By Mrs. MALONEY of New York:

H.R. 2866. A bill to suspend temporarily the duty on stick and golf umbrellas; to the Committee on Ways and Means.

By Mr. MCHENRY:

H.R. 2867. A bill to authorize the Secretary of Energy to establish a program for making prizes for advanced or transformational technologies for the production, consumption, and distribution of nonpetroleum-based alternative energy and energy efficiency; to the Committee on Science and Technology.

By Mr. MEEKS of New York (for himself, Mr. FOSSELLA, Mr. TOWNS, Mr. KING of New York, Mr. DAVIS of Illinois, Mr. CLAY, and Mrs. MALONEY of New York):

H.R. 2868. A bill to eliminate the exemption from State regulation for certain securities designated by national securities exchanges; to the Committee on Financial Services.

By Mr. PITTS:

H.R. 2869. A bill to establish a pilot program of Central Asian scholarships for undergraduate and graduate level public policy internships in the United States; to the Committee on Foreign Affairs.

By Mr. TOWNS:

H.R. 2870. A bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program (SCHIP) for covered items and services furnished by school-based health clinics; to the Committee on Energy and Commerce.

By Mr. UDALL of New Mexico (for himself, Mr. GUTIERREZ, Mr. ELLISON, and Ms. SCHAKOWSKY):

H.R. 2871. A bill to amend the Truth in Lending Act and the Federal Deposit Insurance Act to prohibit payday loans based on checks drawn on, or authorized withdrawals from, depository institutions and to prohibit insured depository institutions from making payday loans, and for other purposes; to the Committee on Financial Services.

By Ms. WATERS:

H.R. 2872. A bill to prohibit the Secretary of Transportation from approving under subtitle VII of title 49, United States Code, any project for the relocation of Runway 24R at Los Angeles International Airport, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WELDON of Florida (for himself, Mr. WEXLER, Mr. YOUNG of Florida, Mr. HASTINGS of Florida, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. MILLER of Florida, Mr. FEENEY, Mr. CRENSHAW, and Mr. BILIRAKIS):

H.R. 2873. A bill to amend the Internal Revenue Code of 1986 to exempt disaster relief distributions from retirement plans from the penalty for early withdrawal; to the Committee on Ways and Means.

By Mr. LATHAM (for himself, Mr. BOSWELL, Mr. KING of Iowa, Mr. BRALEY of Iowa, and Mr. LOEBSACK):

H. Con. Res. 175. Concurrent resolution expressing the sense of Congress that courts with fiduciary responsibility for a child of a deceased member of the Armed Forces who receives a death gratuity payment under section 1477 of title 10, United States Code, should take into consideration the expression of clear intent of the member regarding the distribution of funds on behalf of the child; to the Committee on the Judiciary.

By Mr. MEEKS of New York (for himself and Mr. SESSIONS):

H. Res. 518. A resolution recognizing the 50th anniversary of Malaysia's independence; to the Committee on Foreign Affairs.

By Mr. REYES (for himself, Mr. BRADY of Pennsylvania, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. HINOJOSA, Mr. ORTIZ, Mr. RODRIGUEZ, Ms. LORETTA SANCHEZ of California, Mr. SNYDER, Mr. LARSEN of Washington, Mr. LOBIONDO, Mr. JOHNSON of Georgia, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mrs. NAPOLITANO, Mr. THORNBERRY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. UDALL of Colorado, Mr. BUTTERFIELD, Mr. PEARCE, Mrs. TAUSCHER, Mr. BOREN, Mr. DOGGETT, Ms. SCHAKOWSKY, Mr. MORAN of Virginia, Ms. WATERS, Mr. PRICE of North Carolina, Mr. DICKS, Mr. HALL of Texas, Mr. CALVERT, Mr. SMITH of New Jersey, Mr. ROGERS of Michigan, Mr. ROGERS of Kentucky, Mr. WILSON of South Carolina, Mr. HAYES, Mr. CLYBURN, Mr. MEEHAN, Mr. SKELTON, Mr. SPRATT, Mr. RANGEL, Mr. COSTELLO, Mr. TAYLOR, Mr. ABERCROMBIE, Mr. MCDERMOTT, Ms. KAPTUR, Ms. DEGETTE, Ms. HOOLEY, Mr. THOMPSON of Mississippi, Mrs. LOWEY, Mr. BARTLETT of Maryland, Mr. BACA, Mr. BECERRA, Mr. PASTOR, Mr. PATRICK MURPHY of Pennsylvania, Mr. WATT, Mr. BISHOP of Georgia, Mr. LEVIN, Mr. RUPPERSBERGER, Mr. CRAMER, Mr. MANZULLO, Ms. GIFFORDS, Mrs. BOYDA of Kansas, Mr. UDALL of New Mexico, Mr. MCHUGH, Mr. BRALEY of Iowa, Mr. LANGEVIN, Ms. LINDA T. SÁNCHEZ of California, Mr. SMITH of Texas, Mr. DUNCAN, Mr. MILLER of Florida, and Mr. JONES of North Carolina):

H. Res. 519. A resolution honoring the life and accomplishments of renowned artist Tom Lea on the 100th anniversary of his birth.; to the Committee on Oversight and Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

87. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 76 memorializing the Congress of the United States to provide resources to address the colony collapse disorder affecting honeybees; to the Committee on Agriculture.

88. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Memorial No. 07-005 memorializing the Congress of the United States to pass the federal ''Gestational Diabetes Act of 2006''; to the Committee on Energy and Commerce.

89. Also, a memorial of the Senate of the State of Florida, relative to Senate Memorial No. 1506 urging the Congress of the United States to timely reauthorize the State Children's Health Insurance Program to assure federal funding for the Florida Kidcare program; to the Committee on Energy and Commerce.

90. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1348 memorializing the Congress of the United States and the Federal Communications Commission to forego imposing a cap on federal universal service fund support for Maine's rural wireless carriers; to the Committee on Energy and Commerce.

91. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1346 memorializing the President of the United States and the Congress of the United States to fully appropriate the money for radioactive waste management; to the Committee on Energy and Commerce.

92. Also, a memorial of the Senate of the State of Florida, relative to Senate Memorial No. 1698 urging the Congress of the United States 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 Affairs.

93. Also, a memorial of the Legislature of the State of Oregon, relative to Senate Joint Memorial No. 3 urging the Congress of the United States to encourage the formation of democratic institutions, multiparty participation, progressive social change and respect for human rights in Ethiopia; to the Committee on Foreign Affairs.

94. Also, a memorial of the Legislature of the State of Nevada, relative to Senate Joint Resolution No. 15 urging the President of the United States and the Congress of the United States to continue to support the participation of the Republic of China on Taiwan in the World Health Organization; to the Committee on Foreign Affairs.

95. Also, a memorial of the Legislature of the State of Nevada, relative to Senate Joint Resolution No. 18 urging the Congress of the United States to support a proposed off-highway vehicle park in Clark County; to the Committee on Natural Resources.

96. Also, a memorial of the Legislature of the State of Nevada, relative to Assembly Joint Resolution No. 7 urging the Secretary of the Department of the Interior to fully fund the interagency airtanker base programs for wildland fire suppression in Battle Mountain, Minden and Stead; to the Committee on Natural Resources.

97. Also, a memorial of the Legislature of the State of Nevada, relative to Assembly Joint Resolution No. 9 urging the Congress of the United States to allow certain proceeds from the Southern Nevada Public Land Management Act of 1998 to be used for Nevada's state parks; to the Committee on Natural Resources.

98. Also, a memorial of the Legislature of the State of Montana, relative to House Joint Resolution No. 38 urging the Congress of the United States to call a convention pursuant to the terms of Article V of the Constitution of the United States for proposing one or more amendments to the Constitution; to the Committee on the Judiciary.

99. Also, a memorial of the Legislature of the State of Nevada, relative to Assembly Joint Resolution No. 6 urging the Congress of the United States to repeal the REAL ID Act of 2005; to the Committee on the Judiciary.

100. Also, a memorial of the Senate of the State of Florida, relative to Senate Memorial No. 2770 urging the Congress of the United States 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; to the Committee on Transportation and Infrastructure.

101. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 25 memorializing the Congress of the United States and the Internal Revenue Service to take such actions as are necessary to prevent the taxation of rebuilding grants from the state's Road Home program; to the Committee on Ways and Means.

102. Also, a memorial of the Legislature of the State of Nevada, relative to Senate Joint Resolution No. 16 urging the President of the United States and the Congress of the United States to support a free trade agreement between the Republic of China on Taiwan and the United States; to the Committee on Ways and Means.

103. Also, a memorial of the Legislature of the State of Nevada, relative to Assembly Joint Resolution No. 10 urging the Congress of the United States to reevaluate the ''fast track'' approval of international trade agreements; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 89: Mr. PETERSON of Minnesota.
H.R. 174: Ms. MCCOLLUM of Minnesota.
H.R. 176: Ms. BORDALLO.
H.R. 303: Mr. PETERSON of Minnesota.
H.R. 354: Mr. HARE.
H.R. 369: Mr. HALL of New York.
H.R. 405: Mr. ELLISON.
H.R. 503: Mr. MITCHELL, Ms. MOORE of Wisconsin, and Mr. BARRETT of South Carolina.
H.R. 524: Mrs. LOWEY.
H.R. 615: Mr. NUNES.
H.R. 616: Mr. NUNES.
H.R. 623: Mr. MCNULTY and Mr. ABERCROMBIE.
H.R. 624: Mr. SERRANO, Ms. CARSON, Mr. ISRAEL, Mr. HINCHEY, Mr. MEEKS of New York, and Mr. FARR.
H.R. 654: Ms. LINDA T. SÁNCHEZ of California, Mr. ABERCROMBIE, and Mr. ETHERIDGE.
H.R. 676: Mr. JEFFERSON.
H.R. 726: Mr. HIGGINS.
H.R. 734: Mrs. BOYDA of Kansas.

H.R. 743: Mr. CUMMINGS, Mr. PICKERING, Mr. EHLERS, Mr. FEENEY, Mr. PITTS, and Mr. ROHRABACHER.
H.R. 822: Mr. RODRIGUEZ.
H.R. 887: Mr. HARE.
H.R. 891: Mr. HOLT.
H.R. 969: Mr. DELAHUNT.
H.R. 980: Mr. CRAMER and Mr. NADLER.
H.R. 997: Mr. FRANKS of Arizona.
H.R. 1023: Mrs. BLACKBURN, Mr. FEENEY, Mr. RAHALL, Mr. KLEIN of Florida, Mr. BUTTERFIELD, Ms. CASTOR, Ms. GRANGER, Mr. PEARCE, Mr. CRAMER, Mr. CLEAVER, Mr. BISHOP of Utah, Mr. MORAN of Kansas, Mr. CARNEY, and Mr. ARCURI.
H.R. 1026: Mr. CONAWAY and Mr. ALEXANDER.
H.R. 1038: Mr. ELLISON.
H.R. 1064: Mrs. CAPITO, Mr. SAXTON, and Mr. MEEHAN.
H.R. 1069: Mr. BILBRAY.
H.R. 1078: Mr. RODRIGUEZ.
H.R. 1093: Mr. PUTNAM.
H.R. 1110: Mr. PETERSON of Minnesota.
H.R. 1120: Mr. BRADY of Texas, Mr. CAMPBELL of California, Mr. TOM DAVIS of Virginia, Mr. FERGUSON, and Mr. SMITH of New Jersey.
H.R. 1134: Mr. WESTMORELAND.
H.R. 1142: Mr. TIM MURPHY of Pennsylvania, Ms. ESHOO, Mr. ANDREWS, Mr. DICKS, Mr. TOWNS, and Mrs. WILSON of New Mexico.
H.R. 1153: Mr. PRICE of Georgia.
H.R. 1188: Mr. KING of New York.
H.R. 1228: Mr. SCOTT of Georgia.
H.R. 1230: Mr. MCGOVERN.
H.R. 1232: Mr. ALLEN, Mr. LATHAM, and Mr. MCHUGH.
H.R. 1268: Mr. CAPUANO.
H.R. 1307: Mr. PRICE of Georgia.
H.R. 1310: Mr. MCNULTY.
H.R. 1338: Mr. HOYER, Mr. ROSS, Mr. MEEK of Florida, Mr. STUPAK, Mr. SCOTT of Virginia, Mr. MATHESON, Mr. INSLEE, Mr. KUCINICH, Ms. MOORE of Wisconsin, Ms. HARMAN, Mr. DAVIS of Alabama, Mr. CLEAVER, Mr. KANJORSKI, Mr. HODES, Mr. HIGGINS, and Mr. BLUMENAUER.
H.R. 1379: Mrs. CHRISTENSEN.
H.R. 1415: Mr. HODES, Mr. DOYLE, Ms. MATSUI, and Mr. DOGGETT.
H.R. 1416: Mr. KUCINICH, Mr. DOYLE, and Mr. DOGGETT.
H.R. 1418: Ms. NORTON.
H.R. 1430: Mr. POE and Mr. STEARNS.
H.R. 1458: Mr. LEWIS of Kentucky.
H.R. 1459: Mr. SERRANO, Mr. ARCURI, Mr. DAVIS of Illinois, and Mr. SALAZAR.
H.R. 1464: Mr. KING of New York and Ms. WOOLSEY.
H.R. 1474: Mr. BACHUS, Mr. MCNERNEY, Mr. FORTENBERRY, Mr. PUTNAM, Mr. WESTMORELAND, Mrs. MILLER of Michigan, Mr. PITTS, and Mr. THORNBERRY.
H.R. 1498: Mr. PASTOR.
H.R. 1514: Mr. WELCH of Vermont.
H.R. 1524: Mr. BOUCHER, Mr. BRADY of Pennsylvania, and Mr. YARMUTH.
H.R. 1540: Ms. MCCOLLUM of Minnesota.
H.R. 1567: Mrs. LOWEY.
H.R. 1582: Mr. BILBRAY.
H.R. 1586: Mrs. WILSON of New Mexico.
H.R. 1596: Mr. MCCOTTER.
H.R. 1647: Mr. BERMAN.
H.R. 1671: Mr. BLUMENAUER, Mr. SARBANES, and Ms. KAPTUR.
H.R. 1687: Mr. BAIRD.
H.R. 1727: Ms. LEE, Mr. HINCHEY, and Mr. LYNCH.
H.R. 1759: Mr. SNYDER.
H.R. 1774: Mr. CARTER, Mr. DAVIS of Kentucky, Mr. HOEKSTRA, and Mr. RAHALL.
H.R. 1781: Mr. COHEN and Mr. LAMPSON.
H.R. 1814: Mr. TERRY.
H.R. 1818: Mr. TIAHRT and Mr. LATHAM.
H.R. 1823: Mr. DAVID DAVIS of Tennessee.
H.R. 1838: Mr. PRICE of Georgia.
H.R. 1845: Ms. ROS-LEHTINEN, Mr. FILNER, and Mr. ENGLISH of Pennsylvania.
H.R. 1849: Mr. SCOTT of Georgia.
H.R. 1852: Mr. WYNN.
H.R. 1869: Mr. LAHOOD, Ms. GINNY BROWN-WAITE of Florida, and Mr. HARE.
H.R. 1927: Mr. PAUL and Mr. LEWIS of Georgia.
H.R. 1929: Mr. LAMPSON.
H.R. 1932: Mr. BRADY of Pennsylvania and Mr. LEWIS of Kentucky.
H.R. 1971: Mr. DOYLE, Mr. SCOTT of Georgia, Mr. MEEKS of New York, and Mr. ORTIZ.
H.R. 1975: Mr. HODES, Mr. COHEN, and Mrs. LOWEY.
H.R. 2003: Mr. BURTON of Indiana and Mr. DELAHUNT.
H.R. 2005: Mr. HINCHEY.
H.R. 2015: Mr. UDALL of New Mexico, Mrs. GILLIBRAND, Mr. STARK, and Mr. COURTNEY.
H.R. 2017: Ms. CARSON.
H.R. 2040: Mr. MORAN of Virginia, Ms. BALDWIN, Ms. MATSUI, and Ms. WOOLSEY.
H.R. 2050: Mr. PICKERING, Mr. GORDON, and Ms. BERKLEY.
H.R. 2060: Mr. BRADY of Pennsylvania.
H.R. 2066: Mr. RAMSTAD.
H.R. 2075: Mr. BAKER, Mr. PRICE of North Carolina, and Mr. CHABOT.
H.R. 2104: Mr. MILLER of Florida and Mr. PENCE.
H.R. 2108: Mr. SCHIFF, Mr. PRICE of North Carolina, and Mr. HOLT.
H.R. 2111: Mr. DAVIS of Illinois, Mr. ARCURI, and Ms. CARSON.
H.R. 2126: Mr. ELLISON.
H.R. 2158: Mr. LEWIS of Kentucky.
H.R. 2161: Mr. RANGEL.
H.R. 2164: Mr. THORNBERRY.
H.R. 2167: Mr. HODES.
H.R. 2183: Mr. CONAWAY, Mr. CHABOT, Mr. HAYES, Mr. LINCOLN DAVIS of Tennessee, Mr. KUHL of New York, and Mr. HALL of Texas.
H.R. 2189: Mr. CAPUANO.
H.R. 2223: Mr. LEWIS of Kentucky.
H.R. 2231: Mr. PRICE of North Carolina.
H.R. 2234: Mr. HIGGINS, Mr. BERRY, Mr. ELLISON, Mr. MCCAUL of Texas, Ms. SCHAKOWSKY, Mr. LAMPSON, and Ms. BORDALLO.
H.R. 2290: Mr. ENGEL.
H.R. 2293: Mr. SHERMAN.
H.R. 2295: Mrs. EMERSON.
H.R. 2303: Mr. BUCHANAN and Mr. POE.
H.R. 2327: Mr. CONYERS.
H.R. 2352: Ms. CARSON.
H.R. 2364: Mr. ELLISON and Mr. WELCH of Vermont.
H.R. 2384: Mr. CARNAHAN and Ms. CARSON.
H.R. 2405: Mr. PASTOR and Mr. GRIJALVA.
H.R. 2417: Mr. LEWIS of Georgia.
H.R. 2443: Mr. PATRICK MURPHY of Pennsylvania and Mr. THORNBERRY.
H.R. 2449: Mr. FILNER.
H.R. 2452: Mrs. LOWEY and Mr. WAXMAN.
H.R. 2468: Mr. DOOLITTLE.
H.R. 2484: Mr. HERGER.
H.R. 2495: Mr. DAVID DAVIS of Tennessee.
H.R. 2503: Mrs. CAPPS.
H.R. 2508: Mr. CAMPBELL of California and Mr. ALEXANDER.
H.R. 2514: Mr. ARCURI, Mr. SHERMAN, and Mr. CARNAHAN.
H.R. 2538: Mr. LARSON of Connecticut.
H.R. 2547: Mr. GILLMOR.
H.R. 2549: Mr. HERGER.
H.R. 2581: Mrs. CAPPS, Mr. MCDERMOTT, Ms. MATSUI, and Mr. WILSON of Ohio.
H.R. 2591: Mr. LAMPSON and Mr. ARCURI.
H.R. 2634: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Ms. SCHAKOWSKY, Mr. MCNULTY, Mr. RANGEL, Ms. CARSON, Mr. MORAN of Virginia, and Mr. MCGOVERN.
H.R. 2668: Ms. LEE and Mr. MEEK of Florida.
H.R. 2674: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2677: Mr. DELAHUNT and Mrs. CAPPS.
H.R. 2706: Mr. MILLER of Florida, Mr. GARRETT of New Jersey, Mr. SHADEGG, and Ms. ROS-LEHTINEN.
H.R. 2708: Ms. SCHAKOWSKY, Mr. MCNULTY, Ms. KAPTUR, Mr. MCDERMOTT, Mr. SNYDER, and Ms. ROS-LEHTINEN.
H.R. 2712: Mr. BARRETT of South Carolina.
H.R. 2715: Mr. WAXMAN.
H.R. 2720: Mr. MORAN of Virginia, Mr. REYES, and Mr. WYNN.
H.R. 2723: Ms. SCHAKOWSKY.
H.R. 2727: Mr. MILLER of Florida, Mr. GOHMERT, and Mrs. CUBIN.
H.R. 2740: Mr. HALL of New York, Mr. GRIJALVA, Mr. MCGOVERN, and Mr. STARK.
H.R. 2744: Mr. FILNER, Mr. MITCHELL, Mr. ISRAEL, Ms. LINDA T. SÁNCHEZ of California, and Mr. DEFAZIO.
H.R. 2762: Ms. HERSETH SANDLIN, Mr. RANGEL, Mr. WAXMAN, Mr. WU, and Mr. GORDON.
H.R. 2778: Mr. SERRANO and Mr. MCNULTY.
H.R. 2798: Mr. LANTOS, Ms. ROS-LEHTINEN, and Mr. PAYNE.
H.R. 2803: Ms. MOORE of Wisconsin.
H.R. 2819: Mr. BERRY, Mrs. MALONEY of New York, Ms. KILPATRICK, and Ms. SCHAKOWSKY.
H.R. 2827: Mr. BOSWELL.
H.R. 2831: Mr. BRALEY of Iowa.
H. Con. Res. 27: Mr. DEAL of Georgia and Mr. LEWIS of Georgia.
H. Con. Res. 89: Mr. STARK.
H. Con. Res. 91: Ms. MCCOLLUM of Minnesota.
H. Con. Res. 104: Mr. MCGOVERN.
H. Con. Res. 108: Mr. WATT.
H. Con. Res. 131: Mr. PRICE of Georgia.
H. Con. Res. 136: Mr. INGLIS of South Carolina.
H. Con. Res. 140: Ms. HIRONO.
H. Con. Res. 162: Mr. MCDERMOTT.
H. Con. Res. 169: Ms. SOLIS, Mr. TOWNS, Mr. NADLER, Ms. CARSON, Ms. KILPATRICK, Mr. WATT, Mr. MEEKS of New York, Mr. WAXMAN, and Mr. ENGEL.
H. Res. 106: Mr. KINGSTON, Mr. MARSHALL, Mr. DAVIS of Alabama, Mr. RODRIGUEZ, Mr. SERRANO, Mr. CUELLAR, and Mr. WICKER.
H. Res. 111: Mr. PRICE of Georgia.
H. Res. 121: Mr. HIGGINS, Mr. PASCRELL, and Ms. ROS-LEHTINEN.
H. Res. 128: Mr. CROWLEY.
H. Res. 208: Mr. REICHERT and Mr. SHERMAN.
H. Res. 241: Mr. GONZALEZ, Mr. AL GREEN of Texas, and Mr. PRICE of North Carolina.
H. Res. 282: Mr. PRICE of North Carolina, Mr. MAHONEY of Florida, and Mr. PETERSON of Minnesota.
H. Res. 426: Mr. SHERMAN.
H. Res. 449: Mr. PETERSON of Minnesota.
H. Res. 482: Mr. CAMPBELL of California, Mr. SHERMAN, and Mr. MCCOTTER.
H. Res. 489: Mr. PAYNE and Mr. FATTAH.
H. Res. 497: Mr. HOLT, Mr. UDALL of Colorado, and Mr. WOLF.
H. Res. 500: Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. ENGEL, Mr. MILLER of North Carolina, Mr. SMITH of New Jersey, Mr. GALLEGLY, Mr. BILIRAKIS, Mr. FORTENBERRY, Ms. WATSON, Mr. ACKERMAN, Mr. DREIER, Mr. ROSKAM, Mr. GRAVES, Mr. BOOZMAN, Mr. PENCE, Mr. THOMPSON of Mississippi, Mr. COBLE, and Mr. LAHOOD.
H. Res. 501: Mr. CONAWAY and Mr. GONZALEZ.
H. Res. 504: Mr. DUNCAN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2643

OFFERED BY: MR. FEENEY

AMENDMENT NO. 222: Page 108, beginning on line 9, strike section 414.

H.R. 2643

OFFERED BY: MR. GINGREY

AMENDMENT NO. 223: Strike page 56, lines 1 through 23.

H.R. 2643

OFFERED BY: MR. GINGREY

AMENDMENT NO. 224: Strike page 56, lines 24, through page 57, line 11.

H.R. 2643

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 225: Page 18, line 23, insert ''(increased by $100,000,000)'' after the first dollar amount.

Page 58, line 3 insert ''(reduced by $49,500,000)'' after the dollar amount.

Page 59, line 3 insert ''(reduced by $49,500,000)'' after the dollar amount.

Page 66, line 23, insert ''(reduced by $1,000,000)'' after the dollar amount.

H.R. 2643

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 226: Page 111, after line 17, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. No funds made available in Act shall be used by the Environmental Protection Agency to run computer model WinTR–55.

H.R. 2643

OFFERED BY: MR. LAMBORN

AMENDMENT NO. 227: None of the funds in this Act may be used for the National Endowment for the Arts.

H.R. 2643

OFFERED BY: MR. STEARNS

AMENDMENT NO. 228: Page 2, line 15, insert (increased by $2,600,000) after the dollar amount.

Page 93, line 11, insert (reduced by $2,600,000) after the dollar amount.

H.R. 2643

OFFERED BY: MR. STEARNS

AMENDMENT NO. 229: Page 96, line 14, insert ''(reduced by $31,588,000)'' after the dollar amount.

H.R. 2829

OFFERED BY: MR. GARRETT OF NEW JERSEY

AMENDMENT NO. 3: At the end of title VI, insert the following:

SEC. ____. None of the funds made available under this Act may be used by the Securities and Exchange Commission to enforce the requirements of section 404 of the Sarbanes-Oxley Act with respect to non-accelerated filers, who, pursuant to section 210.2–02T of title 17, Code of Federal Regulations, are not required to comply with such section 404 prior to December 15, 2007.

H.R. 2829

OFFERED BY: MR. CARDOZA

AMENDMENT NO. 4: Page 65, line 17, insert after the first dollar amount ''(reduced by $14,295,000)''.

H.R. 2829

OFFERED BY: MR. CARDOZA

AMENDMENT NO. 5: Page 65, line 17, insert after the first dollar amount ''(reduced by $5,000,000)''.

Page 65, line 25, insert after the first dollar amount ''(increased by $5,000,000)''.

H.R. 2829

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 6: At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. 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. 2829

OFFERED BY: MR. TOM DAVIS OF VIRGINIA

AMENDMENT NO. 7: Page 48, line 15, insert after the dollar amount the following: ''(increased by $1,000,000)''.

Page 48, line 17, insert after the dollar amount the following: ''(increased by $334,000)''.

Page 48, line 19, insert after the dollar amount the following: ''(increased by $333,000)''.

Page 48, line 22, insert after the dollar amount the following: ''(increased by $333,000)''.

Page 78, line 19, insert after the dollar amount the following: ''(reduced by $1,000,000)''.

H.R. 2829

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 8: Page 80, line 23, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 81, line 10, after the dollar amount, insert ''(increased by $10,000,000)''.

H.R. 2829

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 9: At the end of the bill (before the short title), add the following new title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds appropriated or otherwise made available by this Act may be used by the Selective Service System to prepare for, plan, or execute the Area Office Mobilization Prototype Exercise.

H.R. 2829

OFFERED BY: MR. ELLSWORTH

AMENDMENT NO. 10: At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. ____901. None of the funds appropriated in this Act may be used to enter into a contract in an amount greater than the simplified acquisition threshold unless the prospective contractor certifies in writing to the agency awarding the contract that the contractor owes no Federal tax debt. For purposes of the preceding sentence, the certification requirement of part 52.209–5 of the Federal Acquisition Regulation shall also include a requirement for a certification by a prospective contractor of whether, within the three-year period preceding the offer for the contract, the prospective contractor—

(1) has or has not been convicted of or had a civil judgment rendered against the contractor for violating any tax law or failing to pay any tax;

(2) has or has not been notified of any delinquent taxes for which the liability remains unsatisfied; or

(3) has or has not received a notice of a tax lien filed against the contractor for which the liability remains unsatisfied or for which the lien has not been released.

H.R. 2829

OFFERED BY: MR. HULSHOF OF MISSOURI

AMENDMENT NO. 11: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. The amounts otherwise provided by this Act are revised by reducing the amount made available under ''Election Reform Programs'' for election assistance grants and by increasing the amount made available for ''Federal Drug Control Programs, High Intensity Drug Trafficking Areas Programs'' by $8,000,000.

H.R. 2829

OFFERED BY: MRS. MUSGRAVE

AMENDMENT NO. 12: Page 146, after line 22, insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used to implement any pay adjustment under section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)).

H.R. 2829

OFFERED BY: MRS. MUSGRAVE

AMENDMENT NO 13: At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISION

SEC. 901. Each amount appropriated or otherwise made available by this Act (including Federal funds contained in titles IV and VIII) that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 0.5 percent.

H.R. 2829

OFFERED BY: MR. WOLF

AMENDMENT NO. 14: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. (a) There is hereby enacted into law H.R. 473 of the 110th Congress, as introduced in the House of Representatives on January 16, 2007, and appropriated for the Commission thereby established, $1,500,000.

(b) The amount otherwise provided in this Act for ''**INDEPEDENT AGENCIES**—ELECTION ASSISTANCE—ELECTION REFORM PROGRAMS'' (for the amount specified under such heading for programs under the Help America Vote Act of 2002) is hereby reduced by $1,500,000.

H.R. 2829

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 15: Strike section 738 (page 117, line 9, through page 124, line 13) and redesignate the succeeding provisions accordingly.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 16: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for Detroit Renaissance for a business district.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 17: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the Fairplex Trade and Conference Center, Pomona, California.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 18: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the Grace Johnstown Area Regional Industries Incubator and Workforce Development program.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 19: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the Mitchell County

Development Foundation, Inc. for the Home of the Perfect Christmas Tree project.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 20: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the Oil Region Alliance of Business, Industry and Tourism.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 21: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the San Francisco Planning and Urban Research Association, SPUR Urban Center.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 22: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the West Virginia University Research Corporation for renovations of a small business incubator.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 23: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the Youngstown Warren Regional Chamber, Salute to Success, Business Entrepreneurship Incubator.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 24: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the City of Charlotte, NC, Belvedere Business Park Project.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 25: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the City of Los Angeles, Adams-La Brea Retail Project.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 26: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the Historic Downtown Retail Project, Valley Economic Development Center.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 27: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for SEKTDA [SE KY Tourism Development Association] for economic and small business development.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 28: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the Advantage West Economic Development Group, Certified Entrepreneurial Community Program.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 29: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the Boston Chinatown Neighborhood Center Workforce Development Initiative.

H.R. 2829

OFFERED BY: MR. FLAKE

AMENDMENT NO. 30: Page 48, line 4, insert after the dollar amount the following: ''(reduced by $500,000)''.

H.R. 2829

OFFERED BY MR. JORDAN

AMENDMENT NO. 31: At the end of bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. Each amount appropriated or otherwise made available by this Act (including titles IV and VIII) that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 8.9 percent.

H.R. 2829

OFFERED BY: MR. GOODE

AMENDMENT NO. 32: At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the Federal funds made available in title IV or VIII may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Official Code, section 32–701 et seq.).

H.R. 2829

OFFERED BY: MR. GOODE

AMENDMENT NO. 33: At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the Federal funds made available in title IV or VIII may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Official Code, section 32–701 et seq.).

H.R. 2829

OFFERED BY: MR. LUCAS

AMENDMENT NO. 34: At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used by the United States Government to seize or otherwise take possession of, other than for value given in a sale or exchange, any coin, medal or numismatic item made or issued by the United States Government before January 1, 1933, that, as of the date of the enactment of this Act, is not already in the possession of the United States Government.

H.R. 2829

OFFERED BY: MR. POE

AMENDMENT NO. 35: Page 33, line 11, insert after the dollar figure the following: ''(increased by $10,000,000)''.

Page 41, line 10, insert after the dollar figure the following: ''(reduced by $10,000,000)''.

H.R. 2829

OFFERED BY: MR. TERRY

AMENDMENT NO. 36: Page 129, after line 21, insert the following:

SEC. 744. For purposes of the provisions of law amended by subparagraph (B) of section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), relating to compensation of Members of Congress, no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 2008 in the rates of basic pay for the statutory pay systems.

Page 129, line 22, strike ''744'' and insert ''745''.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, TUESDAY, JUNE 26, 2007 No. 104

Senate

The Senate met at 10 a.m. and was called to order by the Honorable CLAIRE MCCASKILL, a Senator from the State of Missouri.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, who is above all, You are the source of our joy. Continue to lead our lawmakers on the right road. Enter their hearts and enlighten their minds so that they become instruments of Your glory. Strengthen them to take up their daily cross with willing hearts and open hands. May they abandon all of life's petty concerns and embrace Your loving providence. Make them exemplary models of merciful service. May the matter-of-fact orientation of this scientific age never blind them to the glory, the wonder, and the mystery of life.

We pray in Your faithful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CLAIRE MCCASKILL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 26, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CLAIRE MCCASKILL, a Senator from the State of Missouri, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. MCCASKILL thereupon assumed the chair as Acting President pro tempore.

Mr. REID. I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Madam President, this morning, following any time used by the two leaders, the Senate will resume consideration of the two motions to proceed to H.R. 800 and S. 1639. Debate time will extend until 11:30 this morning. That time will be equally divided and controlled between Senators KENNEDY and ENZI or their designees. At 11:30, the two leaders will control 10 minutes each, with the Republican leader controlling the time from 11:30 to 11:40 and the majority leader controlling the time from 11:40 to 11:50. Therefore, if the leaders use the time available to them, the first vote will occur about 11:50. The first vote will be on the motion to invoke cloture on the motion to proceed to H.R. 800, the Employee Free Choice Act. Regardless of the outcome of that vote, even if cloture is invoked on that motion, the Senate will then proceed to vote on the motion to proceed to S. 1639, the immigration bill. Following the second vote, the Senate will then recess until 2:15 in order to permit the respective party conference meetings.

The schedule is difficult. Last week, we worked things out so we didn't have to be in on the weekend, and that was because the cloture vote did not succeed and we saved some 30 hours. Had that succeeded, we would have had to work into the weekend.

IRAQ

Mr. REID. Madam President, yesterday the U.S. Conference of Mayors highlighted the toll of the Iraq war, the toll it is taking on our health, safety, and well-being here at home, by voting for a resolution to bring the war to a responsible end. Stanford, CT, Mayor Dan Malloy said the war has drained desperately needed funds from classrooms and municipal services. David Cicilline, Mayor of Providence, RI, said:

Continued U.S. military presence in Iraq is resulting in the tragic loss of American lives and wounding of American soldiers . . . reducing federal funds for needed domestic investments in education, health care, public safety, homeland security and more.

The mayors understand this as much as any other political body in the country. They are the ones who are seeing that desperately needed funds are not going to projects they believe are so important to their constituents, the people who live within those cities, because the money is going at the rate of $10 billion a month to Iraq. I appreciate the Conference of Mayors for taking the important stand they did.

Finally, last evening, just before the Senate went out, RICHARD LUGAR, former chairman of the Agriculture Committee, the Foreign Relations Committee, and ranking member on the Foreign Relations Committee today, made a very important speech, one of the most important speeches we have had in the Senate in a long time. He is a soft-spoken man and doesn't really talk a lot. He is a Rhodes scholar, a brilliant man, an academic with experience, prior to coming here, as

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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mayor of one of the major cities in America. I appreciate what he did last night, what he said last night. On foreign policy, he has the credentials to speak.

Yesterday, he gave voice to the growing sentiment among his Republican colleagues that we must change course in Iraq and change now—not in September but now. Senator LUGAR said:

> Persisting indefinitely with the surge strategy will delay policy adjustments that have a better chance of protecting our vital interests over the long term.

I recommend and suggest to all Senators, Democrats and Republicans, that they read the brilliant speech given by DICK LUGAR last night. It was very good. It was, I am sure, prepared by him, every word. I understand it is not easy to speak out against the war. I can vouch for that. I also recognize how difficult it is for Republicans to speak out against the war. It has been hard enough for this Democrat to speak out against the war. Senator LUGAR's comments and those of a handful of other Republicans who share his view—to this point, two have said so publicly—takes real courage. Courage is the only way we will change course in Iraq.

Some floor speeches go unnoticed. Most floor speeches go unnoticed. Senator RICHARD LUGAR's speech last night is not one of them. When this war comes to an end—and it will come to an end—and the history books are written—and they will be written—Senator LUGAR's words yesterday could be remembered as a turning point in this intractable civil war in Iraq. But that will depend on whether more Republicans take the stand Senator LUGAR took, a courageous stand, last night.

I look forward to working with Senator LUGAR—and hope and believe a growing number of Republicans—to put his words into action by delivering a responsible end to the war that the American people demand and the American people deserve.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EMPLOYEE FREE CHOICE ACT OF 2007—MOTION TO PROCEED

COMPREHENSIVE IMMIGRATION REFORM ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume en bloc the motions to proceed to H.R. 800 and S. 1639, which the clerk will report.

The assistant legislative clerk read as follows:

> Motion to proceed to H.R. 800, an act to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.
>
> Motion to proceed to the consideration of S. 1639, a bill to provide for comprehensive immigration reform and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 will be equally divided between the Senator from Massachusetts, Mr. KENNEDY, and the Senator from Wyoming, Mr. ENZI, or their designees, with the time from 11:30 to 11:40 reserved for the Republican leader and the time from 11:40 to 11:50 for the majority leader.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield 15 minutes to the Senator from Pennsylvania.

Mr. GREGG. Mr. President, if the Senator will respond to an inquiry, would it be possible to have an order set up so that we could know when we are going? If I could get Senator KENNEDY's attention, would it be possible that Senator ALEXANDER be recognized and I be recognized, both for 5 minutes, at some point after Senator SPECTER, on Senator ENZI's time? Is that possible?

Mr. KENNEDY. That is agreeable. We will try to accommodate the time. Senator SPECTER wanted 15 minutes; others are 5 minutes. But we will be glad to accommodate, so if he goes for 15, you can go for 5.

Mr. GREGG. Senator ALEXANDER can be recognized for 5 and then I can be recognized for 5.

Mr. KENNEDY. That would be fine.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I thank the distinguished chairman for yielding time. I have sought recognition to speak on the legislation entitled the ''Employee Free Choice Act.'' I have had numerous contacts on this bill, both for it and against it, very impassioned contacts. People feel very strongly about it. The unions contend they very desperately need it. The employers say it would be an abdication of their rights to a secret ballot. I believe there are a great many important issues which need to be considered on this matter, and that is why I will vote, when the roll is called, to impose cloture so that we may consider the issue. I emphasize that on a procedural motion to invoke cloture—that is, to cut off debate—it is procedural only and that my purpose in seeking to discuss the matter is so that we may consider a great many very important and complex issues. I express no conclusion on the underlying merits in voting procedurally to consider the issue.

In my limited time available, I will seek to summarize. I begin with a note that the National Labor Relations Act does not specify that there should be a secret ballot or a card check but says only that the employee representative will represent in collective bargaining where that representative has been ''designated or selected'' for that purpose. The courts have held that the secret ballot is preferable but not exclusive.

In the case captioned ''Linden Lumber Division v. National Labor Relations Board,'' the Supreme Court held that ''an employer has no right to a secret ballot where the employer has so poisoned the environment through unfair labor practices that a fair election is not possible.''

The analysis is, what is the status with respect to the way elections are held today? The unions contend that there is an imbalance, that there is not a level playing field, and say that has been responsible in whole or in part for the steady decline in union membership.

In 1954, 34.8 percent of the American workers belonged to unions. That number decreased in 1973 to 23.5 percent and in 1984 to 18.8 percent; in 2004, to 12.5 percent; and in 2006, to 12 percent. In taking a look at the practices by the National Labor Relations Board, the delays are interminable and unacceptable. By the time the NLRB and the legal process has worked through, the delays are so long that there is no longer a meaningful election. That applies both to employers and to unions, that the delays have been interminable.

In the course of my extended statement, I cite a number of cases. In Goya Foods, the time lapse was 6 years; Fieldcrest Cannon, 5 years; Smithfield—two cases—12 and 7 years; Wallace International, 6 years; Homer Bronson, 5 years.

In the course of my written statement, I have cited a number of cases showing improper tactics by unions, showing improper tactics by employers. In the limited time I have, I can only cite a couple of these matters, but these are illustrative.

In the Goya Foods case, workers at a factory in Florida voted for the union to represent them in collective bargaining. Following the election, the company refused to bargain with the union and fired a number of workers for promoting the union. The workers filed an unfair labor practices case in June of 2000, seeking to require the employer to bargain.

In February of 2001, the administrative law judge found the company had illegally fired the employees and had refused to bargain. But it was not until August of 2006 that the board in Washington, DC, adopted those findings, ordered reinstatement of the employees with backpay, and required Goya to bargain in good faith—a delay of some 5 years.

In the Fieldcrest Cannon case, workers at a factory in North Carolina sought an election to vote on union representation. To discourage its employees from voting for the union, the company fired 10 employees who had vocally supported the union. The employer threatened reprisal against other employees who had voted for the union and threatened that immigrant

workers would be deported or sent to prison if they voted for the union. The union lost the election in August of 1991. Although workers filed an unfair labor practice case with the NLRB, the administrative law judge did not decide the case until 3 years later, in 1994, and his order was not enforced by the Fourth Circuit until 1996—a lapse of some 5 years. In my written statement, I cite seven additional cases.

Similarly, there have been improper practices by unions. On the balance, I have cited nine on that line, the same number I cited on improper activities by employers.

At a Senate Appropriations subcommittee hearing, which I conducted in Harrisburg, PA, in July of 2004, we had illustrative testimony from an employee, Faith Jetter:

> Two union representatives came to my home and made a presentation about the union. They tried to pressure me into signing the union authorization card, and even offered to take me out to dinner. I refused to sign the card . . . shortly thereafter, the union representatives called again at my home and visited my home again to try to get me to sign the union authorization card. I finally told them that my decision was that I did not want to be represented . . . despite that . . . there was continuing pressure on me to sign.

At a hearing of the House Committee on Labor this February, witness Karen Mayhew testified about offensive pressure tactics by the unions. I would cite some of my own experience with the issue. When I was an assistant district attorney in Philadelphia, I tried the first case against union coercive tactics to come out of the McClellan Committee investigation. The McClellan Committee had investigated Local 107 of the Philadelphia Teamsters Union, found they had organized a goon squad, beat up people, and exercised coercive tactics to form a union. That case was brought to trial in 1963 and resulted in convictions of all six of the union officials and they all went to jail. Without elaborating on the detailed testimony, it was horrendous what the union practices were in that case.

There is no doubt if you take a look at the way the National Labor Relations Board functions—it is not functioning at all—but that it is dysfunctional.

If you take a look at the statistics, on the one category of intake, it declined from 1,155 in 1994, to 448 in 2006. In another category, it declined from almost 41,000 in 1994, to slightly under 27,000 in 2006. On injunctions, where the NLRB has the authority to go in and get some action taken promptly, it is used very sparingly, and again there is a steep decline: from 104 applications for injunctions in 1995, to 15 in 2005, and 25 in 2006. The full table shows a great deal of the ineptitude as to what is going on.

So what you have, essentially, is a very tough fought, very bitter contest on elections, very oppressive tactics used by both sides and no referee. The National Labor Relations Board is inert. It takes so long to decide the case that the election becomes moot, not important anymore. What they do is order a new election and they start all over again and, again, frequently the same tactics are employed.

If there is an unfair labor practice in a discharge, the most the current law authorizes the NLRB to do is to reinstate the worker with backpay. That is reduced by the amount the individual has earned otherwise, which is in accordance with the general legal principle of mitigation of damages. But there is no penalty which is attached. So when you take a look at what the NLRB does, it is totally ineffective.

Those are issues which I think ought to be debated by the Senate. We ought to make a determination whether the current laws are adequate and whether there ought to be changes and whether there ought to be remedies. We ought to take a look, for example, at the Canadian system. When I did some fundamental, basic research, I was surprised to find that 5 of the 10 provinces of Canada employ the card check; that is, there is no right to a secret election. One of the provinces had the card check, rejected it, and then I am told went back to the card check. So their experiences are worthy of our consideration.

In Canada, elections are held 5 to 10 days after petitions are filed. I believe this body ought to take a close look at whether the procedures could be shortened, whether there could be mandatory procedures for moving through in a swift way—justice delayed is justice denied, we all know—whether there ought to be the standing for the injured parties to go into court for injunctive relief. That is provided now in the act, but only the NLRB can undertake it.

This vote, we all know, is going to be pro forma. We have the partisanship lined up on this matter to the virtual extreme. There is no effort behind the debate which we are undertaking today to get to the issues. There is going to be a pro forma vote on cloture. Cloture is not going to be invoked. We are going to move on and not consider the matter. We know there are enough votes to defeat cloture. The President has promised a veto. So it is pro forma.

But that should not be the end of our consideration of this issue because labor peace—relations between labor and management—is very important, and we ought to do more by way of analyzing it to see if any corrections are necessary in existing law.

It is worth noting, in the history of the Senate, there has been considerable bipartisanship—not present today. But listen to this: In 1931, the Davis-Bacon Act was passed by a voice vote. In 1932, the Norris LaGuardia Act was passed by a voice vote. In 1935, the National Labor Relations Act, also known as the Wagner Act, was passed by a voice vote. In 1938, the Fair Labor Standards Act was passed, again, by a voice vote. In 1959, only two Senators voted against the Landrum-Griffin bill.

A comment made by then-Senator John F. Kennedy, on January 20, 1959, commenting on the Landrum-Griffin bill, is worth noting. I quote only in part because my time is about to expire, but this is what Senator John F. Kennedy had to say:

> [T]he necessity for bipartisanship in labor legislation is a principle which should guide us all. . . .The extremists on both sides are always displeased. . . .Without doubt, the future course of our action in this area will be plagued with the usual emotional arguments, political perils, and powerful pressures which always surround this subject.

Madam President, I ask unanimous consent for 1 additional minute.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. In conclusion, it would be my hope we would take a very close look at this very important law in this very important field and recognize that harmonious relations between management and labor are very important. That is not the case today, with a few illustrations I have given in my prepared statement. We ought to exercise our standing, which we pride ourselves as the world's greatest deliberative body.

Although that will not be done today because cloture is not going to be invoked, I intend to pursue oversight through the subcommittee where I rank which has jurisdiction over the NLRB.

Madam President, I ask unanimous consent that my extensive statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ARLEN SPECTER—S. 1041, THE EMPLOYEE FREE CHOICE ACT

Mr. SPECTER. Mr. President, I seek recognition today to discuss the legislation entitled the Employee Free Choice Act. The Senate will later today vote on Cloture on the Motion to Proceed to this important legislation. The Senate prides itself on being the world's greatest deliberative body, and I am voting for cloture to enable the Senate to deliberate on this legislation and the important issues it raises in an open and productive manner.

The Employee Free Choice Act is an issue of deep and abiding interest to labor organizations and to employers. There has been intense advocacy on both sides. At the field hearing in Pennsylvania in July 2004, and in the many discussions that I have had with labor leaders and employers since that time, I have heard evidence indicating that employees are often denied a meaningful opportunity to determine whether they will be represented by a labor union. There are many stories and cases about employers asserting improper influence over their employees prior to an election, and there are also many cases of unions attempting to assert undue influence over workers in an attempt to establish a union. I am talking about threats, spying, promises, spreading misleading information, and other attempts to coerce workers and interfere with their right to determine for themselves whether they wish to be represented by a labor organization. Based on what I have heard, I have concerns that we have lost the balance of the National Labor Relations Act's fundamental

promise—that workers have the right to vote in a fair election conducted in a non-threatening atmosphere, free of coercion and fear, and without undue delay. Workers should be assured that their decisions will be respected by their employer and the union—with the support of the government when necessary. The overwhelming evidence demonstrates that the NLRB is not doing its job and is dysfunctional.

In light of the numerous contacts I have had with constituents on both sides of this issue, and in consideration of the evidence that has been presented by both sides, I have decided to hold off on cosponsoring the Employee Free Choice Act in the 110th to give more opportunity to both sides to give me their views and to give me more time to deliberate on the matter. At a time when union membership is decreasing and when employers face increasing competition in a global economy, it is our duty in Congress to have a vigorous debate and to reach a decision on the issues that the Employee Free Choice Act purports to resolve.

The 1935 Wagner Act guarantees the right of workers to organize, but it does not require that unions be chosen by election. Instead, Section 9 provides more broadly that an employee representative that has been ''designated or selected'' by a majority of the employees for the purpose of collective bargaining shall be the exclusive representative of those employees in a given bargaining unit. The Act further authorizes the National Labor Relations Board to conduct secret ballot elections to determine the level of support for the union when appropriate. Since 1935, secret ballot elections have been the most common method by which employees have selected their representatives.

Labor organizations have experienced a sharp decline in membership since the 1950s. Unions represented 34.8 percent of American workers in 1954, 23.5 percent in 1973, 18.8 percent in 1984, 15.5 percent in 1994, 12.5 percent in 2004, and 12 percent in 2006. In Senate debate, we should consider whether labor laws have created an uneven playing field that has led to this dramatic decline.

We should also consider where the fault lies in deciding what changes, if any, should be made to our labor laws. There are certainly abuses by both unions and employers. The Supreme Court described the problem in *NLRB* v. *Gissel Packing Co.*, 395 U.S. 575 (1969), noting that ''we would be closing our eyes to obvious difficulties, of course, if we did not recognize that there have been abuses, primarily arising out of misrepresentations by union organizers as to whether the effect of signing a card was to designate the union to represent the employee for collective bargaining purposes or merely to authorize it to seek an election to determine that issue.'' The following cases and testimony are illustrative of this problem:

At a July 2004 Senate Appropriations Subcommittee I held in Harrisburg, Pennsylvania entitled ''Employee Free Choice Act—Union Certifications,'' a letter from employee Faith Jetter was included in the record. In that letter, Ms. Jetter testified: ''Two union representatives came to my home and made a presentation about the union. They tried to pressure me into signing the union authorization card, and even offered to take me out to dinner. I refused to sign the card . . . shortly thereafter, the union representatives called again at my home and visited my home again to try to get me to sign the union authorization card. I finally told them that my decision was that I did not want to be represented . . . despite that . . . I felt like there was continuing pressure on me to sign.''

In testimony before the Senate Committee on Health, Education, Labor, and Pensions on March 27, 2007, in a hearing entitled ''The Employee Free Choice Act: Restoring Economic Opportunity for Working Families,'' Peter Hurtgen, a former chairman of the NLRB, testified that ''in my experience, neutrality/card check agreements are almost always the product of external leverage by unions, rather than an internal groundswell from represented employees.''

On February 8, 2007, at a hearing of the House Committee on Labor, Education and Pensions entitled ''Strengthening America's Middle Class through the Employee Free Choice Act,'' Karen Mayhew, an employee at a large HMO in Oregon, testified that local union organizers had misled many employees into signing authorization cards at an initial question-and-answer meeting. She said: ''At the meeting, employees asked the union agents questions about the purpose of the cards. The union agents responded by telling us that signing the card only meant that the employee was expressing an interest in receiving more information about the union, or to have an election to decide whether or not to bring the union in. It was made clear to all of us there in attendance that those authorization cards did NOT constitute a vote right there and then for exclusive representation by SEIU.''

A May 22, 2007 National Review article by Deroy Murdock entitled ''Union of the Thugs'' quoted Edith White, a food-service worker from New Jersey who recalled being visited by a union organizer who told her that she ''wouldn't have a job'' if she did not sign the authorization card and that ''the Union would make sure'' that she was fired.

A June 29, 2006 Boston Globe article by Christopher Rowland entitled ''Unions in Battle for Nurses'' reported that organizers at a local hospital had told nurses that signing an authorization card would ''merely allow them to get more information and attend meetings.'' The nurses were quoted as saying that the process ''left [them] feeling deceived and misled.''

On February 8, 2007, at a hearing of the House Committee on Labor, Education and Pensions entitled ''Strengthening America's Middle Class through the Employee Free Choice Act,'' Jen Jason, a former labor organizer for UNITE HERE, testified that she was trained to create a sense of agitation in workers and to capitalize on the ''heat of the moment'' to get workers to sign union support cards. She compared the American system of free ballots to the check card system in Canada, where she also worked as a union organizer, noting ''my experience is that in jurisdictions in which 'card check' was actually legislated, organizers tend[ed] to be even more willing to harass, lie, and use fear tactics to intimidate workers into signing cards.'' She also noted that ''at no point during a 'card check' campaign is the opportunity created or fostered for employees to seriously consider their working lives and to think about possible solutions to any problems.''

At that same hearing before the House Committee on Labor, Education and Pensions, a former union organizer, Ricardo Torres, testified that he resigned because of ''the ugly methods that we were encouraged to use to pressure employees into union ranks.'' He testified that ''I ultimately quit this line of work when a senior Steelworkers union official asked me to threaten migrant workers by telling them they would be reported to federal immigration officials if they refused to sign check-off cards during a Tennessee organizing drive . . . . Visits to the homes of employees who didn't support the union were used to frustrate them and put them in fear of what might happen to them, their family, or homes if they didn't change their minds about the union.''

Enactment of the Landrum-Griffin Act in 1959 followed extensive Senate hearings by the McClellan Committee on union abuses. Based on evidence compiled by that Committee, where Senator John F. Kennedy was a member and Robert F. Kennedy was General Counsel, I secured the first convictions and jail sentences from those hearings for six officials of Local 107 of the Teamsters Union in Philadelphia. That union organized a ''goon squad'' to intimidate and beat up people as part of their negotiating tactics. Their tactics were so open and notorious that my neighbor, Sherman Landers, with whom I shared a common driveway, sold his house and moved out, afraid the wrong house would be fire-bombed. The trial, which occurred from March through June 1963, was closely followed by Attorney General Kennedy who asked for and got a personal briefing on the case and then offered me a position on the Hoffa prosecution team.

Similarly, there are many examples of employer abuses during campaigns and initial bargaining. Each of the following cases illustrates the principle often attributed to William Gladstone: ''Justice delayed is justice denied.''

In the Goya Foods case, 347 NLRB 103 (2006), workers at a factory in Florida voted for the union to represent them in collective bargaining negotiations. Following the election, the company refused to bargain with the union and fired a number of workers for promoting the union. The workers filed an unfair labor practices case in June of 2000, seeking to require the employer to bargain. In February of 2001, the Administrative Law Judge found that the company had illegally fired the employees and had refused to bargain. It was not until August of 2006, however, that the Board in Washington, D.C. adopted those findings, ordered reinstatement of the employees with back pay, and required Goya to bargain in good faith—six years after the employer unlawfully withdrew recognition from the union.

In the Fieldcrest Cannon case, 97 F.3d 65 (4th Cir. 1996), workers at a factory in North Carolina sought an election to vote on union representation in June of 1991. To discourage its employees from voting for the union, the company fired at least 10 employees who had vocally supported the union, threatened reprisal against employees who voted for the union, and threatened that immigrant workers would be deported or sent to prison if they voted for the union. The union lost the election in August of 1991. Although workers filed an unfair labor practice case with the NLRB, the Administrative Law Judge did not decide the case until three years later, in 1994, and his order was not enforced by the Fourth Circuit until 1996—five years after the election.

In the Smithfield case, 447 F.3d 821 (D.C. Cir. 2006), employees at the Smithfield Packing Company plant in Tar Heel, North Carolina filed a petition for an election. In response, the employer fired several employees, threatened to fire others who voted for a union and threatened to freeze wages if a union was established. The workers lost two elections—one in 1994 and one in 1997. Workers filed an unfair labor practices case. The administrative law judge ruled for the workers in December of 2000, but the NLRB did not affirm that decision until 2004, and the Court of Appeals did not enforce the order until May of 2006—twelve years after the first tainted election.

In another case involving the Smithfield Company, 347 NLRB 109 (2006), employees at the Wilson, North Carolina location sought an election for union representation. Prior to the election, the company fired employees who were leading the union campaign and threatened and intimidated others. The

union lost the election in 1999. The workers filed an unfair labor practices case and the Administrative Law Judge found in 2001 that the employer's conduct was so egregious that a Gissel bargaining order (which mandates a card check procedure instead of an election) was necessary because a fair election was not possible. However, by the time the NLRB affirmed the ALJ's decision in 2006, it found that the NLRB's own delay in the case prevented the Gissel bargaining order from being enforceable and—7 years after the employer prevented employees from freely participating in a fair election—the remedy the Board ordered was a second election.

In the Wallace International case, 328 NLRB 3 (1999) and 2003 NLRB Lexis 327 (2003), the employer sought to dissuade its employees from joining a union by showing its workers a video in which the employer threatened to close if the workers unionized and the town's mayor urged the employees not to vote for a union. The union lost an election in 1993. The Board ordered a second election, which was held in 1994, that was also tainted by claims of unfair labor practices. The employees brought unfair labor practice cases after the election. In August 1995, the ALJ found against the employer and issued a Gissel bargaining order because a fair election was impossible. However, as in the Smithfield case, by the time the NLRB finally affirmed the ALJ's decision, in 1999, the Gissel order was not enforceable. In subsequent litigation, an ALJ found that the employer's unlawful conduct, including discriminatory discharge, had continued into 2000—7 years after the first election.

In the Homer Bronson Company case, 349 NLRB 50 (2007), the ALJ in 2002 found that the employer had unlawfully threatened employees who were seeking to organize that the plant would have to close if a union was formed. The Board did not affirm the decision until March 2007, again noting that a Gissel order, though deemed appropriate by the NLRB General Counsel, would not be enforceable in court because of the delays at the NLRB in Washington, D.C.

The National Labor Relations Board found unlawful conduct by employers in a number of recent cases in my home state of Pennsylvania:

In the Toma Metals case, 342 NLRB 78 (2004), the Board found that at least eight employees at Toma Metals in Johnstown, PA were laid off from their jobs because they voted to unionize the company. In addition, David Antal, Jr. was terminated because he told his supervisor that he and his fellow employees were organizing a union. He was laid off the same evening the union petition was filed.

In the Exelon Generation case, 347 NLRB 77 (2006), the Board found that the employer in Limerick and Delta, PA threatened employees during an organizing campaign that they would lose their rotating schedules, flextime, and the ability to accept or reject overtime if they voted for union representation.

In the Lancaster Nissan case, 344 NLRB 7 (2005), the Board found that the employer failed to bargain in good faith following a union election victory by limiting bargaining sessions to one per month. The employer then unlawfully withdrew recognition from the union a year later based on a petition filed by frustrated employees, automotive technicians.

In addition to showing employer abuses, these cases demonstrate the impotency of existing remedies under the NLRA to deal effectively with the problem. Further, the convoluted procedures and delays in enforcement actions make the remedies meaningless.

In 1974, in Linden Lumber Division v. NLRB, 419 U.S. 301 (1974), the court made it clear that an employer may refuse to recognize a union based on authorization cards and insist upon a secret ballot election in any case, except one in which the employer has so poisoned the environment through unfair labor practices that a fair election is not possible. In those cases involving egregious employer conduct, the Board may impose a ''Gissel'' order that authorizes card checks. This remedy takes its name from NLRB v. Gissel Packing Co., which I cited earlier.

Most often, however, when the Board finds that an employer improperly interfered with a campaign, it typically only orders a second election, often years after the tainted election, and requires the employer to post notices in which it promises not to violate the law.

The standard remedy for discriminatory discharge, the most common category of charges filed with the NLRB, is an order to reinstate the worker with back pay, but any interim earnings are subtracted from the employer's back pay liability, and often this relief comes years after the discharge.

The other common unfair labor practice case involves an employer's refusal to bargain in good faith. The remedy is often an order to return to the bargaining table.

In relatively few cases each year, the NLRB finds that the unfair labor practices are so severe that it chooses to exercise its authority under Section 10(j) of the NLRA to seek a federal court injunction to halt the unlawful conduct or to obtain immediate reinstatement of workers fired for union activity. The NLRB too rarely exercises this authority, and the regional office must obtain authorization from Washington, D.C. headquarters to seek injunctive relief.

Additionally, under the procedures of the Act, after the union wins an election, the employer may simply refuse to bargain while it challenges some aspect of the pre-election or election process. The union must then file an unfair labor practice charge under Section 8(a)(5), go through an administrative proceeding, and ultimately the matter may be reviewed by a Federal court of appeals, since a Board order is not self-enforcing. All of this takes years.

The following tables reflect that from 1994 to 2006 the number of cases handled by the NLRB regional offices declined steadily from 40,861 cases in 1994 to 26,717 in 2006. Yet, despite this decline in workload, in 2005 the median age of unresolved unfair labor practice cases was 1232 days, and for representation cases the median age was 802 days. In 1995, the NLRB sought 104 injunctions; in 2005, it sought 15; and in 2006, 25 injunctions. In Washington, D.C., the Board's caseload declined from 1155 cases in 1994 to 448 cases in 2006.

The number of decisions issued declined from 717 in 1994 to 386 in 2006. The backlog hit a peak of 771 cases in 1998 and declined to 364 in 2006, but that decline must be viewed in the context of a case intake for the Board that had fallen to only 448 cases in 2006.

TABLE 1: REGIONAL OFFICE STATISTICS

	1994	1995	1996	1997	1998	2003	2004	2005	2006
Case Intake	40861	39935	38775	39618	36657	33715	31787	29858	26717
ULP (Case Age in Days)	758	893	846	929	985	1030	1159	1232	—
Representation (Case Age in Days)	152	305	369	370	473	473	576	802	—
Section 10(j)	83	104	53	45	17	14	15	25	—

TABLE 2: WASHINGTON OFFICE STATISTICS

	1994	1995	1996	1997	1998	2003	2004	2005	2006
Case Intake	1155	1138	997	1084	1083	818	754	562	448
Decisions	717	935	709	873	708	543	576	508	386
Case Backlog	585	459	495	672	771	673	636	544	364

What has the Board been doing? Although many cases are resolved at earlier stages out in the regions where the NLRB may be generally effective, one must ask why it took years for the Board to order reinstatement in the cases cited earlier?

During the Senate's debate on the Employee Free Choice Act, it is important that we focus on the employees' interests, not on the employers' or the unions' interests. We must protect employees from reprisals from either side. We must ensure they have an environment in which they may make a free choice. We must ensure that employees' decision, whether it is for or against representation, is respected. And we must ensure that if the employees do choose to be represented, they can have confidence that their employer will bargain with the union, and that the employer will not try to undermine the union by threatening the employees during bargaining for an initial agreement.

And finally, we must ensure that the Federal statute designed to provide this protection of employees—and the government agency tasked with the statute's enforcement—are effective. If the statute needs to be modified to provide stronger remedies or more streamlined procedures, then that should be addressed. If the NLRB itself is causing delay and confusion as to what the law is, then that should be addressed. We do not need symbolic votes. We need meaningful debate and careful consideration of these important issues. America's workers deserve nothing less.

It is worthwhile to look at the experience of our neighbor, Canada, where five of the ten provinces use the card check procedure instead of secret ballot elections. In hearings this year before the Senate and the House concerning the Employee Free Choice Act, witnesses testified that unions are more successful in their organizing campaigns under the card check system—perhaps an indication that card check prevents employers from exercising undue influence over workers to prevent unionization. On the other hand, there was testimony suggesting that the Canadian card check system has allowed

unions to exert undue influence on employees in order to obtain their signatures on union recognition cards.

In a 2004 study of the gap between Canadian and U.S. union densities, an economics professor from Ontario found that simulations suggest that approximately 20 percent of the gap could be attributed to the different recognition procedures—card check or secret ballot elections—in the two countries. She further noted that the election procedures in Canada are not identical to those of the U.S. I am intrigued by the fact that union elections in Canada must take place within 5 to 10 days after an application or petition is filed, depending on the province. In the U.S. there is no such statutory time limit between petition and voting, and it may be several months before the election is held. This creates a wider window of opportunity for the employer to influence workers, using legal or illegal means. The professor also notes that when unfair labor practices occur, the differences in procedures and the role of the courts in the two countries mean that it is faster and less expensive to process complaints in Canada than in the U.S.

In 2001, another economics professor published a study in which he noted that in the previous decade, an increased number of Canadian provinces had abandoned their longstanding tradition of certification based on card check by experimenting with mandatory elections. In British Columbia, for example, legislation requiring elections was enacted in 1984 and then abandoned in 1993. In examining the impact of union suppression on campaign success in British Columbia, the professor tested whether the length of an organizing drive had an impact on organizing success. The evidence demonstrated that the probability of a successful organization of employees decreased by 1 percent for every two days of delay when an unfair labor practice was involved. The unfair labor practice itself decreased the probability of success even further. The professor observed that mandatory elections, as compared with a card check system, were detrimental to unions' success. He found that not only did success rates fall, but the number of certification attempts fell substantially as well. He concluded that unions believe organizing will be more difficult under mandatory voting as so are less willing to invest in it. He concluded his paper with this observation:

It seems more likely, however, that the recent trend towards compulsory voting represents a shift in beliefs towards elections as a preferable mechanism for determining the true level of support within the bargaining unit. . . . If governments are opting for a more neutral stance towards unions, our results suggest that stricter employer penalties should be considered. Currently even when an [unfair labor practice claim] is found to be meritorious, penalties for illegal employer coercion are largely compensatory. . . . Furthermore, our evidence shows that strict time limits form a useful policy tool in encouraging neutrality in the organizing process since the combination of union suppression and a length certification process is quite destructive.

I also note a 2006 study published in the Industrial Law Journal by an Oxford professor who has studied the statutory recognition procedures in England's Trade Union and Labour Relations Act of 1992. He compares the English, Canadian and American systems, and states at page 9: ''Indeed, the law itself has erected the most substantial barriers to unions' organizational success, and this is manifest in the dilatoriness of legal procedures. Delay erodes the unions' organizational base by undermining workers' perceptions of union instrumentality.'' These studies of the Canadian and the English experiences are instructive if we are to carefully consider the many aspects of the secret ballot election process.

Since 1935, there have been two major substantive amendments to Federal labor law. In 1947, Congress passed the Taft-Hartley Act and, in 1959, it passed the Landrum-Griffin Act. These additions to the law strengthened workers' right to refrain from union activity and regulated the process of collective bargaining and the use of economic weapons during labor disputes, but Congress has not amended the provisions of federal labor law that protect the right of self-organization.

On July 18, 1977, President Carter asked Congress for labor law reform legislation. His proposals were incorporated into H.R. 8410, which was introduced on July 19, 1977. An identical bill, S. 1883, was introduced that same day by Senators Williams and Javits. Ten days of hearings by the Subcommittee on Labor-Management Relations began on July 25, 1977.

UNIONS, FORMER SECRETARIES OF LABOR, CIVIL RIGHTS AND THE RIGHT TO WORK COMMITTEE TESTIFIED AGAINST H.R. 8410

In the House alone, from 1961 through 1976, over 60 days of hearings were held on the National Labor Relations Act. Nineteen days of hearing were held between July 15, 1975 and May 5, 1976, concerning, among other bills: H.R. 8110, to expedite the processes and strengthen the remedies of the Labor Act with respect to delegation and treble damages; H.R. 8407 to include supervisors within the protection of the Act; H.R. 8408, to improve the administration and procedures of the Board in terms of technical amendments; H.R. 8409, to strengthen the remedial provision of the Act against repeated or flagrant transgressors; and H.R. 12822, to amend the National Labor Relations Act to expedite elections, to create remedies for refusal-to-bargain violations, and other purposes. In 1978, H.R. 8410 was debated for 20 days in the Senate. After failing 5 cloture votes on the bill and amendments, the bill was returned on June 22, 1978 to the Senate Committee on Human Resources, and there it died. We should try again to address the problems raised during these extensive hearings and debates.

The National Labor Relations Act created a system of workplace democracy that to a large extent has served our nation well for more than 70 years. American labor unions, with a strong history of social progress and accomplishments in improving the workplace, have made America and the American economy strong. Yet, despite these successes, the NLRA is too often ineffective at guaranteeing workers' rights in the face of bad conduct by some employers and some unions.

The essential plan and purpose of the Wagner Act was described by President Franklin Roosevelt when he signed the measure into law:

''This act defines, as part of our substantive law, the right of self-organization of employees in industry for the purpose of collective bargaining, and provides methods by which the government can safeguard that legal right. It establishes a National Labor Relations Board to hear and determine cases in which it is charged that this legal right is abridged or denied, and to hold fair elections to ascertain who are the chosen representatives of employees.

A better relationship between labor and management is the high purpose of this act. By assuring the employees the right of collective bargaining, it fosters the development of the employment contract on a sound and equitable basis. By providing an orderly procedure for determining who is entitled to represent the employees, it aims to remove one of the chief causes of wasteful economic strife. By preventing practices which tend to destroy the independence of labor it seeks, for every worker within its scope, that freedom of choice and action which is justly his . . .''

It has been too long since the Senate has fully and freely debated whether our labor laws continue to adequately safeguard workers' rights. It is important that we focus on the real problems with the NLRA and try to achieve a result that can garner bipartisan support. Just take a look at the bipartisan support that has been a necessary basis of any successful labor legislation:

In 1926, only 13 Senators voted against the Railway Labor Act.

In 1931, the Davis-Bacon Act was passed by voice vote.

In 1932, the Norris-LaGuardia Act was passed by voice vote.

In 1935, the National Labor Relations Act (also known as the Wagner Act) was passed by voice vote.

In 1936, the Walsh-Healey Public Contracts Act was passed by voice vote.

In 1938, the Fair Labor Standards Act was passed by voice vote.

In 1947, the Taft-Hartley Act was passed when 68 Senators voted to override President Truman's veto.

In 1959, only 2 Senators voted against the Labor-Management Reporting and Disclosure Act (also known as the Landrum-Griffin Act).

In 1965, the McNamara-O'Hara Service Contract Act was passed by voice vote.

In 1974, not a single Senator voted against the Employee Retirement Income Security Act.

On January 20, 1959, Senator John F. Kennedy introduced a section of the Landrum-Griffin Act. His remarks in his floor speech were instructive and prophetic:

''[T]he necessity for bipartisanship in labor legislation is a principle which should guide us all. . . . So let us avoid . . . unnecessary partisan politics or uninformed or deliberate distortions. This is particularly true in the controversial field of labor—which is precisely why no major labor legislation has been passed in the last decade. The extremists on both sides are always displeased. . . . [But] in the words of Business Week magazine . . . 'wise guidance in the public interest can be substituted for concern over wide apart partisan positions.' I wish to mention the key provisions of the bill introduced today—the basic weapons against racketeering which will be unavailable in the battle against corruption if such a measure is not enacted by the Congress this year: . . . Secret ballot for the election of all union officers or of the convention delegates who select them. . . . This is, in short, a strong bill—a bipartisan measure—a bill that does the job which needs to be done without bogging down the Congress with unrelated controversies. Without doubt, the future course of our action in this area will be plagued with the usual emotional arguments, political perils, and powerful pressures which always surround this subject.''

I am voting for cloture today because I believe that it is time for Congress to thoroughly debate this issue and to address the shortcomings in the National Labor Relations Act in a bipartisan and comprehensive manner.

Mr. SPECTER. Madam President, I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Madam President, I yield 5 minutes to the Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized for 5 minutes.

Mr. ALEXANDER. Madam President, I thank the Senator from Wyoming.

I have enjoyed the remarks, as always, by the Senator from Pennsylvania. It is not a bad idea to consider labor-management relations in a bipartisan way. A good place to start doing that is in the Senate committees, where this discussion belongs, rather than bringing directly to the floor the question of whether we should just one day decide to get rid of the secret ballot in elections.

The Senator from Pennsylvania has done a beautiful job of looking at history. Let me point to some history as well.

May 13, 1861, was the day set aside in North Carolina for the election of delegates to the State Convention on Secession from the Union. This is a book by William Trotter about bushwhackers. Part of the United States in which I grew up and my family has come from is where counties and families were divided during the Civil War.

On that day, May 13, 1861, according to Mr. Trotter's book, there was to be a vote about secession, and one of the most visible people in the square on that misty spring day was the sheriff, who was an ardent spokesman for secession. He had been elected, according to the author, and supported by the wealthier farmers and merchants, nearly all of whom favored the idea of secession.

The sheriff had gotten a little whiskey and was boisterous and encouraged by his supporters. He went around town making it clear the prevailing sentiment in the county was for secession. He was in an exuberant mood because he knew, at the end of day, secession would be ratified. So exuberant was he, that he shot one of the Unionists, and that person's father then shot the sheriff. That day is called ''Bloody Madison'' in western North Carolina.

But the point is that when the secret ballots were counted, despite the sheriff and the wealthy farmers and merchants, there were only 28 votes for secessionist delegates, and 144 voted to stay with the United States of America. The secret ballot they exercised that day was for a reason. It made a difference.

In a little more personal way, a few months ago, we had a contest here among friends for our No. 2 position on the Republican side of the aisle. I sought it. So did my friend of 40 years, TRENT LOTT, the Senator from Mississippi. Going into the election, I had 27 votes. When the votes were counted, I had 24. The secret ballot we employ in our Senate caucus we employ for a reason. It makes a difference.

The unions, in the 1930s, when they were gaining a foothold and being established, insisted on a secret ballot. They still have a secret ballot when the vote is to decertify a union.

In our democracy, the right to vote is prized. We keep candidates away from polling places. We don't want people looking over your shoulder while you vote. We help you, if you can't read the ballot. We got rid of the poll tax to give you access to the ballot. The Voting Rights Act has become the single greatest symbol of the civil rights movement in the 1960's. The right to vote is the essence of our democracy.

This proposed legislation is brazen kowtowing to union bosses. This bill creates the possibility that large union recruiters might come stand around you at the work site and encourage you to sign a card. They might visit your home. They might make phone calls. They might be like the sheriff in Madison County, elected by the powerful and very persuasive, going around with his pistol or his gun or his influence, or looking over your shoulder while you voted. Fortunately, instead of that scenario, we have a secret ballot, and we ought to keep it.

What is next if we get rid of the secret ballot for union elections? Will we get rid of the secret ballot for union leaders, for Senators, for Governors, for managers of the pension funds? Even most union members want to keep the secret ballot. According to a Zogby poll in 2004, 71 percent said that the secret ballot process is fair, and 78 percent said they favored keeping the current system in place.

So whether it is voting day in Madison County at the beginning of the civil war, whether it is the Senate caucus on the Republican or Democratic side, or whether it is a union election to organize or to decertify, the right to vote is precious in America. Not having someone looking over your shoulder while you vote makes that precious right even more precious. There is a reason we have a secret ballot. It makes a difference.

I intend to vote no on cloture. I urge my colleagues to do the same.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, we are debating two things this morning, the card check and immigration. I yield 5 minutes to the Senator from New Hampshire.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I appreciate the courtesy of the Senator from Massachusetts earlier who made it possible for us to get an order for speaking.

Let me associate myself with the remarks made by the Senator from Tennessee relative to card check. It is totally inappropriate to eliminate secret ballots in a democracy.

I wish to talk a little bit about the immigration bill. This is going to come to a vote in a few minutes, or in about an hour, and there are some serious issues relative to the process. Since this is a process vote, I wanted to raise those issues. These are the issues: This bill could have been handled well. It could have been addressed through a process that would have allowed amendments that Members wanted to hear and take up, but it hasn't been.

What has happened is there is a working organization which produced the bill, and it is now controlling the amendment process. For example, I have requested that we have an effective, clean amendment on the issue of how we do H–1Bs. H–1Bs are a critical element of getting quality people to come to the United States and do jobs which we don't presently have people to do, mostly in the science field. Those people create jobs; they don't lose jobs. By bringing a person like that, we are actually creating a job center because that type of individual adds value to the American workplace. So we need a robust H–1B program. I wasn't saying it had to be in the bill, but I did say we have to have a clean vote on it so we can get an up-or-down vote on whether we are going to have a robust and effective H–1B program.

What has happened, however, is, through this process which has been developed—which prejudices those of us who are not members of the process, and since there are only five or six people in the process, it is prejudicing obviously about 90 of us—there is a situation that has been created where even if I get a clean vote on H–1B, which I am not sure they will even give me that under this clay pigeon approach, there will be language put in the managers' package which will basically gut the H–1B program. It is called the Durbin language.

The practical effect of the Durbin language is this: It says if you bring somebody in under H–1B, you must pay them the prevailing wage under skill level 2 of the prevailing wage. Well, the practical effect of that is it essentially means if you bring someone in under H–1B, after you have paid all the fees, all the finding fees, all the attorney's fees, which adds a lot for bringing that type of individual into this country, you then must pay a wage which is significantly higher than other people working in that same area.

Take a small software company in New Hampshire, of which there are many, that would use H–1B types of individuals, scientists, coming into our country. Let's say they had 10 positions, they only filled 9, so they had to bring in a 10th person. The average wage for a software person is about $80,000 in New Hampshire for nine of those people, but the person who came into the country would get $100,000. On top of that, they would also have the fees, the attorney's fees for getting the permit to bring the individual into the country. Obviously, the practical effect of that would be that H–1B would not work.

So this language, which is essentially killer language to the H–1B program, is going to be put in the managers' package, as I understand—although I don't really know that because nobody will actually tell us what is going on; this

is just a rumor—or alternatively, it is going to be put into somebody else's amendment, which we know will pass. But, anyway, there is a deal in the works which says the people who drafted this bill are going to lock hands and make sure that language is put in the bill which, even if we get a decent vote on a decent H–1B program, will gut that vote.

That raises serious issues of process and obviously fairness. I just wanted to make it clear that I am not comfortable with it in its present form and have significant reservations.

Madam President, I yield the floor and yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BIDEN. Madam President, on behalf of Senator KENNEDY, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. BIDEN. Madam President, history shows when the union movement is strong, the middle class is strong. When the middle class is strong, our Nation is strong.

But when the union movement is under attack, the middle class is under attack. When the middle class is under attack, our Nation is weaker economically and politically. Let there be no mistake, the union movement and our middle class are under attack. Just take a look at the numbers.

Since 1973, 26 percent of the workers in America belong to unions. The pay and benefits, the working conditions, the basic dignity they fought for spilled over to the rest of working class Americans. We are all better off for it.

I would like to show you a couple of charts. Between 1947 and 1973, if you look at rising income growth, and based on the percentile of income shown on this chart, essentially everyone from 1947 to 1973—the rising tide lifts all boats, and it lifted all boats—there was an actual real income growth of almost 118 percent for the lowest 20 percentile. The top 20 percentile grew over 80 percent. There was some genuine equity.

Then take a look at what happened as the union movement began to take blows from the Supreme Court and the NLRB. There used to be card check back in those days, by the way. If you wanted to join a union, you got a card check, a little like we are talking about now.

Look what happened between 1973 and the year 2000. Real income growth, the lowest 20 percent, grew just about 12 percent. The top 20 percent grew over 67 percent. We begin to see the building inequities as a consequence of the demise of the American union movement, as well as tax policy and the types of jobs we are creating.

Now, because I only have 5 minutes, I am going to do this quickly. Let's fast-forward to the era of President Bush, George W. Bush. Look what has happened in terms of real income growth, in terms of 2004 dollars. There has actually been a net decline in the income of the lowest 20 percent, almost 5 percent; the second lowest tier, almost 4 percent; the middle income, people making between $40,000 and $60,000 per family, their real income actually dropped over 2 percent—all the way across the board, everybody but the top 1 percent. You have to have an income roughly of $435,000 to make it into that category. Average salary income in that category is $1.4-plus million per year. That is the only outfit growing, and look at what happened.

If I could superimpose a chart on organized labor, you would see a direct decline; you would see an inverse proportion of what happened. As labor declined, the economic power of corporate America increased, and the power of the wealthiest among us skyrocketed.

It is time to change. Today, just 12 percent of American workers belong to unions, and the spending power of the paycheck is actually lower than it was in 1973. The median income is lower, but productivity is up more than 80 percent since 1973.

It used to be we had a grand bargain in this country. As labor increased productivity, as they did more, as businesses and stockholders were able to benefit from the increased productivity, they benefited. Now it is in inverse proportion. On the sweat and their backs, they have increased productivity, and they have been penalized for it.

Even in my State of Delaware, the hourly wage is down since 2000. The median family income is below its 2000 level. The number of workers represented and protected by unions has fallen from 1 in 4 in 1973 to 1 in 10 today. The basic social compact that built our economy, that built our middle class, that built our country after World War II, has been broken. That compact said if workers produce more, they would share in the gains. Today, that is not true. Unions help to cut that deal, and they kept their end of the bargain. Business and government have not kept their part of the deal.

It is harder now to organize, harder to get a union certified to represent the interests of the workers. It is harder because business is fighting back harder because this administration has launched its own unrelenting attack on the union movement. It is not just pay that has taken a hit. Basic benefits such as health care, pensions—things unions fought for and won—they are, more and more, just a thing of the past.

More and more of the American people have no health insurance—46 million as of last year—a number that just keeps growing. In my State of Delaware there are 100,000 uninsured.

Just imagine the fear, the insecurity, the helplessness that the families must feel, going from day to day—the man lying in bed and the woman lying in bed at night staring at the ceiling, having no insurance, looking over at his pregnant wife, knowing it is a premature child, and they will literally lose their house.

I yield myself 3 more minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BIDEN. Madam President, a quarter of a century ago, 9 out of 10 American workers could count on a pension plan with a guaranteed payout. They had security in knowing they could pay their bills. Today, only about one-third of Americans are in that shape.

Union membership means more security. The facts are clear. Union jobs earn 30 percent more than nonunion jobs.

We have to stop and reverse the decline of union membership, and that means passing the Employee Free Choice Act, which I have supported from the beginning, and which used to exist.

In Delaware right now the Laborers International Union of North America says the majority of the workers at the Walker International Transportation Company near my home in New Castle, DE, want to join them. They want to join because they need the benefits such as decent health care, pay, and working conditions for which unions have fought. Since May, the union has filed four complaints with the NLRB, complaints that the company is interfering with their organizing efforts.

Under current law, this process could be drawn out indefinitely. They should be able to resolve this with a clear, simple count of cards, certified by the National Labor Relations Board.

The Employee Free Choice Act will make the will of the majority of workers clearer. It will punish employers who break the law, and it will guarantee that new unions will get their first contract, not just another runaround.

It is time to bring the strength of the union movement back within the reach of the American people. It is time to rebuild the middle class by giving organized labor the strength to fight for decent pay and benefits.

My colleagues, it is time for a new social compact, a new social compact because of white-collar workers who never thought they needed a union, and who all of a sudden are finding out their companies are not so generous with them when they walk in and shut down a division and shut them out. I say to my colleagues, I believe American white-collar workers who never thought about the union movement are prepared to think about it now.

I don't want to just reverse the slide of organized labor in America, I want to energize a new compact between white-collar workers and blue-collar workers to give back power to the middle class so this graph you see here from the year 2008 through 2020 looks more like this graph that existed from

1947 to 1973. It is the only way to keep the middle class in the game. They are getting crushed now. They are getting crushed.

I yield the floor, and I thank my colleague for the time.

Mr. ENZI. Madam President, as I allocate the time, I do want people to know that the next sentence I say is tongue in cheek. I had no idea that taking the secret ballot away from America's workers could solve all the problems of the world.

I yield 5 minutes to the Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized for 5 minutes.

Mr. CORKER. Madam President, I thank the Senator from Wyoming.

It never ceases to amaze me the tremendous creativity that exists in the Senate, just by virtue of the name of this act we are discussing today, the Employee Free Choice Act, and to, of course, hear my colleague, the Senator from Delaware, talk about some of the ills that face labor today. Certainly, I want to say that as someone who has worked as a laborer and as someone who has worked with people who have worked in labor, I want to make sure the American people have good wages.

I agree with that 100 percent. I think all of us in America want to see people make a good living, to be able to raise their families in a way that certainly is full of respect. I want to see the same things occur.

I wish to say this debate today is most unusual. To talk about this vote we are going to have a little later today as being one about ''free choice'' is most ironic. Unlike most people who serve in the Senate, I have actually carried a union card. I have actually paid union dues. I have actually served as a trustee on a pension fund to ensure employees of mine who were union employees were able to receive their pensions down the road. So I worked with labor and I have been a laborer. I have been one of those people who certainly was talked to about organization and about people being members of a union.

I wish to say again—to reiterate what the Senator from Wyoming said—it is amazing that all of the ills relating to the labor movement today can be brought back to this one act that we are talking about today that has to do with card check.

I know people have talked about Supreme Court rulings and about books and about a lot of things. I wish to talk about what it means to be out on a jobsite and to be talking with union representatives, whether it is on a picket line or on the jobsite itself. If this act were to pass, instead of people having a secret ballot, such as we have in the Senate when we select our leadership, such as people have when they vote for us to be in the Senate—instead of that, what would occur is that each individual would be talked to about whether they would like to see a union come in. I have witnessed this, where people would go up to a water cooler on a construction site, and four or five large people representing the union gather around that person and ask them if they would like to be a member of the union. I have witnessed this when people are living out in rural areas and they don't want to vote for the union, but people pay them a visit in the dark of night suggesting they should check off a card, if you will, so they can call the union to form in the organization they happen to work for.

This is not about free choice. Certainly, this is about making sure the union leaders don't have to do the job that is necessary to cause people to want to join their union by offering the membership things they would like to have, but instead they would have the ability to strongarm people and cause people to do things that are not in their own interest. What is amazing to me is that union membership doesn't even want to see this happen.

What this, in essence, would do is cause union leadership not to even have to carry out their jobs in a way that would cause people to want to be a member of the union but instead threaten people at the jobsite, at their homes late at night, to cause them to be a member of the union.

For that reason, and because of the time we have at this point, I urge all those in the Senate to vote against this piece of legislation, which goes against the very principle we all support, and that is secret ballots, freedom of choice. I vehemently oppose this legislation because I believe this would set our country back a hundred years. I urge my fellow Senators to vote against this act.

I yield the rest of my time to the Senator from Wyoming.

Mr. ENZI. Madam President, we are hearing two debates today, and that was intentional. We will shift gears and go to immigration.

I yield 5 minutes to the Senator from Alabama.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from Wyoming, a fine Senator and a great manager of legislation.

I have to tell you we pretty well know this card check bill is going down like a lead balloon. We have an issue that has galvanized the attention of the American public—and we will be voting on that at the same time—and that is the immigration bill that we are about to go to.

I think it is odd that the allocators of time allocated a rather small amount of time to Senator ENZI to allocate to those who oppose this legislation.

Let me—since I only have 5 minutes and maybe now 4—see if I can succinctly say to my colleagues why the legislation before us today is a bad piece of legislation. Yes, we need to reform immigration; yes, we need to reform immigration in much the way those who are promoting this legislation say it should be reformed. But the bill we are going to vote on will not do that—very much like 1986, when the promoters of that bill said: Let's give amnesty to 3 million people and we will create a legal system in the future that will work.

Why would I say that, that this bill does not work? Our own Congressional Budget Office, on June 4—this month—did an analysis of the legislation. They concluded that if this bill were to become law, illegal immigration would only be reduced 13 percent. What an astounding number. Only 13 percent? We have been hearing we must pass this immigration bill, and if you don't like amnesty, you must vote for it because that is the only way we are going to create a legal system of immigration in America.

My analysis, before CBO came out with theirs, was that the bill would not be effective; it had loophole after loophole. They concluded the same. They say a 25-percent reduction in the border security and an increase in visa overstays nets a 13-percent reduction. That is in the CBO report, which is available to every Senator. We should look at that. How can we vote for legislation that we know is not going to work as it is promised to work?

Second, I don't know that the American people or Members of this body realize it will double the legal immigration flow into America over the next 20 years, giving twice as many green card statuses, legal permanent resident statuses, as the current law provides. We are not going to get any substantial reduction in illegality. We are going to double illegality. It will cost, according to CBO, the Treasury of the United States $30 billion—not expenses of enforcement, none of that, but for additional welfare and other benefits that would be paid to those who come into the country illegally.

Senator BIDEN talked about the middle class. This is not a little issue. I don't know that his numbers were exactly correct. But for some time I have been troubled by the fact that middle and lower skilled workers have not seen their income levels rise at the rate that corporate executives are seeing their income levels rise. Friday, when I left this body, right on the street there was a gentleman out there who had gray hair and a gray beard and he had a sign about jobs. I spoke to him. He said he opposed this immigration bill. He was a master carpenter from Melbourne, FL. He told me that he, in the 1990s, was making $75,000 a year. Now he is making a fraction of that. He is going to have to get out of the business. He attributed that solely to illegal immigration, this incredible flow of almost unlimited numbers of workers into his neighborhood, which had made his skill far less valuable.

If we are concerned about the middle class, we have to ask how many workers this country can accept without

seeing a marked drop in their income. The American people do not like this bill. Our phones are ringing off the hook. A decent respect for our constituents, I urge my colleagues, would be to say you have rejected this bill.

The ACTING PRESIDENT pro tempore. The Senator has used 5 minutes.

Mr. SESSIONS. I thank the Chair. I yield the floor and urge that we vote against cloture on this legislation.

Mr. ENZI. Madam President, I yield 5 minutes to the Senator from Texas.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized for 5 minutes.

Mr. CORNYN. Madam President, I was forwarded a copy of a transcript of an interview of a White House official yesterday commenting on some remarks I made on the floor regarding the immigration bill. I wish to speak to that.

I have argued the current bill sets up the Department of Homeland Security for failure because it requires the Department of Homeland Security to grant full work and travel authorization to applicants for Z visas within 24 hours of their application, whether or not a background check has been completed. That is the text in the current immigration bill. Yesterday, though, the White House told reporters this was part of a ''misunderstanding and mythology'' surrounding this provision.

Let me quote the text of the provision. It reads:

> No probationary benefits shall be issued to an alien until the alien has passed all appropriate background checks or the end of the next business day, whichever is sooner.

That is what the bill says. There is no mythology, no misunderstanding. I know people think that draft language is a perfect draft and believe it should attain its own mythological status, but this is pretty straightforward. If an alien applies, he or she gets legal status, full travel and work authorization no later than the next day.

The White House official believes this provision is workable because, as he says, ''Four of the layers of that background check are almost invariably completed within 24 hours.'' ''Almost'' always completing a background check within 24 hours is not always completing a background check within 24 hours. He acknowledges that one of the checks takes longer than 24 hours. So by his own admission, the Department of Homeland Security will confer legal status to nearly every applicant, even though they have not completed a background check.

This is not what the American people are hearing when they are selling this bill. The American people are being told that foreign nationals will have to pass a background check before they are granted legal status. This is not true, according to the text of the underlying bill, and it is not factually possible, according to the lead negotiator from the White House.

Not to be deterred by facts, however, this official believes this should be of no concern because if anything comes up in the background check beyond the 24-hour period, then the Department of Homeland Security will declare that person ineligible and deport them.

Certainly, that is a concept we can all support; that is, if someone is ineligible, they should be deported. My concern is the gulf between the promise being made to the American people and the likelihood that that promise will be carried out. The White House said this is of no concern because they will declare them ineligible and deport them. But the question Americans are asking is: Will they? Can they? If they already have this capability, why has nothing been done about 623,000 alien absconders already?

The Department of Homeland Security has reportedly created a unit to track down, apprehend, and deport these fugitives, but no appreciable dent has been made in this number. The Department of Homeland Security has information on these individuals already.

But let's keep in mind that as the Department of Homeland Security is so diligently tracking down the thousands of criminal aliens who have already had a chance and have gone underground, or have left the country and reentered illegally based on a deportation order, they have to do a lot of other things, and Americans are asking can they get all of this done? Can they train, hire, and deploy up to 20,000 additional Border Patrol agents? Can they implement a worker verification system to screen the workers around the country? Can they build up to the 370 miles of fencing and 300 miles of vehicle barriers? Can they deploy the secure border initiative? Can they deploy the exit monitoring system of the US-VISIT Program? Can they process 12 million initial applicants for Z visas? Can they build 105 radar and camera towers? Can they detain all removable aliens caught on the southern border utilizing detention facilities with a capacity of only 31,500 people per day?

I think the American people can be forgiven for doubting the commitment of the Federal Government and the willingness of the Federal Government to actually do all the things it is promising. That is why this bill is such a tough sell, to say the least—especially because, as of 2 years ago, we were doing nothing to beef up border security. It is hard to take the commitment at face value that, yes, now we are serious about it.

So I fear that, similar to 1986, we are being promised something the American people know we cannot and will not deliver. We should slow down, read this bill, offer and debate amendments that will improve the bill and vote on amendments freely.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY. Madam President, I yield myself 1 minute.

The fact is, if we sink this bill, if we vote against this bill, we wouldn't even have tried to do all the background checks, we wouldn't even have tried to get a secure border.

We know what so many Members of this body are against, but we have yet to hear what they are for. The Senator from Texas outlined in very considerable detail the kind of security to which we believe this legislation is committed. Defeat this legislation and all of that security is out the window.

This bill may not be perfect, but it is the best opportunity we have to do something significant and substantial, and I believe the bill is good.

I see my friend from Ohio. I yield him 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN. Madam President, I rise in support of the Employee Free Choice Act which will be in front of this body this week. Historians who take a clear-eyed look at the last 30 years will tell you productivity has been rising, our economy has been expanding, corporate profits are up, executive salaries are way up, and yet the workers responsible for our Nation's prosperity have not reaped anywhere near their share of the benefits.

The hallmark of our economy for generations has been those people who produce the wealth, people who work with their hands, people who work with their minds, the employees of this country. Those who produce wealth will share in the wealth they create. As productivity goes up, through most of our history, certainly in the last 100 years, so have wages. But things have changed.

In 2005, the real median household income in America was down 3 percent from the median income in 2000. In Ohio, my State, it was down almost 10 percent. Meanwhile, the average CEO makes 411 times more than the average worker. In 1990, the average CEO made 107 times more. We can see, as productivity goes up for workers, executives make more, profits are higher, but workers are not sharing in the wealth they create. That is what made the 2006 elections so important because the middle class spoke up, the middle class understanding their wages are stagnated, understanding they have not shared in the wealth they created. That is what makes today so important.

We are considering today landmark legislation supported by workers, employers, religious organizations, civil rights groups, advocates for children's legislation, which will give employees a real choice on whether they want to join a union.

This legislation probably won't pass this week. Republicans have again, one more time, threatened to filibuster and one more time we probably won't get the 60 votes to pass this legislation. But it is clear a majority of the American people want it, a majority of the House of Representatives wants it, a majority of the Senate wants it. We will keep coming back year after year

supported by these workers, employers, religious organizations, civil rights groups, and advocates for children.

I would point out, in pursuit of economic justice, why this Employee Free Choice Act is so important and what has happened to our economy in the last six decades. Each of these bars represents 20 percent of wage earners in this country, the lowest 20-percent wage earners and the highest 20 percent. We can see, from 1947 to 1973, the height of unionism in our country, the period when the most American workers belonged to unions, what happened. There was strong economic growth for all of society, for all workers in every category, but the strongest economic growth in wages was the lowest 20-percent of wage earners from 1947 to 1973.

In the seventies and eighties, the percentage of American workers in unions declined. Other things were going on too, such as the trade surplus went to a trade deficit, and other things. The big part of that was unionization. Look at 1973 to 2000; there was still economic growth in all segments of our society. On average, in each category, workers' incomes went up, but the lowest 20 percent had the lowest percentage growth in income, and the highest 20 percent had the highest growth in income. We can already see a splitting apart, where wage growth did not quite track productivity.

Since 2000, we can see something else happened. This trend has exploded. Since 2000, all five categories have seen their wages go down. The lowest 20 percent has had the biggest decline. Only when we cut off the top 1 percent have we seen incomes go up. The top 1 percent has seen their incomes go up 6 percent; the lowest has seen their incomes drop about 5 percent. Again, that is in large part because fewer and fewer Americans belong to labor unions, and it is more and more difficult to join a union.

Employers are stronger. Employers spend more money. Employers hire more firms with great expertise on how to stop union drives, to defeat unions, to refuse to bargain if a union is voted in. Literally there have been tens of thousands of infractions those employers have engaged in against their employees. This bill makes sense.

The PRESIDING OFFICER (Mr. TESTER). The Senator has used 5 minutes.

Mr. BROWN. I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I urge my colleagues to vote ''no'' on cloture on the check card bill. I urge them to do this because a secret ballot is not only a part of the political process in the United States, but a part of a process in many organizations to make sure that people vote their convictions and not their emotions or emotions that have been forced upon them.

I want to use a personal example of why I think, in union elections in particular, a secret ballot is so important. I have told some of my colleagues, not very often, but in past debates on the floor of the Senate that while I was a member of the State legislature, I worked at a factory in Cedar Falls, IA, called Waterloo Register Company. We made furnace registers. I had the glorious job for those 10 years of putting screw holes with a small punch in those registers. I worked there from September of 1961 until the plant shut down in March of 1971. During that period of time, from February of 1962 until the plant shut down, I was a member of the International Association of Machinists. Everything was going all right for that plant until about 1967, 1968, 1969, when our products made by the International Association of Machinists were not being installed by the Sheet Metal Workers Union members in Pennsylvania, is what I was told at the time. Our company wanted us to change from the International Association of Machinists to Sheet Metal Workers. This is not an instance of the company trying to keep a union out. There was already a union there. The company was getting behind the Sheet Metal Workers Union in a dispute that involved an illegal secondary boycott against our products. So our management thought if we were part of the Sheet Metal Workers Union we would get our products installed easier around the country by sheet metal worker installers. Presumably, we were one of the few companies making registers at that particular time that was a member of the International Association of Machinists, as opposed to being a member of the Sheet Metal Workers.

So our company and that union pushed to have an election to change unions from International Association of Machinists to Sheet Metal Workers. It was highly debated. Obviously, machinists and their members loyal to them wanted the machinists union to stay. The company and some workers who were sympathetic to the company point of view would rather have the Sheet Metal Workers Union because we were told they would not stay in business if the Sheet Metal Workers were not there.

We had an election. I forget the exact date. I tried to look up newspaper stories for this debate, and I couldn't find them. My recollection is that in March of 1969 or March of 1970, we had an election. I remember driving 100 miles from Des Moines where the legislature was in session to my factory—I had a leave of absence—to vote in that election. I don't mind telling people how I voted. I voted to keep the International Association of Machinists because I had been a member for 6 or 7 years. I thought they were serving my interests right. I wanted to keep them in there, and I didn't believe the story of the management and I didn't believe we should ratify an illegal secondary boycott.

In the meantime, we obviously got a lot of pressure both ways—from the machinists to keep the machinists, and we got a lot of pressure from management to change the union. There was a lot of intimidation. But we could go into that secret voting booth and cast our ballot, and nobody knew how we voted. We did vote, and we kept the International Association of Machinists in that particular election.

I know the overall reasons haven't changed in the last 40 years to have a secret ballot. They have been debated well here. But I thought I would share with my colleagues a personal story about the intimidation that can come from management, not necessarily from the union, to vote a certain way.

Consequently, I was fortunate we were able to keep our International Association of Machinists, and everybody went on happily until the plant finally closed down a couple years later.

So, I urge colleagues to vote against cloture and preserve the secret ballot to ensure that the intimidation that can be active by management as well as labor isn't used.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I rise to urge my colleagues to vote ''yes'' on the motion to proceed to S. 1639, the immigration reform package. This immigration reform legislation has been long in coming. Immigration has been debated on the floor in the last year for almost a month. We debated it earlier this year for several weeks. It has been the subject of multiple hearings.

The fact is this national security problem is not going to go away until the Members of the Senate have the courage to stand up and deal with this issue.

The legislation before this body may not be the perfect legislation everybody wants, and there are people who will find fault with the legislation, but at the end of the day, it addresses three fundamental principles we must address on immigration reform.

The first of those principles is that it secures America's borders, and it does that with tough provisions in how we police the borders, the addition of more Border Patrol agents, 370 miles of fencing, 70 ground-based radar and camera towers, 200 miles of vehicle barriers, new checkpoints of entry, and so forth.

Second, this law will enforce our Nation's immigration laws for the first time. For far too long, for the last 20 years, what has happened is America has looked the other way and turned a blind eye toward the enforcement of

our laws in this country. This legislation has significant enforcement provisions in it that will, in fact, be enforced and funded.

Third, this legislation secures America's economic future. It does it by the passage of the AgJOBS Act which is supported by more than 800 organizations, farmers, ranchers, and the agricultural community throughout our great Nation.

It addresses the economic needs of America by moving forward with a new temporary worker program that will address the needs of America today in terms of jobs that other people do not want.

And finally, it sets forth a realistic solution for America's undocumented workforce, and it is a far cry from what those who are on the other side of this issue will say—that it is amnesty. It is not. When we are having the people pay the kinds of penalties we have in the bill, when we have them go to the back of the line, when we put them through an 8-year purgatory, when we put them through that probationary period of time, what we are saying to them is: You have broken the law, you are going to pay significantly to get back into the line relative to the possibility of having a green card which will not come until 8 to 13 years from now.

So I think we have struck the right balance here, and I would urge my colleagues to move forward and to give us a ''yes'' vote on the motion to proceed to debate this fundamental issue of national security.

Finally, I would say that the moral issues which are at stake, which are at the foundation of this debate on immigration, are moral issues we cannot escape from. This Senate has to have the courage to stand up and say we are going to address those issues now.

Mr. KERRY. Mr. President, we are here today to bring a long overdue measure of fairness to a system that because of years of powerful opposition and millions of dollars spent remains rigged against the American worker.

Today, it is simply too difficult for workers to claim their legal right to join a union and too easy for employers to prevent them from doing so. This is no accident, and it must change.

Throughout our history, it is the labor movement above all else which has stood up as the driving force in support of working Americans, a gateway to the middle class. So much of what we take for granted today—the 5-day workweek, paid vacations, pensions, health insurance didn't happen by accident; they became reality because people in organized labor were willing to fight, willing to march, and sometimes willing to die to stand up for the rights of the American worker.

But the work of making America a little bit more fair and a little bit more just isn't over—and once again to achieve another milestone we must stand with labor over the objections of powerful corporate opposition.

As a cosponsor and strong supporter of the Employee Free Choice Act of 2007, I urge my colleagues to vote for cloture to pass this important legislation and continue the march of progress in this century which organized labor began in the last one.

In 1935 Congress passed the National Labor Relations Act, NLRA, historic legislation that marked the first time the Federal Government recognized collective bargaining as a right for workers. Employees won the right to organize and a legal forum to settle disputes with management, air grievances, and generally improve workplace standards.

This 1935 law represented a tremendous breakthrough for workers, but its unintended consequences have worked to undo its basic promise that when a majority of workers want to join a union, they have the right to do so.

Unfortunately, the union recognition process today allows antiunion employers to stall both the organizing and bargaining process for months and even years—opening up the door for the very abuses the NLRA explicitly seeks to prevent.

First, once workers decide and demonstrate that they would like to unionize, our current system offers employers a window of time in which to lobby, cajole, and otherwise pressure them not to do so before holding a surreptitious secret vote. When presented with signatures from a majority of employees, employers can call for a secret election—delaying the process and creating a window of opportunity during which employers can hire antiunion consultants, conduct an unlimited number of employee meetings, and bar labor representatives from the workplace.

Second, under the current rules, there are too few penalties to dissuade companies from taking illegal actions far beyond the questionable practices permissible under the NLRA. Facing light penalties, companies make a rational calculation that it is cheaper to violate labor laws and be punished than it is to follow them.

In 2005, the National Labor Relations Board, NLRB, reported that 31,000 workers were disciplined or fired for union activity. Studies show that employees are fired in one-quarter of all organizing campaigns and that one in five workers who openly advocate for a union during an election campaign is fired.

The odds are stacked against workers: when they present a majority, their employers are given every chance to dissuade them from unionizing. When employers cross these already generous lines and break the law, they are not held to account.

The Employee Free Choice Act of 2007 brings the letter of the law in line with the spirit of the law. It takes practical measures to protect and deliver what is supposedly already guaranteed: workers' right to organize.

The bill requires the NLRB and businesses to recognize a union when a majority of employees have signed their names to authorization cards and presented them to the National Labor Review Board. It also requires a binding arbitration process if an employer and a new union cannot reach agreement on an initial contract, empowers the NLRB to enforce compliance with the law in Federal court, and levies substantial fines on employers that engage in union-busting activities.

This legislation is about fundamental fairness. Millions of Americans want to join a union and ought to be able to, but can't. Just ask John Elia of Melrose, MA, field technician for Verizon who wants to organize his unit within the Communication Workers of America. John has been trying for months to get Verizon to recognize the union authorization cards he and the majority of his coworkers have signed. He even handed the signed cards to Verizon's CEO Ivan Seidenberg and asked him to accept them, but he was refused. Earlier this year, Congressman STEPHEN LYNCH, Congressman JOHN TIERNEY, Massachusetts Lieutenant Governor Tim Murray, and I publicly verified the field technician's authorization cards and called on Verizon to recognize them but we were refused as well.

John Elia wants what every worker wants—better pay, decent health care, a stable retirement plan, and real job security. Research shows that unionized workers are paid 30 percent more than nonunion workers, 92 percent of unionized workers have some health care coverage, and three out of four have defined benefit retirement plans—compared to just one in six nonunion members. No wonder a majority of Americans say they would join a union if they could.

This bill is especially timely because the Bush administration has rolled back the clock on worker rights and created an atmosphere that has emboldened many employers to engage in the kind of illegal activity that this bill would help end. For instance, Wal-Mart has been known to shut down stores and relocate them with different employees to prevent them from organizing. The Employee Free Choice Act would require the country's biggest employer to finally recognize its employees' right to form unions and bargain for better pay and benefits.

Opponents of this bill including the Chamber of Commerce want us to believe that instant card check recognition is undemocratic and will hurt businesses. In fact, it fulfills the promise of the National Labor Relations Act of 1935 by ensuring that a majority organizing vote will be honored. What is more democratic than honoring the wishes of the majority? Doubters at the Chamber of Commerce may also want to talk to cell phone provider Cingular, which has voluntarily agreed to honor instant card check unionization. Cingular reported $9 billion in revenue and a record $782 million fourth quarter profit in 2006. It hardly seems to be struggling under the weight of its unions.

Mr. President, as chairman of the Senate Committee on Small Business and Entrepreneurship, let me assure you that this bill is not bad for small businesses. It is aimed at large businesses that engage in union-busting, something small businesses cannot afford to do. In fact, 20 million out of America's 26 million small businesses don't have any employees.

We must restore balance to a broken labor system that breeds resentment on both sides. We must do so most of all so that millions of Americans see their hard work translate into a better standard of living. I urge my colleagues to support cloture so that we can improve conditions for hardworking Americans everywhere.

Mr. DODD. Mr. President, I rise in strong support of the Employee Free Choice Act, a bill that will ensure dignity and prosperity for millions of American workers.

It is no secret that unions helped build in America the largest and strongest middle class the world had ever seen. But where does that middle class stand today? Since 2000, real median household income is down, real wages are down; real wages, in fact, are lower now than they were in 1973. Nearly 50 million Americans, and more every day, are without health insurance. And all this stagnation while corporate profits are up 83 percent since 2005, while the pay of CEOs has skyrocketed to 411 times the pay of their workers.

It is no secret that, while American inequality has reached these heights, fewer and fewer workers are members of unions. In large part, that is not by choice. Worker intimidation is not the activity of a few outlaws—it is persistent, it is systemic, and it is devastating. Employers illegally fired workers in one quarter of union organizing drives. In 2005, more than 30,000 workers were discriminated against in connection with union-busting activities.

If we are going to preserve the American middle class—if workers are going to have the ability to bargain for their fair share—then we need to deter coercion and discrimination; we need a way for workers to fearlessly let their voices be heard.

The Employee Free Choice Act is the tool they need. It has three key provisions.

First, the bill recognizes that union elections are often the high point of employers' intimidation tactics. Rather than provide them a concentrated target, the EFCA establishes majority signup: If a majority of workers sign cards stating that they want union representation, a union is certified as their official collective bargaining agent. Workers are still free to participate in a secret ballot election supervised by the National Labor Relations Board if they so choose; but the Employee Free Choice Act gives that choice to workers themselves.

Second, the bill provides strict penalties for employers interfering with their workers' free choice to join or establish a union. Under the bill, the National Labor Relations Board may obtain a court injunction against an employer that is illegally firing or otherwise harassing workers. Illegally fired workers will be entitled to three times their back pay—a strong deterrent. And willful and repeated violation of workers' rights will result in a civil fine of $20,000 per incident. These penalties replace consequences that, to date, have proven ineffective. Companies will no longer have an incentive to ignore the law.

Third, the bill makes it easier for unions and employers to reach their first contract. It stipulates that bargaining must begin within 10 days of a new union being certified. If, after 90 days, no agreement has been reached, this legislation then authorizes either party to seek mediation through the Federal Mediation and Conciliation Service, which, in 2006 handled more than 5,500 cases and had an 86 percent success rate; if no contract is reached after 30 days of mediation, the parties will then submit to binding arbitration, which will impose a contract that lasts for 2 years. This clear process ensures that unions serve their purpose—because, without contracts, collective bargaining is meaningless.

There is no doubt that majority signup, stricter intimidation penalties, and the clear first contract process will strengthen American unions. But this is not a union bill, not if that term is understood to mean any narrow constituency or any narrow interest. Whatever his or her choice, it is in the interest of every American worker to have that choice recorded fairly, free from fear and threat. When the unfair and illegal barriers are removed, however, I am confident that more and more workers will put their trust in unions. Unions offer millions of us better wages, sounder health care, and more secure pensions. They are the best way we have yet discovered to share the fruits of our prosperity more equally. Workers know that, Mr. President—and they are waiting to be heard.

Mr. MCCAIN. Mr. President, I am strongly opposed to H.R. 800, the so-called Employee Free Choice Act of 2007. Not only is the bill's title deceptive, the enactment of such an ill-conceived legislative measure would be a gross deception to the hard-working Americans who would fall victim to it.

Since the inception of our democracy, we as citizens have placed a great amount of pride in our ability to freely cast votes and voice our opinions on how Federal, State, and local business should be conducted. Our ability to voice opinions through secret ballots stands as one of the hallmarks of our democratic process. Certainly, now, perhaps more than ever, we should be working to uphold this hallmark, not tear it down for the convenience of organized labor, which has been struggling with a declining membership. This bill is the product of partisan politics at its worst, and it must be soundly defeated.

During the early 20th century, we experienced a rapid growth in our labor force and, as a result, a push by unions to increase their membership. In response to aggressive and questionable recruiting practices by some unions, Congress passed the National Labor Relations Act, NRLA, of 1947. One of the main tenets of this legislation was to afford hard-working Americans the right to privately cast their vote on whether to organize, free of intimidation and coercion from union representatives and employees. Unfortunately, before us today is a bill that seeks to strip this fundamental right from our Nation's workers. Ironically dubbed the ''Employee Free Choice Act of 2007,'' this legislation would enact a ''card check'' process, allowing unions to bypass the long used and successful secret balloting system.

The proposed legislation is a direct attack on one of the most basic tenets of our democratic process, which is why it is opposed by a majority of American workers. A recent poll conducted by the nonpartisan Coalition for a Democratic Workplace found that 90 percent of union households oppose this legislation. Another poll by McLaughlin and Associates indicated that almost 9 out of 10 voters agree that workers should continue to have the right to a federally supervised secret ballot election when deciding whether to organize a union.

My concern is—and it is a concern shared by many—that if enacted this measure would expose workers to intimidation and the fear of retaliation for votes cast. We simply cannot allow this assault on democracy from becoming law. Instead, we should be working for the swift enactment of S. 1312, the Secret Ballot Protection Act of 2007, which I am proud to cosponsor along with 26 of my colleagues, to ensure secret ballot elections for employees.

I strongly urge my colleagues to vote no on H.R. 800 and to halt the full Senate's debate on this ill-conceived, flawed measure.

Mrs. BOXER. Mr. President, I rise today in strong support of the Employee Free Choice Act. For far too long, our Nation's labor laws have created an environment that has made it harder and harder for workers to organize and form unions.

The current system overwhelmingly favors the employer, who too often use their advantage to intimidate and coerce their employees.

The end result of this system has led to a squeeze on America's middle-class families, and the time has come to put an end to a union election system where employer intimidation tactics prevent middle-class workers from earning decent wages, health care, and fair working conditions.

It should come as no great surprise that middle-class families are facing increased economic hardships because of the Bush administration's policies.

Corporate profits have jumped 83 percent since 2001, with the richest Americans getting richer, while health care, energy, food, and education costs have skyrocketed, creating the largest income gap in 65 years.

In 2005, households in the bottom 90 percent experienced a .6-percent income loss, while workers at the top enjoyed a 16-percent increase in income.

Real wages for U.S. workers are lower today than in 1973, and in California, the real median hourly wage fell by 2.7 percent between 2003 and 2005.

In addition to seeing their wages squeezed, many middle-class workers are unable to provide health care for their families.

Over 7 million Californians are uninsured and the numbers of uninsured increase every year.

In fact, from 1999 to 2005, the number of Californians with employer-provided health care dropped from 60 percent to 55 percent.

To put into perspective the pressure being placed on the middle class, I recently found my son Doug's pay stub from when he worked as a checker at a supermarket in 1986.

Twenty-one years ago, a checker at his supermarket earned $7.41 per hour. According to the United Food and Commercial Workers union, an entry-level checker starting today would earn around $8.90 per hour, which is $4.86 less than my son's 1986 wages adjusted for inflation.

This downward pressure on middle-class wages must stop—and increased union participation can help solve this problem.

Encouraging more participation in unions is a simple and proven way to help middle-class families.

Union wages are on average more than 30 percent higher than nonunion wages. Union cashiers earn 46 percent more than nonunion cashiers. Union food preparation workers earn 50 percent more than nonunion workers.

To help increase participation in unions, the Employee Free Choice Act puts to an end the current culture of intimidation and coercion that surrounds some union elections, and instead presents a choice to workers contemplating unionization.

Under EFCA, workers can choose to proceed with union elections through secret ballot or they can choose organization through a simple card check procedure. Under current law, only the employer can choose how its employees choose to elect union representation.

Responsible employers, like Kaiser Permanente and Cingular, gave their employees such a choice, and the results have been great.

At a Kaiser Permanente health care facility in Orange County, CA, nurses were able to quickly and easily form a union without fear of intimidation and illegal firings. The smooth unionization process has led to an all-time low nurse vacancy rate and low nurse-to-patient ratios, which has increased the quality of health care provided to Kaiser's patients.

But workers who have not been given a choice on how to proceed with union elections have faced unfairly harsh consequences.

Employer intimidation and coercion are serious problems.

In 2005, over 30,000 workers lost wages or were fired because they were involved in union organizing activities.

The current union election system is badly broken and breeds fear in the workplace.

Workers under open threat of firings and layoffs from their employers are not given a real choice in choosing to organize a union.

Workers are fired in 25 percent of all private sector union organizing campaigns, and 1 in 5 workers involved in union organizing efforts is fired.

Over 75 percent of private employers require managers to give anti-union messages to employees, and over half of all employers threaten to close or relocate the business if workers elect a union.

At a Rite Aid distribution center in Lancaster, CA, workers thought forming a union would help them negotiate better working conditions. Workers at this distribution center work with no job security, mandatory overtime after 10-hour shifts, and no temperature controls in the warehouse.

When the union movement began to gain momentum, one of the lead employees, who had worked there for 6 years with a spotless record, was fired for poor performance.

Said the worker after his termination, ''People were afraid to sign union cards because they saw what happened to me.''

At the Los Angeles Airport Hilton Hotel, two workers leading the union effort were fired on trumped-up charges. One of them, Alicia Melgarejo, is a single mother of a 14-year-old daughter, who worked as a housekeeper at the hotel for 8 years.

Despite the fact that she had never been disciplined in 8 years on the job, she was immediately fired after being accused by management of stealing towels.

She asked management to show her video to back up their claim, but they refused. She believes she was simply fired for her role in union organizing efforts and her active support of Los Angeles' living wage law.

Under current law, these gross examples of intimidation can only be penalized by what amounts to a slap on the wrist for large companies. Employers can ruin lives, like they did to Alicia and her daughter, yet they often build into their budgets the costs of union-busting activities and the small penalties authorized by the National Labor Relations Board.

The current union election system creates a battle between employer and employee, with no real winner.

Our workers have earned the right to work in an environment free from fear, and they should be given the right to choose if they want a union through a process that doesn't provide incentives for employers to coerce and intimidate their employees.

EFCA changes the game and provides workers with a fair choice in choosing to organize.

It also takes away incentives for employers to break the law and illegally fire union organizers by requiring back pay for workers who are fired or retaliated against, increasing civil fines to up to $20,000 for each illegal act, and authorizing Federal court injunctions to immediately return fired workers to their jobs.

EFCA provides employees with a choice in choosing a union, gives teeth to penalties for violations to prevent employer bullying and intimidation, and levels the playing field for workers seeking well-deserved living wages, health care, and fair workplace treatment.

I urge my colleagues to support cloture on the motion to proceed to this bill.

Mr. OBAMA. Mr. President, all across the country, Americans are anxious about their future. In a global economy with new rules and new risks, they have watched as their Government has shifted those risks onto the backs of the American worker, and they wonder how they are ever going to keep up.

In coffee shops and town meetings, in VFW halls and all along the towns that once housed the manufacturing facilities that built our country, the questions are all the same. Will I be able to leave my children a better world than I was given? Will I be able to save enough to send them to college? Will I be able to plan for my retirement? Will my job even be there tomorrow? Who will stand up for me in this new world?

The Employee Free Choice Act can alleviate some of these concerns. I support this bill because in order to restore a sense of shared prosperity and security, we need to help working Americans exercise their right to organize under a fair and free process and bargain for their fair share of the wealth our country creates.

The current process for organizing a workplace denies too many workers the ability to do so. The Employee Free Choice Act offers to make binding an alternative process under which a majority of employees can sign up to join a union. Currently, employers can choose to accept—but are not bound by law to accept—the signed decision of a majority of workers. That choice should be left up to workers and workers alone.

Moreover, workers who want to form a union today are vulnerable to a concentrated period of union-busting tactics by employers. Far too often, workers petition to form a union, the employer is notified, and then the employer uses the time between notification and the vote to force workers into closed-door meetings where they might

mislead and scare their employees into opposing the organizing drive. In thousands of cases, employers just start firing prounion employees to send a message. And they consider any penalties that result from that behavior an acceptable cost of doing business.

The Employee Free Choice Act would give workers the right to collect signed cards from a majority of their colleagues to form a union and would require the employer to respect and accept that decision. It increases penalties to discourage employers from punishing workers trying to organize their colleagues, and it encourages both sides to negotiate the first contract in good faith by sending stalemates to binding arbitration.

As executive compensation skyrockets and money managers rake in millions in income annually, American workers are wondering if the rules aren't tilted against them. They question whether their vote and their efforts matter. They feel they have an increasingly weaker voice in the decisions their employers and their Government make. They find themselves competing against workers abroad who lack fair pay and benefits. And they feel ill-equipped to challenge employers who are cutting wages or refusing to raise wages at the same time as they are shedding their health care and retirement contributions.

What the history of America's middle class teaches us—and what we have to make real today—is the idea that in this country, we must value the labor of every single American. We must be willing to respect that labor and reward it with a few basic guarantees—wages that can raise a family, health care if we get sick, a retirement that is dignified, working conditions that are safe.

To protect that labor, we need a few basic rights: organization without intimidation, bargaining in good faith, and a safe workplace. These are commonsense principles, and this bill affirms those principles. For this reason, I stand in solidarity with working people around the country as an original cosponsor of the Employee Free Choice Act, and I urge my colleagues to pass it.

Mr. ENSIGN. Mr. President, I rise today to address the so-called Employee Free Choice Act.

Over the past few weeks the Democrats have painted a very partisan picture for the American public; coloring their failures by laying blame at the feet of the Republicans. In reality, Republicans have come to the table in good faith time and again to address the issues facing this Nation and its hard-working citizens.

Now, this week, despite their promises to deliver energy solutions, the Democrats have chosen to set aside the only energy bill they have brought before the Senate. Sadly, we only had mere days to debate proposals that could have put this country on the path to lower gas prices and energy independence.

What is more important than securing America's future?

It is with complete disregard for the rights of American workers that the Democrats have brought to the floor—at the cost of vital legislation—the deceptively titled ''Employee Free Choice Act.'' This act would revoke the right of workers to cast secret ballots in elections when voting on whether to form a union. Workers could now be unionized by the practice known as ''card check,'' which would make employees cast their vote publicly by signing cards that would be allowed to count as votes in place of a secretly cast ballot. This practice would allow for unionization as soon as a majority of employees give consent, thus eliminating the voice and vote of a significant percentage of employees.

This country is founded on the fundamental principles of freedom and choice. Let's be clear, this is not a debate about the merits of unionization, rather this is a debate about ensuring that Americans maintain their right to make their choice in private, from the voting booth to the workplace. The United States has a rich tradition of Americans choosing their elected representatives by secret ballot in free and fair elections. Every Member of Congress was elected through a secret ballot process, something I have worked throughout my career to protect. Ensuring that employees maintain the right to secret-ballot elections protects those who would choose to not unionize from undue peer pressure, public scrutiny, coercion, and possible retaliation. We cannot allow political payback to undermine 60 years worth of democracy in the workplace.

This is not what the American worker wants. Although I do not believe in governing by polls, it is an important tool to gauge support on an issue such as this. According to a Zogby poll, 78 percent of union workers favor keeping the current secret ballot process in place. It is also important to note that preserving the rights of workers does not mean the end of unionization. As a matter of fact, a study conducted by the National Labor Relations Board confirmed that unions win 60 percent of all elections conducted by a secret ballot. Knowing that would prompt any reasonable person to ask why the Democrats are so eager to secure the favor of big labor, especially when it is at the cost of the workers they claim to protect.

This bill would reverse 60 years of Federal labor law that has guaranteed workers the right to cast a private ballot. In 1947, Congress made a decision to amend the National Labor Relations Act and expressly mandated that workers be given the right to a secret ballot. Both the National Labor Relations Board, which oversees unions, and the Supreme Court have upheld the law and the rights of workers by recognizing that secret-ballot elections are the most satisfactory way to establish a union. Public support for the secret ballot for union representation is strong and an overwhelming number of union employees agree that a worker's vote to organize should remain private.

Currently, during union elections, all votes are cast secretly, and every vote is counted. This is important to protect employees from coercion and retaliation, not only from the employer but also from union officials. You see, what people fail to realize is that union officials have been as guilty of applying pressure, as they can alienate individuals, kill careers, or even threaten with physical force. Employees have had representatives from big labor visiting their places of employment, writing down license plate numbers, and visiting their homes later that night. Casting votes in secret provides all employees protection from these and other pressures.

Allowing the Employee Free Choice Act to pass into law would result in a dictatorial rule over laborers and their civil rights. I encourage this body to stand up and ensure that the Democrats are not allowed to make political fodder of the civil rights of hard working Americans. We cannot restrict the rights of workers by denying them their fundamental right to cast a private ballot in union organizing elections. Let's call this for what it is—a political payback—and vote against the ''Employee No Choice Act.''

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I believe I have 6 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Mr. President, again I wish to thank my friend from Colorado for putting into 3 short minutes the compelling case for the support for cloture we will be voting on in just a very short period of time and thank him not only for his eloquence and his passion but also the strong ongoing effort he has made to try to make sure this legislation is worthy of the goals he has outlined. He has made an extraordinary contribution, and history will show it.

If the Chair will let me know when I have 1 minute left.

Mr. President, on the employee checkoff legislation, first of all, we want to point out that free elections are in the Employee Free Choice Act. They are in the legislation. We have heard a lot of issues and questions about whether they are in or they are not in. They are in the legislation. But let me really point out, in the few minutes that remain, why this legislation is necessary.

It is necessary because of the impact of what is happening today to so many workers who are trying to be able to pursue their economic interests.

This is Verna Bader, a machine operator in Taylor, MN. Verna wanted to form a union to help address health and safety problems at work. This is often the case. It isn't just their own economic interest; it is the health and safety problems they see on the job.

She and other union supporters were harassed by the foreman, who threatened: ''If you do get a union in here, you're gonna find out that you aren't gonna have a job.'' We have heard of intimidation, and this is the type of intimidation which so many workers, when they try to form a union, are faced with.

After employees voted to form a union, the harassment became unbearable for Verna. ''There's days that I literally went out of there crying. This is the kind of conditions that the employer set.''

Taylor Machine illegally shut down the department where union supporters worked. Eventually, the NLRB ordered the company to give them back their jobs. The company refused and appealed the ruling, delaying justice for the workers. Verna and her coworkers didn't get the backpay the company owed them until 8 years later.

This is Bonny Wallace, a nurse from Roseburg, OR. Bonny and her coworkers decided to form a union after the hospital began increasing nurses' patient loads, forcing them to work mandatory overtime. Many times, these workers would come down exhausted at the end of their 8-hour shift and be told: No, you are going to have to continue to work. Many of them had children at home or children they were picking up at school, and they were told they had to go out. The workers tried to find out if they couldn't get at least some kind of recognition of their needs. ''We needed some help and some representation. We needed someone to listen to us, when management would not. That's why we called the union.''

The hospital started a campaign of fear and intimidation. Despite a shortage of workers, the hospital forced them to attend antiunion meetings during their shifts. The meetings were demeaning and dehumanizing. ''We felt insulted by the half-truths they put forward.''

The nurses won the election, but 1 year after the union was certified, they still had no contract. Management has come to bargaining meetings unprepared to negotiate, stalling the negotiations and slow-walking the outcome.

So you have the situation where an individual is fired and another situation where they have just refused to negotiate.

Now, what happens every year? These are the figures from 2005: 30,000 workers—30,000 workers—have had to get backpay from the National Labor Relations Board because of examples I have just given here this afternoon. And these are not the exception. This is what is happening all over America. It didn't used to be that way. It didn't used to be that way.

Years ago, when they did have the card and the checkoff, the numbers that were actually being talked about at that time were about 3,000 individuals. Now, as has been pointed out during the course of the debate, the powers that are out there to defeat these workers, humiliate these workers, intimidate these workers are very effective, and we have 30,000 who get backpay.

Employees are fired in one-quarter of all the private sector union-organizing campaigns. One in five workers who openly advocate for a union during an election campaign is fired. That is the technique used in order to destroy. That is what we are trying to deal with in this legislation. That is what this legislation is all about. Let us allow the workers to have the choice and the employee recognition that they can vote for or vote against having a union but not have intimidation.

Finally, what are the penalties? I mentioned 30,000 different instances where they had to get backpay. The average backpay in 2005 was $2,660. Imagine that worker out of work for 8 years and finally gets the backpay, and the backpay is $2,660. If you had the violation on this Smokey Bear image, it would be $10,000.

This is not only an economic issue, it is a moral issue, and we have this open letter from 124 religious leaders that states: We as leaders of the faith communities, representing the entire spectrum of U.S. religious life, call upon the U.S. Senate to pass the Employee Free Choice Act so that workers will be able to represent themselves.

It is a civil rights issue. The Leadership Conference on Civil Rights and the Governors understand this. There is a letter from some 16 Governors, who think this makes sense.

There is also this extraordinary letter from a former Secretary of Labor, Ray Marshall, and he quotes the Dunlop Commission. John Dunlop, a Republican, was probably one of the greatest Secretaries of Labor in the history of this country.

Mr. KENNEDY. Mr. President, over the past several days I have addressed the Senate several times about the dramatic changes in our economy, and the overwhelming challenges facing American workers. I am deeply concerned about the growing divide between the haves and have-nots in our country. Working families are not receiving their fair share of our economic gains, and it is threatening the vitality of the American middle class and the American dream.

It is time to have a real conversation about economic security. We need to be talking about how we can return to the days where the rising tide really did lift all boats, and working Americans shared in the Nation's prosperity.

Unfortunately, my colleagues on the other side of the aisle don't seem interested in having that conversation. Instead, they have chosen to spread misconceptions and half-truths about the Employee Free Choice Act.

Before we can continue talking about the economic challenges facing America's workers, we need to set the record straight. I would like to clear up the misconceptions and half-truths about this legislation so we can return to focusing on the issues that matter to working families.

First, several of my Republican colleagues have come to the Senate floor to argue that the current system for choosing a union works just fine. They argue that there is no real problem here because 60 percent of NLRB elections are won by unions.

Actually, I still find that number disappointing, because in a substantial percentage of the elections that unions lose, the organizing efforts had majority support before the election process began. And nearly half the election petitions filed by unions are withdrawn even before the election occurs because union support has been so eroded that there is no point in going forward. Something happened during the election process to scare and intimidate workers.

But more importantly, the number of NLRB elections that unions win does not tell the whole story. What tells the story is how many employees want a union and don't have one. What tells the story is how many workers never get to that stage of the process.

According to a December 2006 poll by Peter Hart Research Associates, 58 percent of America's nonmanagerial workers—nearly 60 million—say they would join a union right now if they could. But only 7 percent of employees in the private sector have a union in their workplace. This shows that NLRB elections are not working to get workers the unions they want.

Some critics have also taken issue with some of the supporting statistics that I and my Democratic colleagues have used to demonstrate the widespread problem of anti-union behavior and abuses of the law by employers. Specifically, they have attacked a study performed by Professor Kate Bronfenbrenner of Cornell University concluding that employees are fired in one-quarter of all private-sector union organizing campaigns. These attacks are unfounded.

Professor Bronfenbrenner's study is one of many research projects that confirm what many of us have long known—that abuses of employees who try to form a union are rampant and our current system has proved inadequate to protect workers' rights.

Kate Bronfenbrenner's research has been relied upon for 20 years by Congress and the U.S. Trade Deficit Review Commission, USTDR, among others, to gauge the extent of employer behavior that affects the exercise of rights by workers. Her research has been published in a number of peer-reviewed books and journals where it was found to have upheld the stringent standards for methodological review for those publications.

It's abundantly clear that there is a serious problem, but Republicans argue that the Employee Free Choice Act is not the solution. They have pointed to a 2004 Zogby survey of union workers and a 2007 poll of workers by McLaughlin and Associates to argue

that workers—even union workers—don't want this.

Both the McLaughlin poll and the Zogby poll are unpersuasive. Both of these surveys presented people with a false choice—between majority sign-up and a fair and democratic election. Neither asked workers to choose between majority sign-up and the NLRB election process.

I think if the choice was presented accurately those results would have been much different, because a fair and democratic choice is just not what the NLRB election process provides. NLRB elections are so skewed in favor of the employer there's nothing fair or democratic about them.

The Hart research survey I have cited is far more accurate—I'll use the exact wording so there's no chance of misunderstanding:

> Under majority signup, once a majority of employees at a company join the union by signing authorization cards, the company must recognize and bargain with the union, with no election held. Do you favor or oppose this proposal?

When asked this question—with no slant or bias in it—70 percent of union members and 50 percent of workers overall supported majority sign-up, compared to only 20 percent of union members and 36 percent of workers overall who opposed it.

Beyond public perceptions, when it comes to the substance of the bill, each of the three major provisions of the act—the majority sign-up, the first contract timeline, and the enhanced penalties—has been the subject of misleading and inaccurate attacks. I will address each of these sections of the bill in turn.

On majority sign-up, the most common criticism I have heard is that the Employee Free Choice Act is undemocratic or that it eliminates the secret ballot election. Neither of these assertions is true—the bill does not abolish the NLRB election process, and if the goal of a democratic system is to have an outcome that reflects the will of the people, the Employee Free Choice Act establishes a far more democratic alternative to the current system.

Initially, the bill does not abolish the secret ballot election process. That process would still be available. It just gives workers—not employers—the choice whether to use the NLRB election process or majority signup.

My friend and colleague from Wyoming, Senator ENZI, has cited a letter from the Congressional Research Service, arguing that this letter proves that the bill eliminates secret ballot elections. With respect, I think that's a misreading of CRS's conclusions. What CRS said was that the bill would not permit an election when the majority of the employees has already signed valid authorizations designating a union as their collective bargaining representative. And that is correct—if the majority has already spoken and chosen a representative by signing authorization cards, the employees have already decided how they want to choose a union. It's that majority choice—the decision to choose a union through majority signup—that we want to protect. If the workers were to choose to use the election process instead—if they were to sign cards asking for an election rather than designating a bargaining representative—they would get an election. The Employee Free Choice Act lets the workers use the system they want. This makes perfect sense—after all, it is the workers' representative, why should the employer get to control how the workers get to choose?

In their discussions of the majority signup process, my Republican colleagues seem to suggest that the NLRB election process is a model of democratic fairness. But nothing could be further from the truth. NLRB elections are nothing like the public elections we use to elect our Congressional representatives. One side has all the power. Employers control the voters' paychecks and livelihood, have unlimited access to voters, and can intimidate and coerce them with impunity. By the time employees get to vote in an NLRB election, the environment is often so poisoned that free choice is no longer possible. That is not a free election or a fair election. Workers should have the option to choose a better process.

Another common criticism raised about majority signup is that employees may be coerced by their colleagues, or by union representatives, into supporting the union. This is really not a cause for significant concern. It is already clearly against the law for unions to coerce or intimidate employees into signing union authorization cards. Those cards are invalid and cannot be counted towards majority signup, and nothing in the Employee Free Choice Act changes that.

Along these same lines, several of my colleagues have cited a Supreme Court case—NLRB v. Gissel Packing Company—for the proposition that authorization cards are an ''inherently unreliable'' indicator of true employee support for a union. I am distressed that my colleagues would take this quotation so drastically out of context.

Those words—''inherently unreliable''—were used by the Court to articulate the employer's contention, which the Court rejected. In fact the Court in Gissel held the exact opposite! They found that authorization cards can adequately reflect employee desires for representation and the NLRB's rules governing the card collection process are adequate to guard against any coercion that might occur.

I don't understand my colleague's suggestion that authorization cards aren't a valid indicator of a worker's wishes. We have always used these cards to determine whether workers want an election or not, and there's never been any suggestion that coercion or misrepresentation makes the process unfair.

Majority signup is a better system. It respects the free choice of workers by giving them the freedom to choose a union in a simple, peaceful way. Experience has shown that when majority signup replaces the battlefield mentality of the NLRB election process, conflict is minimized and the workplace becomes more cooperative and productive—a win for both sides.

Briefly, there are three more concerns that have been raised about majority signup that I would like to dispel. Each of these concerns reflects a misunderstanding of how the bill would affect current law.

First, my Republican colleagues claim that the Employee Free Choice Act would require ''public'' card signings, which is simply untrue. Under the act, signing a card will be no more or less confidential than it is now. Under current law, workers can request an election if 30 percent of them sign cards saying they are interested in an election. The NLRB keeps the cards—and the card signer's identity—confidential and will not reveal that information to the employer. The Employee Free Choice Act does that change these NLRB confidentiality requirements that protect workers from being targeted by their employers for later retaliation.

Second, some of my colleagues have suggested that the Employee Free Choice Act will ''silence'' employers and restrict their ability to express their views about the union. But nothing in the Employee Free Choice Act changes the free speech rights of an employer. Employers are still free to express their views about the union as long as they do not threaten or intimidate workers. The act also does not change the types of anti-union activity that are prohibited by law. What the act does do is strengthen the penalties for anti-union activity that are prohibited by law. It also allows workers to find an alternative to the contentious NLRB election process, when many of these violations of the law can occur.

My friend and colleague from Utah, Senator Hatch, claims that by giving workers an alternative to the NLRB election process, the employer is ''effectively silenced'' because it is possible that the employer will not know about the majority signup campaign until the cards are presented to the employer. While that is theoretically possible, it is highly unlikely. Most employers know when employees are thinking about forming a union. Even in the rare instance where an employer was truly taken by surprise, the employer has no ''right'' to an additional period of time to engage in anti-union tactics. Majority signup is about workers choosing their own representative. Why should the employer have a guaranteed say in the workers' decision about their own representative? That would be like saying that one party in a court case can't hire a lawyer until the other party has a guaranteed period of time to argue that his opponent

shouldn't be allowed to have a lawyer. It is nonsensical.

Third, critics have argued that the Employee Free Choice Act inappropriately lets employees choose the appropriate unit for bargaining, instead of the National Labor Relations Board. Again, this reflects a misunderstanding of current law, and of the scope of the Employee Free Choice Act.

Under current law, when employees petition for an election they have a right to choose the unit for bargaining. Employees need only choose an appropriate unit, not the most appropriate unit. Employers then have the right to ask the National Labor Relations Board to determine whether the unit chosen by the employees is inappropriate or unlawful. The Employee Free Choice Act does not alter the law in this respect. Employees will still have the right to choose their bargaining unit. EFCA maintains this important right for employees, while continuing to protect employers from being forced to recognize an inappropriate or unlawful unit.

Unfortunately, opponents of this bill have not confined their misguided attacks to the majority signup provisions. They have also raised several unjustified criticisms of the provisions in the bill providing a timetable to get workers a first contract.

Primarily, my Republican colleagues have argued that these provisions would allow the government to impose a contract on the parties, threatening business's bottom line. These sensationalistic references to ''government-imposed contracts'' are way off-base. It is a scare tactic that has no relationship to what this bill actually does.

The Employee Free Choice Act does not compel arbitration whenever the parties have difficulty reaching a contract, as my colleagues suggest. It provides a procedure where unions or employers can seek assistance from the Federal Mediation and Conciliation Service if they are encountering difficulties in their negotiations. The first step of this process is mediation. Collective bargaining mediation provides a neutral, third-party mediator to assist the two sides in reaching contract agreement on their own. The FMCS has provided collective bargaining mediation services—including mediation of first contract negotiations—for more than 50 years, and they have an 86 percent success rate in helping the parties agree to a contract. That is a pretty impressive record.

Only in the rare instance where mediation fails does the act provide for arbitration. Binding arbitration is a last resort, and will rarely be used. It primarily serves as an incentive to bring the parties to the table. Neither the union nor the employer wants any uncertainty in the process, and therefore the parties have a strong reason to sit down at the table and work things out on their own rather than letting an arbitrator rule. The bill's negotiating framework is similar to what is used in most Canadian provinces. Canada's experience shows that arbitration is rarely used, and is an incentive—rather than a roadblock—to parties reaching their own agreement.

Finally, even in the rare case where parties do resort to arbitration, it will be limited to the issues that the parties are unable to agree on. These arbitrations will be handled by highly qualified FMCS arbitrators with long experience in crafting fair contract provisions. They will not impose unfair or extreme terms. I also don't know where my colleagues get the impression that an arbitration through the FMCS would produce a contract biased in favor of the union. It is not in anyone's interest to put a company out of business—workers would lose their jobs and unions would lose their members. Typically, arbitration produces middle-ground solutions that everyone can live with, and often parties settle their disputes during arbitration, alleviating the need for the arbitrator to render a decision at all.

The second criticism that has been leveled against the first contract timeline is that in the rare instance where a contract is actually imposed through the arbitration process, workers will lose their ''right'' to vote to ratify the contract. This reflects a complete misunderstanding of current law. Under current law, employees do not have a ''right'' to ratify a collective-bargaining agreement. A ratification vote is a courtesy that unions routinely give the workers they represent as a matter of policy. It is not a legal requirement.

Under the bill, if unions want to provide their members with input during the first contract negotiation process, they could submit the union's arbitration proposal to the membership for a ratification vote. This would ensure that the position the union takes in arbitration is consistent with the views of the membership.

Perhaps most importantly, in the rare case where a union gets a contract through arbitration, this contract will only be for a 2-year term—a relatively short timeframe for a labor contract. And, during the short duration of the first contract, the membership will no doubt still be far better off than if they had no contract at all.

Finally, opponents of the bill have argued that arbitration of first contracts is incompatible with the collective bargaining process. In support of this assertion, they cite a text on arbitration written by Elkouri and Elkouri, quoting it to say that using arbitration to reach a first contract is the ''antithesis of free collective bargaining.''

My Republican colleagues are taking this quotation out of context. Read in full, the text says: ''The arguments against compulsory arbitration as revealed in literature on the subject, are, broadly stated, that it is incompatible with free collective bargaining . . .'' Elkouri and Elkouri are merely reporting arguments made by others, not endorsing this position.

Indeed, later in the book, the authors acknowledge that, in some instances in which ''the parties find it difficult or impossible to reach agreement by direct negotiation,'' and ''the use of economic weapons [may] be costly and injurious to both parties'' or to the public, ''interest arbitration by impartial, competent neutrals, whether voluntary or statutorily prescribed, offers a way out of the dilemma.''

Using interest arbitration to resolve difficult situations is hardly unheard of. In fact, it has become quite common in public sector employment, public utilities, and railroads. It is also used in most Canadian provinces, where it has been perfectly consistent with a robust system of collective bargaining.

The system established by the Employee Free Choice Act gives a responsible employer every opportunity to pursue a contract fairly. There's bargaining, then there's mediation—arbitration is only a last resort. And the parties can always agree to keep talking or to extend any of the deadlines in the timetable. The process can last as long as it takes to reach a deal, so long as the parties are acting reasonably and can agree to keep talking.

Finally, I would like to take just a brief moment to respond to an argument raised by my friend from Utah, Senator HATCH, regarding penalties. He argued that the Employee Free Choice Act is unfair because it requires employers—but not unions—to pay triple backpay when they violate workers rights. While it is true that the bill does not provide for the same treble backpay penalty against unions, this is hardly problematic. Backpay is a remedy for wages to which an employee would otherwise have been entitled. Unions do not have the power to fire, demote, layoff, or take away workers' raises or overtime pay. Those are abuses only an employer can impose. Because unions cannot retaliate against workers in this manner, there is no reason to impose treble backpay on them.

In 2005 alone, over 30,000 workers received backpay from employers who violated their rights. In contrast, unions paid backpay to only 132 employees. This small set of backpay awards against unions primarily involves mishandled employee benefits—not the types of appalling abuses the Employee Free Choice Act is intended to address. When it comes to causing workers to lose their pay and benefits, it is employers—not unions—that are the problem, and the Employee Free Choice Act provides a solution, putting real teeth in the law, so that unscrupulous employers can no longer dismiss the penalties for violating workers rights as a minor cost of doing business.

The Employee Free Choice Act does one thing—it empowers workers. It gives them the freedom to choose—

without fear of intimidation or harassment—whether they want union representation. There's nothing more democratic than that.

I hope that my comments today have set the record straight. I hope that we can now move on to discussing the critical role this legislation can play in helping working families to overcome the challenges of new economy return to a time of shared prosperity. I urge all of my colleagues to vote to proceed to this bill so we can have that important debate.

Mr. ROCKEFELLER. Mr. President, we have before us a bill that will strengthen the historic right of workers to join together for higher wages, safer working conditions, and better benefits. The Employee Free Choice Act, which I have cosponsored for the last three Congresses, will allow workers to bolster their rights in the employment negotiation process. It will offer real deterrents for that small minority of employers who exercise undue influence over fairly and legally held elections for union representation, and as a result it will ensure workers more control of their working conditions.

Passage of this bill will have an enormous effect in my State of West Virginia. It will protect the rights of working men and women in my State, allowing them to bargain for increased wages, employer-provided health care and pension benefits, as well as better working conditions.

In fact, the pendulum has swung for too long solidly in favor of employers. This bill will bring us closer to equilibrium, giving employees more of a level playing field. The Employee Free Choice Act will enable a majority of employees to clearly and unambiguously make their decision known to organize.

If a majority of workers want a union, then they should be able to band together and speak as one. It is simple and fair, and this right should be free from intimidation. Today, even within legal strictures in place, the current election system allows that small—group of employers to intimidate workers in the midst of a union election, which is simply unacceptable. For example, under the current regime, employers may discourage organizing activities while workers who support unions may not use the workplace as a vehicle to show their support.

The current system leaves employees who want to organize in a vulnerable position. They may be threatened with the loss of their job or the closure of their plant. Among workers who openly advocate for a union during an election campaign, one in five is fired. In my own State, Ms. Mylinda Casey Hayes was unlawfully discharged from her job as a production line worker after she stopped wearing an antiunion button and began supporting employee efforts to organize.

I could give you many other examples of hard-working West Virginians fighting for their rights as employees who face similar tactics. Frankly, the penalties for employers who use these tactics are small—a mere slap on the wrist that does nothing to deter them from improperly and illegally influencing the election. It is high time that we put an end to this practice by showing that there are consequences for ignoring workers' rights. We must strengthen the penalties for companies that coerce or intimidate employees. The increased penalties in the Employee Free Choice Act will restore a more level playing field for employers and employees.

Now, we have the opportunity to extend democratic principles to all workers across the country. The Employee Free Choice Act will give workers the freedom to make their own choices free from intimidation and harassment. This freedom affects the wages, health care, pensions, and other benefits of our Nation's families. When America's hard working men and women are given the opportunity to improve their economic situations, we are all improved. This bill will improve wages, health care, pensions, and working conditions—in turn bolstering our economy. I strongly support this legislation, and I hope my colleagues will join me.

The PRESIDING OFFICER. The Senator's time is up.

Mr. KENNEDY. I will include those references in the RECORD, and I thank the Chair.

Mr. ENZI. Mr. President, I yield myself the remainder of my time.

We are actually debating two things here this morning because we are going to have two cloture votes right in a row. And there are some similarities between the two bills. The similarities are that neither has been through the committee process. Neither bill has been to committee. And I will tell you, when you don't send bills to committee around here, at least in my 11 years here, I don't think I have seen one bill pass that didn't go to committee. Why? Because people don't feel as if they had any input into it.

Just imagine. A coalition gets together and puts bills together and leaves everybody out and then tries to limit the amount of amendments that can be offered on them. The way the coalition works is that one person has this piece of a bill which they are really enamored with but hardly anybody likes it. Another person has this piece of a bill which he is really enamored with but hardly anybody likes it. And you get enough of those people together, throwing their bad parts of the bill in and agreeing to support it to the bitter end in order to pass the bill, but it is a conglomeration, sometimes, of bad things. So it shouldn't be a surprise when cloture isn't invoked on these bills that don't go through the committee process. The only chance for the person who is not in the coalition to have any kind of a voice is at the time of cloture.

Both of these bills, both the immigration bill and the card check bill, have not been through committee. The main bill I am talking about is the Employee Free Choice Act—I have to give them a lot of credit for picking a good name. Ironically, however, it is not about free choice; it is about taking away free choice. It should be called the ''Employee Intimidation Act'' or the ''Take Away the Secret Ballot Act.'' It should not be called the Employee Free Choice Act, and I urge my colleagues to vote no on cloture on the motion to proceed.

For generations, this body has faithfully protected and continually expanded the rights of working men and women. This legislation does exactly the opposite and would strip away from working men and women their fundamental democratic right. Should cloture be invoked, we will get to talk about this for 30 hours, and I am going to go through each and every one of the charts the other side has used to show that statistics aren't always the truth. But everybody knew that already.

We see some charts that show how much people made during one 25-year period and which group, which 20 percent, made the most. Then we switch to another chart, and we show how that changed in the next 25 years. But the third chart is the fascinating one. If you count the spaces on that chart, we have gone from five slots of 20 percent to six slots because the emphasis is on what the top 1 percent in the country made. If you are going to have honest charts, you have to show what the top 1 percent made on the first two charts as well. Statistics—yes, you can get them to say what you want.

Another chart claimed that 30,000 people got backpay because they were fired for organizing. That isn't 30,000 people who got backpay because of organizing efforts; that is 30,000 people whom the National Labor Relations Board—through all of their proceedings has awarded backpay. They do a whole lot of cases that don't have anything to do with union organizing, such as contract interpretation, and those can result in settlements that award backpay. For example, in 200, two thirds of the recipients of ''backpay'' were involved in a single case involving contract interpretation, it had nothing to do with organizing.

But I don't want to go into all that now. I will have plenty of time if we do invoke cloture. I suspect there are plenty of people around here who can see the flaw in something called the Free Choice Act which takes away the right of people to vote, so I won't dwell on that.

For generations, we have guaranteed all workers in our country the right to choose whether they do or do not wish to be represented by a union. We have secured that right through the most basic means of a free people—the use of the secret ballot election. Now, however, proponents of this legislation would cast that right aside. One can almost feel the discomfort from our colleagues across the aisle as they grasp

at straws to ultimately prevent a futile effort to justify the shameful assault on workers' rights.

We have had related to us that it would solve fair trade, it would solve executive pay, and untold issues in the world would just be solved if we just took away the right to vote from people who are being organized.

We have been told the system is broken and the bill is needed to fix it. Simply untrue. Unions that participate in the democratic election process have never in history enjoyed as much success as in the last decade, a record of 10 straight years of an increasing winning rate, the last 2 years at record rates of 62 percent. I guess they are upset that in 38 percent of the votes, they lost.

Employer unfair labor practice allegations are down dramatically, more than 40 percent over prior decades. Most importantly, the National Labor Relations Board has only found it necessary to invalidate less than 1 percent of the elections it held last year. In fact, we took a look at 2,300 elections, and there were only 19 that were rerun, and those were because of union violations as well as employer violations.

We are told, secondly, that something must be wrong with the system because there are fewer unionized employees in the workforce. That is true, but I would suggest unions need to look elsewhere to explain this phenomenon. Many observers believe the problem for unions is that today's employees see them as out of step, too political. They talk about not having enough money to take on management. If they took some of the money they put into political campaigns and went after management, they would probably win more of the elections. Their members see them as being too political and too concerned with their own agenda rather than the workers. I don't know if that is true, but I do know that when unions push an undemocratic bill such as this, which takes rights away from workers, it does little to dispel that view.

I also note that the level of union membership has absolutely nothing to do with the law this bill seeks to radically alter. The law governing unionization and the law providing for a secret ballot has not changed for over 60 years. It is the same today as generations ago when union membership was at 35 percent. The law is plainly not the problem.

Third, we have been told increased unionization is necessary to boost worker pay and benefits. Increased benefits and pay cost money, and unions do not contribute a penny to such costs. Thus, the notion that these two are causally linked is simply smoke and mirrors.

But even if that were the case, the promise of higher wages and benefits is exactly the kind of appeal a union is free to make to employees in a free election process with a secret ballot. It is not an excuse to strip them of the right to vote. This bill is nothing more than a transparent payoff to union bosses to help them artificially and unfairly boost their membership numbers, to increase their bank accounts through more union dues, and increase the political leverage that such money buys. Pandering to special interests is a bad enough problem, but when the cost of such pandering is the most basic of American rights for American workers, it is disgraceful.

I urge my colleagues to reject this effort and to vote no on cloture.

I ask how much time I have remaining?

The PRESIDING OFFICER. The time now belongs to the Republican leader, the next 10 minutes.

Mr. ENZI. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, first let me thank my friends and colleagues, Senator HATCH and Senator ENZI, for their hard work on the card check issue. They have been passionate and persuasive in defending worker rights. The Republican conference and the American worker are grateful.

We heard a lot yesterday from supporters of the so-called Employee Free Choice Act about the potential effect this bill would have in expanding unions. But we heard next to nothing from them about how it would bring that about. The way we do things in this country is just as important as what we do. This is what has always set us apart as a nation. So it is important we be clear about what this bill would do and how and why it must be defeated.

First, what would it do? Sixty years ago, Congress gave Americans the same voting rights at work they had always enjoyed outside of work. Worker intimidation was common during union organizing drives in those days, so Congress amended the National Labor Relations Act to include a right for workers to vote for or against a union without somebody looking over their shoulder.

As a result, a lot of workers stopped joining unions. Since the 1950s, the number of unionized workers in our country has fallen sharply. For one reason or another, voters opted out. This is their choice. Today, less than 8 percent of private sector jobs in our country are unionized. The so-called Employee Free Choice Act would reverse that law. It would strip workers of a 60-year-old right that was created to protect them from coercion, rolling back the basic worker protection that no one has questioned until now. This is what the bill would do.

Who is behind it? It should be obvious. The unions are desperate. They are losing the game, and now they want to change the rules. But in this case the rule they want to change happens to be one that is so deeply engrained in our democratic traditions that few people would believe it is even being debated today on the Senate floor. Surveys show that 9 out of 10 Americans oppose rolling back the right to a private ballot at the workplace, including an astonishing 91 percent of Democrats. Indeed, many of our colleagues on the other side have defended the secret ballot with passion and eloquence in the past. This is why we hear about the effects but not the cause.

The Democrats are rolling over in support of this antidemocratic bill. All but two Democrats in the House voted against their version of it in March. I expect even fewer Senate Democrats will defect from the party line today. They know the bill will fail. Senate and House Republicans have vowed to block it. The President has vowed to veto it. Yet Senate Democrats are forcing us to vote on it anyway. Why? As the senior Senator from Delaware told a reporter yesterday:

> I'll be completely candid . . . I would not miss that vote because of the importance to labor.

Republicans appreciate the candor, and we will be candid too. This antidemocratic bill will be defeated today, but it will not be forgotten. Republicans will remind our constituents about the fact that Democrats proposed to strip workers of their voting rights. No one can put voting rights on the table and expect to get away with it.

For Democrats, the end in this case clearly justifies the means. But the American people disagree with the means and the end. Voting in this country is sacred, and it is secret.

Republicans will stand together in defense of that basic right today by proudly defeating this dangerous and antidemocratic bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. President Franklin Delano Roosevelt said:

> It is one of the characteristics of a free and democratic nation that it have free and independent labor unions.

Roosevelt's New Deal lifted America through the Great Depression by showing us the rights of working people can go hand in with economic growth. His call for equality and basic fairness, which guaranteed our country a permanent workforce of skilled, trained, and professional employees, is something that is one of his legacies. But now, 70 years later, for many Americans the New Deal has become a raw deal.

Today in America, hourly wages are down, way down, while the number of uninsured is up, way up. Today in America, household income is down, way down, while the average chief executive officer's pay is a staggering, record-shattering, 411 times higher than the pay of the average working person, and going up every day. This has happened in part because, to use a term from Las Vegas, ''the boss holds all the chips.''

I rise to support that we proceed to the Employee Free Choice Act, a bill that will level the playing field for the American worker. It is unquestioned that when employees join labor unions, their standard of living improves and they become more productive employees. It is a win-win for employers and employees alike. Yet too often some employers coerce, harass, and threaten their employees to keep them from organizing. Our current laws give our employees little recourse when that happens, and it happens a lot. The Employee Free Choice Act puts the choice to organize squarely on the shoulders of the employees, and that is where it belongs.

This bill requires employers to recognize the formation of a union when the majority of employees express their support by signing a simple authorization card—a card check. It gives both sides a right to bring in the Federal Mediation Service to mediate the first contract once a union is formed, and enforces stronger penalties for companies that interfere with the right to organize.

Providing the American workers with free choice will ensure access to higher wages and better benefits, better fringe benefits. That means more working families will have good health care and will be able to save, for example, for a college education for their children and maybe even for a better retirement. They will be guaranteed fair benefits, such as vacation time, a reasonable workday, better on-the-job safety.

This is particularly true for African Americans, Latinos, and certainly women. There are some who claim this is a political vote, a gesture to labor. It is a gesture to the American working men and women. I can only venture to guess that those people who do not understand what this bill is all about are those who do not like the bill. This bill is an honest attempt to help improve the lives of Americans who often work hardest and are rewarded the very least.

Opponents of this bill, I guess, see it differently. Lobbyists for big business argue the status quo NLRB secret ballot election works just fine. It is not just fine. It doesn't work just fine. In reality, the status quo is often unfair and undemocratic. Big business wields tremendous power in secret balloting, and too often they use that power abusively. Big business controls the paychecks of the voters and livelihoods of labor. Big business sets the work schedule and terms of employment. And big business has a captive audience, an unfiltered audience to voters. All of us, save our new colleague who was sworn in at 3:15 yesterday, Dr. BARRASSO, have earned a place in the Senate through an election. But I guarantee everyone here, everyone within the sound of my voice, in any of the elections of the other 99 Senators who serve here now, if our opponents controlled 100 percent of the information that voters receive, none of us would be here.

That is what this is all about. There is nothing more democratic in politics and in government and the workplace than a level playing field.

For those who are skeptical of this legislation, let me remind you that it is already working. The NLRB permits the use of majority signup, or card check as it is often described. For example, in Nevada, a State where business and labor work together, most union organizing drives are implemented through majority signup.

Let me say this. Let me be very clear. This bill does nothing to limit employee options in right-to-work States such as Nevada, nor does it eliminate secret ballot elections, as some have said. It simply gives employees the choice to determine their path to union representation. That seems fair. That is the level field we are talking about.

Skeptics of this bill should look to Nevada to see that labor organizing does not have to be adversarial. The Employee Free Choice Act will be good for both sides: It will be good for labor, and it will be good for management. This legislation will help provide the fair, square deal for working people that President Roosevelt first promised 70 years ago and will keep our country strong and certainly more competitive.

I encourage all my colleagues to join in supporting the Employee Free Choice Act. That is what it is, a free choice act.

Mr. President, after we vote on the Employee Free Choice Act, we will return to immigration. Attention will be brought back to that issue, which is so critical—comprehensive immigration reform.

We would not have been able to revisit this issue if Democrats and Republicans hadn't put aside their differences to move forward. We may not all agree on the destination, but we now do at least have a roadmap. The process for this debate and the number of amendments we will consider were decided with the complete support of the Republican leader, Senator MCCONNELL. Senator MCCONNELL and I have worked together in good faith to ensure a full, open, and productive debate on an issue of such overriding national importance. But this bill will not get done without Republican support. The bill is here, but we need Republican support.

Sunday I had the good fortune to visit with the President. I spoke the same evening with Secretary Gutierrez. I spoke to Josh Bolton, the President's Chief of Staff. I explained to them, this is not a Democratic bill. They understand that. We had a Democratic bill last year. It died because the Republicans wouldn't allow us to go to conference. This is a bill that was negotiated in good faith with the total support of the President. He has made public statements that he supports this legislation. Throughout this debate, Democrats have done our part. Eighty percent of us voted for the President's bill; 14 percent of Republicans did the same. That is not enough. We are not asking the Republicans to equally match our support, although I wish they would, for their President's bill. If they deliver even 50 percent of their caucus, the legislation will pass. We need 25 Republicans to support us in this matter.

This is important legislation. The stakes are too high for inaction. We are the Senate of the United States. People have said the issue is too complex; let's not do it.

We have to take hard votes. We have an immigration system that is broken and needs to be fixed. That is what we are trying to do, fix it. We would be derelict in our duties if we didn't make every effort to get this legislation passed.

When we finish here, is it over with? Of course not. It goes to the House, and they will take up a measure. They will do what they think is appropriate. It will go to conference and we will come up with something that hopefully will solve most of the problems of immigration. I believe that to be the case. Comprehensive immigration reform will require us to tackle a number of difficult issues, such as border security. We have done a remarkably important thing in this bill regarding border security. Previously, there was authorization for money to do border security. This bill gives direct funding of $4.4 billion to address border security. If for no other reason, people should vote for this. I am confident this bill will take care of border security more than anything we have talked about in recent years. It will also look at a fair temporary worker program. There is in the legislation an agricultural workers program that is excellent. In this legislation there is the DREAM Act for education for children who previously could not be educated. Of course, there are employer sanctions which are important.

I am confident this bill addresses all four of these issues in a way that honors our country, our strong immigrant history, and sets us on the path to a stronger future.

I was looking at some commentary, talking about me and immigration. Actually, they made fun of fact that my father-in-law came from Russia, as if it were a negative. My wife's father was born in Russia. That is the strength of our country. My grandmother was born in England. I used to talk to my grandmother. She didn't remember much

about anything, but she remembered a few things. The fact that my father-in-law came from Russia, my grandmother came from England makes us a better country. Immigrants are the strength of this country. This legislation honors that fact.

We need to proceed with this legislation and send the American people a better life for everybody. That is what this legislation will do. It will allow us to solve the problem, secure our borders, have a temporary worker program that meets the demands of our country, and put 12 million people on a pathway to legalization. As Secretary Gutierrez said, it is not amnesty. If we do nothing, there is silent amnesty. What this bill does is make sure that people learn English. It makes sure they pay their taxes. It makes sure they work, stay out of trouble, pay penalties and fines. Even then, they go to the back of the line. Remember, these people, whether we like it or not, have American children. This will allow them to come out of the shadows, be productive citizens and with the great work we have done on border security, stop illegals from coming into the country in the future. That is what this legislation is all about. It is good legislation. We have an obligation, as the legislative branch of Government, to do something to work with the President and get this passed.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 66, H.R. 800, the Free Choice Act of 2007.

Harry Reid, Ted Kennedy, Patty Murray, Bernard Sanders, Charles Schumer, Russell D. Feingold, Jack Reed, Barack Obama, Christopher Dodd, B.A. Mikulski, Pat Leahy, John Kerry, Robert Menendez, Claire McCaskill, Debbie Stabenow, Frank R. Lautenberg, Joe Biden, H.R. Clinton.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 800, an act to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—51

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Biden	Inouye	Obama
Bingaman	Kennedy	Pryor
Boxer	Kerry	Reed
Brown	Klobuchar	Reid
Byrd	Kohl	Rockefeller
Cantwell	Landrieu	Salazar
Cardin	Lautenberg	Sanders
Carper	Leahy	Schumer
Casey	Levin	Specter
Clinton	Lieberman	Stabenow
Conrad	Lincoln	Tester
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wyden

NAYS—48

Alexander	Crapo	Lugar
Allard	DeMint	Martinez
Barrasso	Dole	McCain
Bennett	Domenici	McConnell
Bond	Ensign	Murkowski
Brownback	Enzi	Roberts
Bunning	Graham	Sessions
Burr	Grassley	Shelby
Chambliss	Gregg	Smith
Coburn	Hagel	Snowe
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	Voinovich
Craig	Lott	Warner

NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this question, the yeas are 51, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

CLOTURE MOTION

Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 208, S. 1639, Immigration.

Ted Kennedy, Russell D. Feingold, Daniel K. Inouye, Tom Carper, Sheldon Whitehouse, Pat Leahy, Richard J. Durbin, Benjamin L. Cardin, Ken Salazar, Frank R. Lautenberg, Joe Lieberman, Dianne Feinstein, John Kerry, Charles Schumer, Ben Nelson, B.A. Mikulski.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1639, a bill to provide for comprehensive immigration reform, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

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.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 64, nays 35, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—64

Akaka	Feingold	Menendez
Bennett	Feinstein	Mikulski
Biden	Graham	Murkowski
Bingaman	Gregg	Murray
Bond	Hagel	Nelson (FL)
Boxer	Harkin	Nelson (NE)
Brown	Inouye	Obama
Brownback	Kennedy	Pryor
Burr	Kerry	Reed
Cantwell	Klobuchar	Reid
Cardin	Kohl	Salazar
Carper	Kyl	Schumer
Casey	Lautenberg	Snowe
Clinton	Leahy	Specter
Coleman	Levin	Stevens
Collins	Lieberman	Voinovich
Conrad	Lincoln	Warner
Craig	Lott	Webb
Dodd	Lugar	Whitehouse
Domenici	Martinez	Wyden
Durbin	McCain	
Ensign	McConnell	

NAYS—35

Alexander	Crapo	Roberts
Allard	DeMint	Rockefeller
Barrasso	Dole	Sanders
Baucus	Dorgan	Sessions
Bayh	Enzi	Shelby
Bunning	Grassley	Smith
Byrd	Hatch	Stabenow
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Tester
Cochran	Isakson	Thune
Corker	Landrieu	Vitter
Cornyn	McCaskill	

NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this vote, the yeas are 64, the nays are 35. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

Mr. REID. 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

UNANIMOUS CONSENT REQUEST—H.R. 1

Mr. REID. Mr. President, despite the fact that we are fast approaching the 6-year anniversary since the terrible terrorist attacks of September 11, it is painfully clear we have much work left

to do to protect this Nation from these awful attacks. Osama bin Laden and his No. 2 still remain at large, and al-Qaida has grown in strength and is determined to attack globally. The administration's failed Iraq policy has catalyzed a whole new generation of extremists who can be expected to carry out attacks against the U.S. and our friends around the world. Objective analyses, including the final report of the 9/11 Commission, conclude that this Nation has failed to take the steps necessary to protect America from terrorist attacks.

We need only go back to look at the report card the Bush administration received in implementing the 9/11 Commission Report: Ds and Fs. The threats the 9/11 Commission talked about and are encompassed in this bill are real and growing. When Democrats took control of the Congress at the start of this year, we said we would finally and fully implement the unanimous recommendations of the bipartisan 9/11 Commission. It is something we fought for when we were in the minority, and it was one of the first bills we passed at the start of this session of Congress.

The House passed its version early this year, January 9, by a vote of 299 to 128—broad bipartisan support. We passed our bill on March 13. It, too, had bipartisan support, passing 60 to 38.

As my colleagues know, Democrats and Republicans who serve on the House and Senate committees with jurisdiction over this bill have worked tirelessly to resolve the differences in these two bills. I have had numerous conversations with Chairman LIEBERMAN. This preconference process has carried on for months, on a bipartisan basis, with full transparency and good-faith efforts to produce a final bill. Progress has been made.

The American people, though, don't expect progress. They expect results, and that is what we need. We need to finish the work on this bill yesterday—as soon as possible. That is why I believe we need to take the next procedural step to finish these negotiations, to appoint conferees. That is what we normally would do.

When this bill is finally signed into law, it will make America more secure. It will improve the morale, training, and efficiency of the TSA screening workforce, allowing them to work more effectively to protect air travelers. It will improve the screening of all maritime cargo—all maritime cargo—so Americans can be assured we are doing all we can to prevent the smuggling of weapons—even a nuclear weapon—through America's ports. It will improve the congressional oversight of intelligence to be sure we are building the best capabilities possible to stop terrorist attacks. It will improve communication sharing and communications interoperability among first responders so they can work swiftly to protect us from terrorist attacks. It will ensure that transportation and mass transit infrastructures are hardened against terrorist attacks.

We need to work together to protect the American people from terrorism, and we need to do so immediately. We asked numerous times in the last Congress to be able to finish the 9/11 bill, and we were denied that ability. I would hope that this unanimous consent request allowing us to go to conference would be granted.

I am told the minority is going to object to this request that we go to conference. That is too bad. Although Senate Republicans have thrown procedural hurdles in front of virtually everything we have tried to do in the Senate this year, I was hoping they would reconsider their obstruction when it comes to getting through legislation that makes America more secure. There have been issues raised, but couldn't we handle these in conference?

Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 1, and that the Senate then proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 4, as passed by the Senate on March 13, 2007, be inserted in lieu thereof; that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with the above occurring without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Mr. President, on behalf of the minority, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I say to my distinguished friend, the Senator from Oklahoma, we are glad to have you back. We are glad the medical procedure went well and that you are back with the same fighting spirit you had the first day you came here. We are happy to have you back.

Mr. President, I will renew my request at a subsequent time, and probably a few more times, until we get this done. I think a number of people have had calls from the 9/11 survivors, those people who lost loved ones in the 9/11 attack. They want us to get this done. We need to get this done. This is an issue that affects the safety and security of our Nation.

So I would hope that there would be a reconsideration of this objection at a subsequent time because I am going to continue to offer this until we are able to go to conference.

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. KYL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 4 AND H.R. 1

Mr. KYL. Mr. President, I would like to propound a unanimous consent request, please.

I ask unanimous consent that it not be in order for the Senate to consider any conference report on the 9/11 Commission legislation; that is, H.R. 1 and S. 4, that compromises the security of America's transportation system by eliminating the flexibility given to the Transportation Security Administration to manage its employees to most effectively counter terrorist threats against Americans.

Before the Chair responds, if I could just make a very brief statement.

The President has clearly said he will veto any measure that makes collective bargaining rights for airport screeners a higher priority than protecting our national security and defeating terrorists. Passing a conference report that includes such a provision would be an exercise in futility and a waste of time, as the legislation would certainly be vetoed. We should be working to write a conference report that we know can be signed into law so we can enhance our national security and better protect the American people from the terrorists we know are plotting every day to harm us.

Mr. President, I renew my request that it not be in order for the Senate to consider any conference report on the 9/11 Commission legislation that compromises our national security by eliminating the critical personnel management flexibility given to the Transportation Security Administration to enable it to respond to terrorist threats.

The PRESIDING OFFICER. Is there objection? The majority leader is recognized.

Mr. REID. Mr. President, I very much appreciate the minority coming forward and outlining their objections to the 9/11 bill. It seems pretty clear that the objection deals with collective bargaining, which is in the Senate-passed version of the bill. I appreciate very much that being on the record.

It seems, that being the case, we at least know what we are dealing with. It appears if that weren't in the bill—but it is in the bill—we could go to conference.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 2316

Mr. REID. Mr. President, I want to visit with everyone present for just a few minutes about S. 1, the ethics and lobbying reform bill. We hope to appoint conferees on this important bill today. By doing this today, we would enact this critical legislation that is so important to be done. It is the most significant lobbying ethics reform, I believe, in the history of this country. It makes tremendous reforms—long overdue. It will restore the people's confidence in their elected officials.

Last year, Americans rightly got sick and tired about story after story of corruption, the culture of corruption some called it, here in Washington led by Jack Abramoff, who is now in prison; Randy Cunningham, who is now in prison; Bob Ney, who is now in prison; Safavian, the head of Government contracting, led away from his office in handcuffs; Scooter Libby—numerous people who worked for various House Members who were involved in corrupt activities, airplane trips to golf in Scotland and places that are hard to imagine.

The American people responded at the polls last November with a clear message that they wanted a new direction, and we, the Democrats, responded by passing the most sweeping ethics and lobbying reform in a generation. We did it with the help of the minority. I do not say that lightly. But let's see what is in this bill. Let's review it for a bit to find out what this bill does.

It prohibits lobbyists and entities that hire lobbyists from giving gifts to lawmakers and their staffs. It prevents corporations and other entities that hire lobbyists from paying for trips for Members or staffs. And it prohibits lobbyists from participating in or paying for any such trips. It requires Senators to pay fair market value prices for charter flights, which put an end to the abuses of corporate travel.

Many people in this Chamber flew in corporate jets and paid first-class airfare. That did not corrupt any Members of Congress, but it was corrupting. It didn't look right, and therefore it is important it be stopped. And I hope it stopped. We need legislation to make sure it is stopped.

This legislation also slows the so-called revolving door by extending a ban on lobbying by former Members of Congress and senior staffers, and prevents Senators from even negotiating for a job as a lobbyist until their successor has been elected. This legislation puts an end to pay-to-play schemes, such as the notorious ''K Street Project.'' It provides dramatic improvements to disclosure and lobbying activities by doubling the frequency that lobbyists must file reports on their activities, requiring disclosure of contributions and bundled contributions, requiring that lobbyists' disclosures be publicly available on the Internet in a searchable form. This is for the first time ever.

This legislation requires lobbyists to certify in writing that they have not violated House or Senate gift and travel rules. It ends the practice of corporations hiding their lobbying activities behind bogus coalitions with friendly sounding names, and increases civil and criminal penalties for lobbyists who violate the law.

The bill has brought about a revolution in earmark disclosure.

For the first time ever, the Senate will identify all earmarks in bills, the Senator who requested it, and the entity or location that receives it. Further, every Senator has certified that he or she has no monetary interest in their earmarks. Let me say that. This disclosure is the first time ever that this information will be disclosed. The Senate could have required the disclosure last year or the year before or the year before that, while the number of earmarks was exploding under a Republican Congress, but it did not. This year we took the lead and changed the way we do business around here. At the beginning of the year, we sent a message that ethics and lobbying reform was our No. 1 commitment by designating the bill S. 1. We worked hard to make this a bipartisan bill. Now we must take the next step by appointing conferees. I look forward to moving the ethics bill forward so we can reassure the American people that Congress is as good and honest as the people it represents.

I have gone over most everything in this bill. There are other things in it, but this is strong, important information the American people deserve. It is a law that should become a reality as quickly as possible.

I, therefore, ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 182, H.R. 2316, lobbying disclosure; that all after the enacting clause be stricken and the text of S. 1, as passed by the Senate on January 18, 2007, be inserted in lieu thereof; that the bill be read a third time, passed, the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate with a ratio of 4 to 3, with the above occurring without intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

UNANIMOUS CONSENT REQUEST—S. 223

Mr. BENNETT. Madam President, reserving the right to object, on behalf of the Republican leader, I would add an additional unanimous consent request that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to the immediate consideration of Calendar No. 96, S. 223, under the following limitations: That the committee-reported amendment be agreed to and that the only other amendment in order be a McConnell or his designee amendment, with 1 hour of debate equally divided in the usual form on the bill and 1 hour equally divided on the McConnell amendment, and that following the use or yielding back of the time, the Senate proceed to vote in relation to the McConnell amendment, followed by a vote on passage of the bill, as amended, if amended, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Madam President, here we go again, doing their best—that is, the Republicans—to stop us from going ahead on ethics and lobbying reform. The suggestion of the distinguished Senator from Utah is reasonable, but it should be a different matter. In fact, once we look at the amendment, we may be willing to accept it. But it is only an effort to divert attention from ethics and lobbying reform, those matters—corporate jets, what lobbyists can do, what they can't do, bundling, what we need to do with earmarks. It is an effort to divert attention from that. Attention may be diverted for a few minutes this afternoon, but we are going to continue to focus on it. We need to pass this legislation. It is important we do so.

We, the Democrats, support what the Senator has suggested, basic electronic filing of FEC reports. There is no problem with that. Senator FEINSTEIN moved it through the Rules Committee and has been seeking consent to pass it on the floor unanimously. We have never seen the amendment Senator MCCONNELL wishes to stick on this. Once we have a chance to review it, we will be able, perhaps, to move forward on this consent request. In any event, let's not muddy the waters on the ethics bill. We want to move forward on that comprehensive bill, the most sweeping reforms in a long time, probably ever.

I wanted everyone to know there has been objection made by the minority to going forward on a conference. The conference will be led by JOE LIEBERMAN on our side, a man who is certainly fair to both sides. Why would we not go to conference on this important legislation?

I will be back. I will be back and hope there will be the revelation to the Republicans that we are going to do everything we can on this legislation. We are going to focus attention on why it is not going to conference. It is not going to conference because the Republicans are stonewalling our ability to do so, coming up with something as diverting as FEC reports being filed electronically.

I object to the request of my friend.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BENNETT. In that case, Madam President, on behalf of the Republican leader, I must object to the request of the majority leader.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam 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.

MORNING BUSINESS

Mr. REID. Madam President, we are waiting for the legislative counsel to bring us the legislation we are going to be dealing with, so I think it would be appropriate that we be in a period of morning business until 10 of 4 and that Senators be allowed to speak for up to 10 minutes each for the next however many minutes it is, and that at 10 to the hour I be recognized. I ask unanimous consent that be the order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam 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. SALAZAR. Madam 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. SALAZAR. Madam President, I ask that I be recognized for up to 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

ENERGY

Mr. SALAZAR. Madam President, last Thursday night, very late in the evening, this Chamber put its arms around a new energy bill. It is an energy bill that deals with making sure we move forward with alternative fuels in a robust and real way for the future of America. It is an energy bill that says we have had enough as Americans wasting 60 percent of our energy, and we can do much better on efficiency. It is an energy bill that says it is time for us to move forward from the point in time where we have tolerated vehicles that have not had the kind of efficiency we know is technologically possible in America, so we are going to adopt new CAFE standards. It is a piece of energy legislation that says we recognize the linkage between how we use fossil fuels here in America and the global warming that is occurring around our globe. So we said we would move forward and take some new steps in the way of sequestration of carbon dioxide emissions. This is a good piece of legislation. It is a bill which we hope—I hope and I know many Members of this Senate, led by Senator BINGAMAN and Senator FEINSTEIN and others, and Senator REID—makes it to the President's desk.

I wish to remind my colleagues while I have the floor for a few minutes that, in fact, this is one of the things we have been working on in the Senate for the last several years.

In 2005, we passed the Energy Policy Act of 2005, and we said to the world: We are going to start taking the concept of energy independence for America in a very real and serious way. Last year, after some significant debate on this floor, we also opened up lease sale 181 and its extensions on the gulf coast for exploration and development of our resources.

This year, with the passage last week of the 2007 act, we put another layer on the cake in terms of trying to move forward to the reality of a world that embraces energy independence.

We still have a long way to go. We have a long way to go with this legislation. It is my hope we don't get it caught up in a procedural quagmire, either here in the Senate or in the House of Representatives, and that ultimately we get legislation that is adopted which President Bush ultimately signs into law. It is good legislation and the kind of legislation we ought to be working on in this body.

Even though there has been a lot of focus lately on the President's domestic initiative relative to immigration, the fact is that when one looks at the state of the Union and what the President said in his State of the Union Address, we as Americans are addicted to foreign oil. He said it is time for us to move forward in an aggressive and ambitious way to get rid of the addiction we have to foreign oil. We have been able to do that by embracing the committee's legislation which had that bipartisan goal in mind, that we would take some significant steps forward in this 110th Congress to deal with our overaddiction to foreign oil.

From my point of view, as I talked about this issue with the people I represent, the nearly 5 million people in the State of Colorado, I am reminded of the fact that we have come a long way in this debate on energy and that we are now facing some inescapable forces which have grabbed the attention of the American public in a way they never have before.

The first of those inescapable forces is national security. How can we as the United States say we are secure as a nation when we import, as we did in March of last year, 66 percent of our oil from foreign countries? Many of those countries we are importing our oil from are countries that are spawning terrorism around the world. So from a national security point of view, it seems to me that embracing the concept of getting rid of this addiction to foreign oil is an inescapable force of our time.

That is why on this floor of the Senate you will see Republicans and Democrats, conservatives and progressives, coming together to say that as a matter of national security, this inescapable reality is something we must deal with. It was on that basis that several years ago the Energy Futures Coalition, led by the distinguished progressive, my colleague and good friend, former Senator Tim Wirth, who now runs the United Nations Foundation, together with a friend of his, C. Boyden Gray, one of the leading voices of conservative causes, came together and founded a piece of legislation that we are trying to get through this Senate now that is called the Set America Free legislation. We gave it another name as we went through our processes here in the Senate, calling it the DRIVE Act, and broke it up into different pieces of legislation. But at the end of the day, the Energy Futures Coalition and the Set America Free concept, the proposal they pushed forward, have been embodied and embraced in the legislation that was adopted by this body just this last week.

So the national security implications of what we are doing here are, in fact, an inescapable reality and an inescapable force that will lead us to a clean energy future for America in the 21st century.

Secondly, there is a major issue for us and another inescapable force we deal with in our country today, and that is the issue of our own environmental security. How will we deal with the issue of global warming? We know that is an issue we will have to deal with some more, and there will be adequate time to debate the particulars on how we might be able to move forward. This legislation, with its efforts on efficiency, with its efforts on renewable energies, including what we do with biofuels, takes us a step in that direction.

In addition, the environmental security of our Nation is also addressed in that legislation because we deal for the first time in a very real way with the issue of carbon sequestration. I see my good friend from Kentucky here who often has lauded the importance of coal, and I understand why. When you are from Kentucky, you would see the importance of coal, as I do as well, being from Colorado, as does my good friend JON TESTER from the State of Montana.

So the issue for us as we look at the coal resources of our Nation, where we have enough coal to supply the needs of the United States of America for 200 years, is how can we use this abundant energy resource in a manner that doesn't compromise our environment? We can do that. We can do that with the new technologies we have with respect to IGCC. We can do that as we learn how to sequester the carbon emissions from the burning of coal. It

is not a new technology. It is a technology which has been around for a very long time in the oilfields of my State, the oilfields of Canada, and the oilfields of many places around Colorado, as the past oil efforts we have had in our country have been dependent upon us being able to put carbon dioxide into the ground. So this sequestering of carbon dioxide is something which has been going on for a very long time.

The inescapable force of global warming and environmental security is one that is with us for a long time to come, and it is something that, in the energy legislation we passed last week, is very much addressed in that legislation.

Finally, the other inescapable force is the economic reality of our Nation with respect to a clean energy economy. I think the clean energy future for the United States of America in the 21st century creates very significant opportunities. All of us know how difficult the challenge of energy is, and all of us also know there is not going to be only one answer which is going to lead us to the necessary conclusion that we need to deal with these inescapable forces; it is going to be a portfolio. It is going to have a number of different items on that menu which deal with the energy needs of our Nation and of our world. But at the end of the day, the door we have opened here with respect to a clean energy future will create millions upon millions of jobs in America. It will create millions of jobs in those areas where perhaps they have had the most difficult time in their communities, they will be creating a viable economic activity.

For me, when I look at my State of Colorado, 2 years ago out on the eastern plains, part of that forgotten America, much like the farmland of America, whether it is Oklahoma, Kansas, the Dakotas, or the eastern part of my State, we had a population which was declining in huge numbers in many of our counties, rural and remote, and withering on the vine—part of that forgotten America where most people are not able to stay there because there are such limited opportunities. Yet, in a matter of 2 years since, in the State of Colorado we adopted a new renewable energy program, and we have seen things turn around in a very significant way. We have ethanol plants that are now functioning, providing jobs, and creating hundreds of millions of gallons of ethanol in places such as Yuma and in places such as Fort Morgan.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. SALAZAR. Madam President, I ask unanimous consent for 2 more minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SALAZAR. So as we look at the economic opportunity that has come by way of rural America, I think that causes us all to say there is a way in which we can revitalize rural America. We do that in the legislation we passed here last week with the 36-billion-gallon renewable fuels standard and the other programs we have in there that will open the door to a new era of biofuels. It goes beyond corn because we all understand there are limitations on corn. But the Department of Energy 2005 study itself found that somewhere over 125 billion gallons of cellulosic ethanol could, in fact, be derived once we open that new technology door. The experts who have been dealing with cellulosic ethanol say we may only be a year, a year and a half away from being able to commercially deploy that technology.

I make these comments only to say that as we deal with the issue today of immigration, as we move forward to that later on this afternoon, there are other very difficult issues we face in our Nation and in our world today. Last week, we took a significant step in moving forward with a new energy future for America. I hope it is only the beginning and that time will see us develop an even more robust, effective, and successful clean energy future for America.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. BUNNING. Madam President, I ask unanimous consent to speak in morning business for 12 to 15 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

EMPLOYEE FREE CHOICE ACT OF 2007

Mr. BUNNING. Madam President, today I rise to speak in opposition to the so-called Employee Free Choice Act which we defeated by cloture vote. But cloture votes don't necessarily kill a bill; they have a way of resurrecting themselves, as we are about to do with the immigration bill.

Oftentimes in Congress, the people who write bills try to come up with some interesting titles for their bills, something they hope will make people remember it or tell them something about what it does. Many times, these titles can be somewhat misleading. This bill's title, the Employee Free Choice Act, takes this concept to a whole new level.

The Employee Free Choice Act actually removes choice from the employees. It removes the right of a secret ballot in elections—a cornerstone of American democracy under current law. If a group of employees wants to form a union, they must collect petition signatures or sign cards known as card checks. If 30 percent of the workers sign in favor of creating a union, then they or their employer has a right to request a secret ballot election to decide on forming a union. This election is overseen by the National Labor Relations Board, a neutral board of observers created by the Federal Government.

The misnamed Employee Free Choice Act would change all of this. This legislation would overturn 70 years of labor law and allow unions to form in workplaces without a private ballot election by the workers. Instead, if unions could twist the arms of just over half of the employees to sign cards expressing consent, then the union is automatically certified as the union for all of the workers. Unions would be allowed to collect signatures just about anyplace: at the workplace, at home, at grocery stores, and at other places. It is easy to see how union persuasion tactics could become harassment of those who do not wish to publicly declare support for union representation.

What would politics be like if Senators and Representatives simply had to convince people to sign cards instead of voting secretly at the polls? Imagine if there were no private voting booths where people could vote their conscience privately. Small armies of campaign volunteers would hang around your house, drop by your children's school, or find you at church in the hopes of securing your signature.

Then if you signed the card, your vote is made public for your employer, your neighbors or anyone else to see. This is why we currently use this secret ballot protection for union organizations in the first place.

In the past, there were concerns that elections held without privacy would be observed by employers, and then if an employee voted to unionize, they would suffer some sort of reprisals. Apparently, my colleagues supporting this bill and their allies in big labor no longer fear employer reprisals. I think it is great that they now trust employers to observe how their workers vote to join a union. We have made a lot of progress in labor-management relationships, apparently.

However, I don't think these ballot choices should be unprotected and out in the open for both union organizers and employers to see. Whenever privacy in elections is compromised, the door is open to intimidation and coercion. Why take a chance on that? It would seem that big labor feels they can increase union membership if they know how many employees are voting on organizing. I wonder what they plan to do with this information to achieve their goals of creating more unions.

Americans enjoy the right to join a union, but the decision to join a union should be freely made in private and without intimidation or coercion. That is the only way to ensure that the choice is truly free and not forced.

According to the National Labor Relations Board, drives to form unions are successful around 60 percent of the time under the rules in place now—60 percent of the time. That is the highest it has been in 20 years. Back then, the union success rate was under 50 percent. So there is no indication that it

is more difficult now to convince workers to organize a union than before. So why does big labor want to change this system? They don't want to ever lose these elections. Even though they win most of these elections, union membership has declined significantly in the past few years. The percentage of employees in labor unions is down from 20 percent in 1983 to 12 percent today. Because labor unions simply are not as attractive to workers as they once were, labor bosses have come to Congress to demand a legislative mandate designed to circumvent private ballot elections. They want more dues-paying members.

Throughout this debate, there is a clear example of hypocrisy in the argument in favor of the new card check system. Under current law, the process to certify a union is the same as the process to decertify a union. However, this bill and its supporters are silent on this matter. Apparently, they believe that when it comes to removing a union, workers will be best served by a secret ballot. But when it comes to forming one, they don't deserve that protection. This kind of logic and inconsistency is further proof that this proposal is half-baked and indefensible.

Congress should not empower big labor bosses by depriving individual workers of their right to be free of intimidation. Taking away private ballot elections and subjecting workers to undue pressure and coercion goes against the basic principles on which this country was founded. The secret ballot election must be protected at the workplace.

I understand the new majority in Congress feels they owe a great deal of debt to their allies in big labor for the success they enjoyed in November of 2006. That is why we are considering this flawed bill. As the majority, they can bring up any piece of legislation they choose. Fair enough. However, this bill is purely political payback in its worst kind of policy. I urge my colleagues—which they have done in the first instance—to vote against considering this piece of legislation, as they did when we had our cloture vote earlier today.

This is a personal aside. In 1964, I was a professional athlete. We were forming a players' union at the time so we could compete with the owners on an equal basis when it came to negotiations. We acquired 30 percent of the signatures from our players and we had an election. But it was a private-ballot election and 85 percent of the ballots collected were in favor of forming that union. I think the same should go with every union that is trying to be formed under the circumstances in today's market. Not only did we form a union, we formed one of the most successful unions in the history of the United States of America. Now all players at the major league level are covered by that union and represented by that union. The benefits derived by that player union in major league baseball have been significant—the same as most unions would have when they do it correctly with a private ballot.

I thank my colleagues for voting against cloture today. I urge them, if it comes back to the floor again, to do likewise.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Madam President, at 2:15, the amendment was 10 minutes away. We called a few minutes ago and it is now 5 minutes away. I don't know how time is kept in the legislative office, but I understand that people have made minor changes and that has caused the need to reprint part of the amendment. I wish to waste as little time as possible. I think it will be a few more minutes, so maybe we can adjourn subject to the call of the Chair, and as soon as it gets here, I will let everyone know.

I ask unanimous consent that the Senate stand in recess subject to the call of the chair.

There being no objection, the Senate, at 3:54 p.m., recessed subject to the call of the Chair until 5:38 p.m. and reassembled when called to order by the Presiding Officer (Mr. SALAZAR).

COMPREHENSIVE IMMIGRATION REFORM ACT

The PRESIDING OFFICER. Under the previous order, the motion to proceed to S. 1639 is agreed to.

Under the previous order, the Senate will proceed to the consideration of S. 1639, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1639) to provide for comprehensive immigration reform and for other purposes.

The PRESIDING OFFICER. The majority leader is recognized.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 208, S. 1639, Immigration.

Ted Kennedy, Russell D. Feingold, Daniel K. Inouye, Tom Carper, Sheldon Whitehouse, Pat Leahy, Richard J. Durbin, Benjamin L. Cardin, Ken Salazar, Frank R. Lautenberg, Joe Lieberman, Dianne Feinstein, John Kerry, Charles Schumer, Ben Nelson, B. A. Mikulski, Harry Reid.

Mr. REID. Mr. President, I now ask unanimous consent that there be a limitation of 26 first-degree amendments to S. 1639, the immigration bill. This is the list of the 13 Democratic amendments, the 12 Republican amendments, and 1 managers' amendment, which each are at the desk; that there be a time limitation of 1 hour equally divided for each amendment; that they be subject to relevant second-degree amendments under the same time limitation; and that upon the disposition of the amendments, the bill be read the third time and the Senate vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. I object, Mr. President. We just received the substitute.

The PRESIDING OFFICER. The Senator from South Carolina objects.

Mr. REID. Mr. President, I renew my request and ask that we have an hour and a half per amendment, with the same conditions I just propounded.

The PRESIDING OFFICER. Is there objection?

Mr DeMINT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, how about 2 hours per amendment, with the same conditions and provisions in the previous unanimous consent requests I made.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, Mr. President, with all deference to the majority leader, this procedure has excluded many of us from our right to offer amendments on the floor. I think he understands our discomfort with this process. There will not be an amount of time that will pave over the loss of our rights to offer amendments on this very important bill that needs to be dealt with. So it is not in terms of trying to delay what the majority leader is trying to do, but there is not going to be a period of time on this particular set of amendments, unless there is a set of amendments that we will be allowed, as Senators in the United States of America, to offer on behalf of our constituencies.

Mr. REID. So I take it there is an objection.

Mr. COBURN. Yes.

The PRESIDING OFFICER. There is objection.

Mr. REID. Mr. President, I say to my distinguished friend, the junior Senator from Oklahoma, he always comes directly to the point. I appreciate him and his objection.

AMENDMENT NO. 1934

Mr. REID. Mr. President, I tried to line up these 26 amendments for debate and vote. We have been told that no matter what the time per amendment is that would be allocated, that is not good enough. I also included second-degree amendments. That was objected to. I have no choice but to offer, after consultation with the Republican leadership, an amendment that contains these Democratic and Republican amendments and ask that it be divided

so that these 26 Senators may get votes in relation to their amendments.

I now call up that amendment, which is at the desk, on behalf of Senators KENNEDY and SPECTER.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for Mr. KENNEDY and Mr. SPECTER, proposes an amendment numbered 1934.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. DEMINT. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to read.

The assistant legislative clerk continued with the reading of the amendment.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Louisiana.

Mr. VITTER. Mr. President, in light of our discussion with the distinguished majority leader under which we won't take further action until tomorrow, so we can begin to digest this mammoth amendment, I move to waive reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. Mr. President, I did have a conservation with the junior Senator from Louisiana and a number of his colleagues. I think it is only fair that they have the evening and night to work on this big piece of legislation. It took a lot longer to get here, as always happens. It is ''always on its way,'' be here ''right away,'' ''another 5 minutes.''

Of course, it took several hours. I think in fairness, it is only the right thing to do. We are going to come back at 10 o'clock in the morning. There will be no morning business tomorrow. I would say to all Senators, there is a briefing that starts at 10 o'clock with Admiral McConnell. I have not had the opportunity to speak to him yet. But I am confident that for any Senators who are unable to go to that briefing because of being obligated to be here on the Senate floor, another time can be arranged that he and/or his staff would be happy to come and visit with another group of Senators. So we are not going to be in recess during the time of that briefing. But I would hope tomorrow we can get some movement on this bill, and the Senator from Louisiana and others will better understand this tomorrow, and make a decision of how if, in fact, they want to proceed, along with a number of others.

So that being the case, I express my appreciation to the Senator from Louisiana and his colleagues we met with earlier today.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, there will be no more votes tonight.

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. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING SENATOR CRAIG THOMAS

Mr. ENSIGN. Mr. President, I rise today to pay tribute to a colleague and a friend—someone whose presence is missed but whose legacy will undoubtedly endure.

Senator Craig Thomas was a westerner through and through. The story of his life reflects the spirit of the West—his work ethic, his strength of character, and his love for the land and resources of his cherished Wyoming.

Craig's life lessons were formed as a summer horseback guide, as a competitive wrestler, as a marine, as a husband, and as a father. He brought those lessons with him to Washington, D.C., as a Congressman and a Senator, and he never forgot them or strayed from them. That is clear from the issues he held closest to his heart.

As a fellow westerner, I always admired Craig's commitment to being an exemplary steward of our national parks. His love for them probably developed during his childhood summers around Yellowstone National Park, but he was able to translate that passion into monumental improvements that generations of Americans will enjoy.

He also worked tirelessly on issues impacting public land management, agriculture, rural healthcare, and fiscal responsibility—all issues that greatly benefited his constituents in Wyoming. And they understood and appreciated his advocacy for their well being by electing him time and again to represent them in the Nation's Capital.

Craig definitely had a special presence on Capitol Hill. He never gave up a fight; he had a certain grit that drew others to him; and he loved to joke around—all tributes that led to his being described as a cowboy or a Western hero.

The epitome of the American cowboy, John Wayne, has inscribed on his headstone: ''Tomorrow is the most important thing in life. Comes into us at midnight very clean. It's perfect when it arrives and it puts itself in our hands. It hopes we've learnt something from yesterday.''

Craig Thomas treated every ''tomorrow'' as a new and exciting opportunity to make a difference for the people of Wyoming and the United States. He loved his work; he loved his family; and he loved life. While he is no longer serving as the voice of the westerner in the Senate, his years of dedicated service ensured that his legacy will survive.

Craig was a statesman and a leader, a fighter and a friend. The Thomas family, the people of Wyoming, and those of us who worked with Craig will always remember the spirit of Western freedom, trusted integrity, and heartfelt kindness that he embodied. We are all fortunate to have known such a remarkable person.

WORLD DAY OF REMEMBRANCE

Mr. DODD. Mr. President, I am proud to submit S. Con. Res. 39, a resolution supporting the goals and ideals of a world day of remembrance for road crash victims. This resolution is the Senate companion to H. Con. Res. 87, which was recently submitted in the House.

Each crash might seem to us, in its immediacy, like an isolated tragedy, but when we step back, we see that each has its part in a global crisis that is deepening year by year. The day of remembrance—set by the United Nations General Assembly for the third Sunday of November—is not just for the 40,000 people who die in road crashes each year in America; it is for the 1.2 million who die in crashes in every part of the world and for the staggering 20 to 50 million who are injured. In fact, the World Health Organization predicts that, by the year 2020, the death rate from crashes each year will surpass the death rate from AIDS.

True, many of these crashes are unique disasters, but that leaves many more whose causes are systemic and preventable. Unsafe roads, poor medical facilities, and inadequate driver education all contribute their share to the death toll. And unsurprisingly, the toll is highest, and rising, in middle- and low-income countries. Road safety, then, is an issue of economic justice.

On the world day of remembrance, we will recall all of the victims of road crashes; we keep their families in our thoughts, and we pray for the full recovery of those still living. But our compassion for individuals must not obscure the bigger picture. ''We have to change the way we think about crashes,'' said Diza Gonzaga, the mother of a car-crash victim in Brazil. ''The majority of people think that crashes are due to fate. We have to think of a crash as a preventable event.''

MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any

kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On February 7, 2006 in San Diego, CA, James Hardy strangled Raymund Catolico, a gay man, to death in the victim's apartment. Allegedly, the two men met at a bus station and went to Catolico's apartment to have drinks and play video games. At some point Hardy attacked Catolico strangling him to death. Following the murder, Hardy went out for food and brought it back to the apartment to finish playing his computer game. According to Deputy District Attorney Dan Link, Catolico's sexuality was, ''a substantial motivation'' for the killing. Hardy is charged with a hate crime and is being held without bail.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HONORING OUR ARMED FORCES

SPECIALIST JOSIAH HOLLOPETER

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of U.S. Army SPC Josiah Hollopeter of Valentine, NE. Specialist Hollopeter was killed on June 14 in Al Muqdadiyah, Iraq. He was 27 years old.

Specialist Hollopeter graduated from Valentine High School in 1998. He played high school football as a defensive end, starting as a senior opposite his brother Tyler, a sophomore at the time. Tyler would also go on to serve in Iraq as an Army helicopter pilot.

Before joining the Army, Specialist Hollopeter worked construction jobs in Omaha and San Diego. He also worked for a canoe outfitter along the Niobrara River for several summers.

Like so many young men and women of his generation, the terrorist attacks of September 11 had a profound impact on Specialist Hollopeter and inspired him to serve his country. He enlisted with the Army in January 2006. He served with the 6th Squadron, 9th Cavalry Regiment, 3rd Brigade Combat Team, 1st Cavalry Division, based at Ford Hood, Texas. We are proud of Specialist Hollopeter's service to our country, as well as the thousands of other brave Americans serving in Iraq.

In addition to his brother, Specialist Hollopeter is survived by his parents Ken and Kelly Hollopeter; wife Heather; and sister Anna Hollopeter.

I ask my colleagues to join me and all Americans in honoring SPC Josiah Hollopeter.

RETIREMENT OF FRANK J. MONAHAN

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to the distinguished career of Frank Monahan, who will retire in a few days after 36 years of service to the U.S. Conference of Catholic Bishops.

Since 1971, Frank Monahan has worked on many of the great social justice issues of our day, always taking the side of the vulnerable, the voiceless, and the victims, always standing firm in his belief that here on earth, God's work must be our own. In the finest Jesuit tradition of his alma mater, Loyola University of Chicago, Frank Monahan is a man who has dedicated himself to serving others.

Early in his career, he was a Peace Corps volunteer in Nigeria. He was responding to President Kennedy's call to a new generation of Americans to engage themselves in public service and to help spread hope and the message of peace and cooperation throughout the world. He went on to work in Chicago public schools, helping to implement antipoverty programs and improve school lunch programs so that poor and hungry children would be free to learn, without fear of want.

His good nature, strong commitment, and eternal optimism that we can leave the world better than we found it will be missed by all of us in Congress, but they will not soon be forgotten.

It has been my great privilege through the years—under seven different Presidential administrations—to work with Frank on issues of fundamental fairness and justice. When I think of him, I am reminded of my brother Robert F. Kennedy's words:

> Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

I commend Frank Monahan for the countless ripples of hope he has sent out in his career.

We will be sad to see him leave, but heart in the fact that this great friend and ally will continue, in new and different fields, to live out the words of the Gospel of Mathew:

> For I was hungry and you gave me food, I was thirsty and you gave me drink, a stranger and you welcomed me, naked and you clothed me, ill and you cared for me, in prison and you visited me.

He has certainly earned his retirement. As Frank and his family look forward to meeting the new challenges and opportunities that lay ahead, I am sure God is looking down on him now and saying, ''Well done, my good and faithful servant.''

THE FACE OF COURAGE

Mr. LUGAR. Mr. President, I appreciate this opportunity to honor the distinguished service of my fellow Hoosier, SFC Jeffrey E. Mittman.

Throughout his remarkable career in the U.S. Army, Sergeant Mittman has exemplified the professionalism and dedication that is a hallmark of our Nation's Armed Forces, including during deployments in support of Operations Desert Shield, Desert Storm, Enduring Freedom, and Iraqi Freedom. On July 7, 2005, while assisting an Iraqi Public Order Brigade in Central Baghdad as a member of the Special Police Transition Team, SFC Jeffrey E. Mittman was wounded by an improvised explosive device. Since that day Sergeant Mittman has worked to recover from the injuries he sustained.

I also appreciate this opportunity to share my best wishes with Sergeant Mittman's wife Christy and children Jamie and Payton. As Sergeant Mittman works to recover from the grievous injuries he suffered while serving his nation in Iraq, I know that his children will benefit from the example of service and dedication that he and Christy have set.

I ask unanimous consent that a poem by Albert Caswell honoring SFC Jeffrey Mittman be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

THE FACE OF COURAGE

A Beautiful Man,
Who with The Heart of A Hero now here so stands!
Who within this his short lifetime, has so made a difference . . . so very grand!

Who with but half a face,
Who now so in history holds such a place . . .
One of such honor, one of such sacrifice . . . one of such most magnificent splendid grace!

As this warrior battles both night and day,
To rebuild his life, from which from him has so been taken away!
In this his valiant quest, courage's best, a hero no less . . . as to our world he'll bless, in so many ways!

Beauty,
Beauty, is but skin deep!
For all of those whom have so made a difference, up in Heaven in his arms our Lord shall keep!

For we will all grow old some day,
As so surely all of our beauty shall so slip away!
So what then do our lives portray? So how can we so find heaven's way? As in a mirror we gaze!

For all that is good, of which God creates . . .
For all that is beautiful, so surely comes from within hearts as made!
As from where all true beauty so radiates, as from where so very deep down inside so emanates!

The Heart,
Is from where we so gait, from where all of our new steps are made . . . to play our part!
To rebuild from where none is left, through such pain, heartache and death . . . as God's work of art!

As before me I so see the face of God this day!
In this fine hero, with but half a face . . . who's beauty within so surely shows me the way!
All hearts melt this day, upon gazing at courage's face . . . no more beautiful man our world has so graced!

And we so watch you take each new step . . .

As we stand in awe at what you have met, with what your most magnificent heart accepts!
As you so battle through all of your pain and heartache, as our world you so bless . . . until none is left!
As now we so understand,
In courage's face! For what the true meaning the word beauty stands!
Brought to us through a young patriot's heart, one of our Lord's greatest of works of art . . . this Man!
So bless you our most gallant of all ones . . .
If ever I have a child, a boy . . . I hope but pray, he could be like you most splendid one!
As to where the true meaning of beauty runs, a reflection of our Lord in all you've done!
In The Face of Courage!

ADDITIONAL STATEMENTS

TRIBUTE TO THE OREGON STATE BEAVERS

• Mr. SMITH. Mr. President, as a proud Oregonian and a proud member of ''Beaver Nation,'' I congratulate Coach Pat Casey and the Oregon State University baseball team, who for the second straight year have brought home to Corvallis from the College World Series in Omaha, NE, the NCAA Baseball Championship trophy.

By defeating the University of North Carolina in the championship, the Beavers have joined the elite group of college baseball teams who claim consecutive national championships. What's more, the Beavers swept to the title with the most lopsided scores in College World Series history.

As impressive as the Beaver's athletic accomplishments are, even more impressive is the type of individuals they are. Each and every time a Beaver was interviewed, they didn't speak about themselves, they spoke about the team. They spoke of heart, character, and giving it your best.

Oregonian Columnist John Canzano wrote, ''What you didn't see on the field Sunday was the pediatrics unit of Nebraska Medical Center. Coach Casey toured the place with players, visiting sick children this week. . . . What you probably didn't see where thousands of fans from Iowa and Nebraska who were dressed in orange, and cheering for Oregon State because they identify with hard-working, salt-of-the-earth overachievers and couldn't help themselves.''

I am delighted to join with my colleague Senator WYDEN in submitting this resolution extending the congratulations of the United States Senate to Oregon State University, and I urge my colleagues to visit OregonLive.com to read touching stories about this truly inspiring team.

Allow me to specifically mention the names of all the coaches and players who have made my State so very proud: Head Coach Pat Casey, Associate Head Coach Dan Spencer, Assistant Coach Marty Lees, Volunteer Assistant Coach David Wong, and players Erik Ammon, Darwin Barney, Hunter Beaty, Scotty Berke, Reed Brown, Brian Budrow, Mitch Canham, Bryn Card, Brett Casey, Jackson Evans, Kyle Foster, Drew George, Mark Grbavac, Chad Hegdahl Chris Hopkins, Koa Kahalehoe, Greg Keim, Blake Keitzman, Josh Keller, Eddie Kunz, Joey Lakowske, Lonnie Lechelt, Jordan Lennerton, Mike Lissman, Anton Maxwell, Jake McCormick, Chad Nading, Jason Ogata, Ryan Ortiz, Joe Paterson, Tyrell Poggemeyer, Joe Pratt, Jorge Reyes, Scott Santschi, Kraig Sitton, Alex Sogard, Dale Solomon, Michael Stutes, Daniel Turpen, John Wallace, Braden Wells and Joey Wong.•

IN RECOGNITION OF BARBARA KERR

• Mrs. BOXER. Mr. President, I ask my colleagues to join me for a moment as I reflect on the many accomplishments of Barbara Kerr, who has just stepped down as president of the California Teachers Association. Barbara's dedication to California's teachers is matched only by her dedication to California's schoolchildren.

Barbara Kerr began her career in education as a first grade teacher at Woodcrest Elementary School in Riverside, CA. After a very long involvement with the California Teachers Association, she took the reins as its president 4 years ago. During her presidency, Barbara has had an intimate hand in six statewide elections, and she has been on the winning side in most of them. Her success can be attributed to her boundless energy, her ability to connect across the political spectrum, her keen insight, and her passion for giving every child the best possible educational opportunities.

Last year, the Los Angeles Times named Barbara Kerr the third most powerful person in southern California, ranking her well ahead of both business leaders and elected officials. And the Los Angeles Times was right. Barbara has led the California Teachers Association through some of the most turbulent times in California's history and has done so with a clear aim to put California schools and their teachers and students first.

Barbara is retiring from both the California Teachers Association and from teaching. I know that teachers across California will miss her strong leadership, and I will miss her perspective and wisdom on issues of education and more. But Barbara is also considering where the future may lead, and I can only hope that she will continue to stay involved and stay active. Where ever the future leads her, I know that Barbara will continue putting the needs of our children first.•

REMEMBERING DR. NATHAN CARLINER

• Ms. MIKULSKI. Mr. President, I wish to pay tribute to the life and legacy of Dr. Nathan Carliner. Dr. Carliner was a well-respected cardiologist who practiced at the Baltimore Veterans Affairs Medical Center and a professor at the University of Maryland School of Medicine. He will be remembered for his commitment to his patients, his colleagues, and his students, as well as his devotion to friends and family.

Dr. Carliner was born in Baltimore and raised on South Road in Mount Washington. He followed in the footsteps of his father, Dr. Paul Carliner, who was also a doctor and codiscovered Dramamine in 1947. After his father's untimely death at just 46 years old, Nathan decided to devote his life to medicine. He was a 1958 Gilman School graduate and earned a bachelor of science degree at Johns Hopkins University. He went on to graduate from Hopkins Medical School in 1965.

After completing his internship and residency, Dr. Carliner joined the Army Medical Corps. He was medical service chief at the 3rd Mobile Army Surgical Hospital, MASH, at Binh Thuy in the Mekong Delta during the Vietnam war. After the war, Dr. Carliner studied cardiology and advanced electrocardiography before moving back to Baltimore in the 1970s. Once he returned to his hometown, Nathan continued his service both to his state and his country. He was a full professor at the University of Maryland School of Medicine and he was associate chief of cardiology and director of noninvasive cardiology services at the veterans hospital.

Dr. Carliner was known not just for his professionalism and his experience but also for his calming demeanor and his commitment to mentoring medical students and postgraduate trainees. Nathan touched so many lives and made many great contributions both to his field and to his colleagues.

Nathan Carliner's death is a tragedy. Yet his life was a triumph. I offer my heartfelt condolences to his family—his brother Mark, his sister Esther Carliner Viros, and his four nephews, particularly Paul Carliner, who worked in my office for over 12 years and who shares his uncle's commitment and dedication to helping others.

I ask my colleagues to join me in saluting this extraordinary man.•

RECOGNIZING HASTINGS, NEBRASKA

• Mr. NELSON of Nebraska. Mr. President, I wish to recognize the City of Hastings, NE, for being named ''America's Greenest City'' by Yahoo, Inc., the online search engine. During a time when people around the world are concerned about energy security and environmental quality, they need look no further than the city of Hastings as a perfect example of what a community can do to help clean up the environment.

Hastings, with a population of 25,000, located in south-central Nebraska, has just won Yahoo's ''Be a Better Planet—

Greenest City in America'' challenge, beating 350 other cities across the Nation which had entered the competition. Some of the environmental projects accomplished by the city of Hastings include conversion of methane to energy at its pollution control center, production of E85 ethanol, installation of energy-efficient street lighting, and creation of an extensive network of parks and hiking and biking trails.

Hastings, NE, the birthplace of Kool-Aid, is in the heart of farm country, which most certainly contributed to its environmentally sound policies. Farmers have always been leaders when it comes to being good stewards of the land, water, and air.

For its efforts, Yahoo offered the city of Hastings its choice of either a fleet of hybrid taxi cabs, similar to those donated to New York City during the campaign's kickoff on May 14, 2007, or the equivalent cash donation. Hastings, which has signed the U.S. Mayor's Climate Protection Agreement, selected the latter in order to further its environmental programs and become an even greener city. In addition to the top prize awarded to Hastings, the top five cities are being rewarded with deliveries of thousands of energy-efficient compact fluorescent lightbulbs, compliments of Yahoo.

Hastings mayor Matt Rossen plans to solicit ideas from residents for future projects, and Global Green USA will also work with the city of Hastings to identify potential city greening projects, such as expansion of renewable energy programs and energy-efficient renovations for city buildings.

As Nebraska's Senator, I am extremely proud of Hastings, NE, which has shown an outstanding commitment to the development of renewable and sustainable energy solutions for protecting the environment, improving health, and saving money. In commending the city of Hastings, NE, for being named America's Greenest City, I wish to highlight the sentiments expressed by Yahoo's cofounder, David Filo, who said, ''The determined green spirit demonstrated by the people of Hastings, Nebraska, underscores Yahoo's belief that individual actions can add up to significant change.''●

RECOGNIZING KATIE BEHRENS

● Mr. THUNE. Mr. President, today I recognize Katie Behrens, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Katie is a graduate of Lincoln Senior High School in Sioux Falls, SD. Currently she is attending the University of Tennessee-Martin, where she is majoring in political science and public relations. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Katie for all of the fine work she has done and wish her continued success in the years to come. ●

RECOGNIZING JAN CHRISTENSEN

● Mr. THUNE. Mr. President, today I recognize Jan Christensen, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Jan is a graduate of Mitchell High School in Mitchell, SD. Currently she is attending the University of South Dakota, where she is majoring in political science. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Jan for all of the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING KIMBERLY HEINEMANN

● Mr. THUNE. Mr. President, today I recognize Kimberly Heinemann, an intern in my Washington, DC office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Kimberly is a graduate of Flandreau High School in Flandreau and Augustana College in Sioux Falls where she received a bachelor of arts in biology with a minor in chemistry. This fall she will begin studying at the University of Nebraska Medical Center College of Dentistry. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Kimberly for all of the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING ADAM KLIPPENSTEIN

● Mr. THUNE. Mr. President, today I recognize Adam Klippenstein, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Adam is from Oral, SD, and a graduate of the Academy of the New Church in Bryn Athyn, PA. Currently he is attending Briar Cliff University, where he is majoring in political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Adam for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING KELSEY MILLER

● Mr. THUNE. Mr. President, today I recognize Kelsey Miller, an intern in my Rapid City, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Kelsey is a graduate of Belle Fourche High School in Belle Fourche, SD. Currently she is attending Dakota Wesleyan University, where she is majoring in public service and leadership and church music. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Kelsey for all of the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING BADGER, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Badger, SD. The town of Badger will celebrate the 100th anniversary of its founding this year.

Since its beginning in 1907, Badger has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Badger will continue to thrive and succeed for the next 100 years.

I would like to offer my congratulations to the citizens of Badger on their anniversary and wish them continued prosperity in the years to come.●

RECOGNIZING LOWRY, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Lowry, SD. The town of Lowry will celebrate the 100th anniversary of its founding this year.

Since its beginning in 1907, Lowry has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Lowry will continue to thrive and succeed for the next 100 years.

I would like to offer my congratulations to the citizens of Lowry on their anniversary and wish them continued prosperity in the years to come.●

LOUISIANA TECH UNIVERSITY

● Mr. VITTER. Mr. President, today I wish to acknowledge Louisiana Tech University for its scientific breakthrough and innovation in the department of nanotechnology. I would like to take a few moments to expand on Louisiana Tech's achievements and wish the facility and student body continued success.

Nanotechnology is the art of manipulating materials on an atomic and molecular level, and Louisiana Tech University has risen to the top of this scientific threshold. This year a trade magazine, Small Times, ranked LA Tech third in micro and nanotechnology education. Small Times evaluated each college based on various criteria, and Louisiana Tech surfaced as one of

the elite universities. Louisiana Tech also stands as one of the only universities in the country that offers a nanotechnology degree at both the undergraduate and graduate levels. Their diversity within the program, and their excellence in both faculty innovation and curriculum ranks them among the best major scientific universities.

Louisiana Tech University also ranked tenth in the Nation for commercializing nanotechnology inventions, or the capability to process patents and turn them into profitable ideas. The university alone applied for 24 patent applications in the last year, 20 of which involved micro and nanotechnology, proving Louisiana Tech's dedication as a national contributor to the scientific spectrum. As Louisiana Tech blossoms, many profitable institutions have invested and settled within the university, such as Avoyelles Renewable Fuels, which is working to discover a way to convert biomass waste into a biofuel through a nanocatalyst.

I would also like to take a moment to honor Joshua Michael Brown. At Louisiana Tech University, he became this first person in the entire world to graduate with a nanosystems engineering degree. He will continue at Louisiana Tech University in order to gain his doctorate in micronanotechnology.

Thus, today I congratulate Louisiana Tech for its innovation in the ever-changing fields of science, and I look forward to the continued growth of the school and its students as they shape the future development of micro and nanotechnology.●

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

The President pro tempore (Mr. BYRD) announced that on today, June 26, 2007, he had signed the following enrolled bill, previously signed by the Speaker of the House:

S. 1352. An act to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the ''Dr. Francis Townsend Post Office Building''.

At 4:55 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. 366. An act to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the ''Ernest Childers Department of Veterans Affairs Outpatient Clinic''.

H.R. 1065. An act to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes.

H.R. 1281. An act to amend title 18, United States Code, to prohibit certain deceptive practices in Federal elections, and for other purposes.

H.R. 2011. An act to designate the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the ''George Howard, Jr. Federal Building and United States Courthouse''.

H.R. 2139. An act to modernize the manufactured housing loan insurance program under title I of the National Housing Act.

H.R. 2286. An act to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures.

H.R. 2546. An act to designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the ''Charles George Department of Veterans Affairs Medical Center''.

H.R. 2602. An act to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the ''Oscar G. Johnson Department of Veterans Affairs Medical Facility''.

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. 142. Concurrent resolution expressing the sense of the Congress that there should be established a National Pet Week.

The message further announced that the House has passed the following bills, without amendment:

S. 229. An act to redesignate a Federal building in Albuquerque, New Mexico, as the ''Raymond G. Murphy Department of Veterans Affairs Medical Center''.

S. 801. An act to designate a United States courthouse located in Fresno, California, as the ''Robert E. Coyle United States Courthouse''.

The message also announced that pursuant to 20 U.S.C. 4303, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Board of Trustees of Gallaudet University: Mr. WOOLSEY of California and Mr. LAHOOD of Illinois.

The message further announced that pursuant to 10 U.S.C. 6968(a), and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Naval Academy: Mr. RUPPERSBERGER of Maryland, Mr. CUMMINGS of Maryland, Mr. KLINE of Minnesota, and Mr. WICKER of Mississippi.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 26, 2007, she had presented to the President of the United States the following enrolled bill:

S. 1352. An act to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the ''Dr. Francis Townsend Post Office Building''.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

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

H.R. 1065. An act to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1281. An act to amend title 18, United States Code, to prohibit certain deceptive practices in Federal elections, and for other purposes; to the Committee on the Judiciary.

H.R. 2011. An act to designate the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the ''George Howard, Jr. Federal Building and United States Courthouse''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2139. An act to modernize the manufactured housing loan insurance program under title I of the National Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2286. An act to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures; to the Committee on the Judiciary.

H.R. 2546. An act to designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the ''Charles George Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

H.R. 2602. An act to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the ''Oscar G. Johnson Department of Veterans Affairs Medical Facility''; to the Committee on Veterans' Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 142. Concurrent resolution expressing the sense of the Congress that there should be established a National Pet Week; to the Committee on Agriculture, Nutrition, and Forestry.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 923. To provide for the investigation of certain unsolved civil rights crimes, and for other purposes.

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–2359. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Almonds Grown in California; Outgoing Quality Control Requirements: Correction'' (Docket No. FV06–981–1C) received on June 22, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2360. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Grapes Grown in a Designated Area of Southeastern California: Change in Reporting Requirements'' (Docket No. FV07–925–1) received on June 22, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2361. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Late Payment and Interest Charges on Past Due Assessments Under the Nectarine and Peach Marketing Orders'' (Docket No. AMS–

FV–07–0012) received on June 22, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2362. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 2006–2007 Marketing Year'' (Docket No. AMS–FV–06–0175) received on June 22, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2363. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Onions Grown in South Texas; Change in Regulatory Period'' (Docket No. AMS–FV–06–0214) received on June 22, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2364. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''User Fees for 2007 Crop Cotton Classification Services to Growers'' ((RIN0581–AC68)(Docket No. AMS–CN–07–0060)) received on June 22, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2365. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Regulations Under the Perishable Agricultural Commodities Act to Ensure Trust Protection for Produce Sellers When Using Electronic Invoicing or Other Billing Methods'' ((RIN0581–AC53)(Docket No. FV05–373)) received on June 22, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2366. A communication from the Executive Vice President, Financial Information Group, Federal Home Loan Bank of Chicago, transmitting, pursuant to law, a copy of the Bank's 2006 management reports; to the Committee on Banking, Housing, and Urban Affairs.

EC–2367. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Grapeland, Elgin, Burnet, Cameron, Calvert, Junction and Mason, TX'' (MB Docket No. 03–149) received on June 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2368. A communication from the Assistant Bureau Chief, Enforcement Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 1 .80(b)(1) of the Commission's Rules; Increase of Forfeiture Maxima for Obscene, Indecent, and Profane Broadcasts to Implement the Broadcast Decency Enforcement Act of 2005'' (FCC 07–94) received on June 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2369. A communication from the Acting Legal Advisor to the Chief, Mobility Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Part 90 of the Commission's Rules'' ((WP Docket No. 07–100)(FCC 07–85)) received on June 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2370. 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; Idaho and Washington; Interstate Transport of Pollution'' (FRL No. 8330–9) received on June 22, 2007; to the Committee on Environment and Public Works.

EC–2371. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Iowa'' (FRL No. 8330–7) received on June 22, 2007; to the Committee on Environment and Public Works.

EC–2372. 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 ''Buprofezin; Pesticide Tolerance'' (FRL No. 8133–1) received on June 22, 2007; to the Committee on Environment and Public Works.

EC–2373. 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 ''Tobacco Mild Green Mosaic Tobamovirus; Temporary Exemption from the Requirement of a Tolerance'' (FRL No. 8134–5) received on June 22, 2007; to the Committee on Environment and Public Works.

EC–2374. 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 ''Active Conduct of a Trade or Business'' (Rev. Rul. 2007–42) received on June 25, 2007; to the Committee on Finance.

EC–2375. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of the Model 1471/APX–119 Airborne IFF Transponder for Japan; to the Committee on Foreign Relations.

EC–2376. A communication from the Regulations Coordinator, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Petition to Request an Exemption from 100 Percent Identity Testing of Dietary Ingredients; Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements'' ((RIN0910–AB88)(Docket No. 2007N–0186)) received on June 22, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2377. A communication from the Regulations Coordinator, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements'' ((RIN0910–AB88)(Docket No. 1996N–0417)) received on June 22, 2007; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 185. A bill to restore habeas corpus for those detained by the United States (Rept. No. 110-90).

By Mrs. FEINSTEIN, from the Committee on Appropriations, without amendment:

S. 1696. A bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. No. 110-91).

By Mr. LEVIN, from the Committee on Armed Services, with amendments:

S. 1538. An original bill to authorize appropriations for fiscal year 2008 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 110-92).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 126. A bill to modify the boundary of Mesa Verde National Park, and for other purposes (Rept. No. 110-93).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 553. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes (Rept. No. 110-94).

S. 580. A bill to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and for other purposes (Rept. No. 110-95).

S. 686. A bill to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historical Trail (Rept. No. 110-96).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 890. A bill to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, and for other purposes (Rept. No. 110-97).

S. 797. A bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail (Rept. No. 110-98).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 1152. A bill to promote wildland firefighter safety (Rept. No. 110-99).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment and with a preamble:

S. Con. Res. 6. A concurrent resolution expressing the sense of Congress that the National Museum of Wildlife Art, located in Jackson, Wyoming, should be designated as the ''National Museum of Wildlife Art of the United States'' (Rept. No. 110-100).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 161. A bill to adjust the boundary of the Minidoka Internment National Monument to include the Nidoto Nai Yoni Memorial in Bainbridge Island, Washington, and for other purposes (Rept. No. 110-101).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 376. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System, and for other purposes (Rept. No. 110-102).

H.R. 497. A bill to authorize the Marion Park Project, a committee of the Palmetto Conservation Foundation, to establish a commemorative work on Federal land in the

District of Columbia, and its environs to honor Brigadier General Francis Marion (Rept. No. 110-103).

H.R. 512. A bill to establish the Commission to Study the Potential Creation of the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC, and for other purposes (Rept. No. 110-104).

H.R. 658. A bill to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System, and for other purposes (Rept. No. 110-105).

H.R. 1047. A bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System (Rept. No. 110-106).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Michael G. Vickers, of California, to be an Assistant Secretary of Defense.

*Thomas P. D'Agostino, of Maryland, to be Under Secretary for Nuclear Security, Department of Energy.

*Preston M. Geren, of Texas, to be Secretary of the Army.

Navy nomination of Vice Adm. Eric T. Olson, 6412, to be Admiral.

Army nomination of Lt. Gen. Douglas E. Lute, 2691, to be Lieutenant General.

Marine Corps nomination of Col. Rex C. McMillian, 9683, to be Brigadier General.

Navy nomination of Capt. Michael J. Browne, 0732, to be Rear Admiral (lower half).

Navy nomination of Capt. Thomas F. Kendziorski, 3120, to be Rear Admiral (lower half).

Navy nomination of Capt. Lothrop S. Little, 1617, to be Rear Admiral (lower half).

Navy nomination of Capt. Kenneth J. Braithwaite, 9527, to be Rear Admiral (lower half).

Navy nomination of Capt. Joseph D. Stinson, 1305, to be Rear Admiral (lower half).

Navy nomination of Capt. Jerry R. Kelley, 9193, to be Rear Admiral (lower half).

Navy nomination of Capt. Cynthia A. Dullea, 9603, to be Rear Admiral (lower half).

Navy nomination of Capt. Patricia E. Wolfe, 6159, to be Rear Admiral (lower half).

Navy nominations beginning with Capt. Garry J. Bonelli and ending with Capt. Robert O. Wray, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2007.

Navy nomination of Rear Adm. (lh) Gregory A. Timberlake, 6473, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Albert Garcia III, 3459, to be Rear Admiral.

Navy nomination of Rear Adm. Anthony L. Winns, 7593, to be Vice Admiral.

Air Force nominations beginning with Colonel Mark A. Atkinson and ending with Colonel Margaret H. Woodward, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

Army nomination of Col. Michael D. Devine, 6922, to be Brigadier General.

Navy nomination of Capt. David W. Titley, 5416, to be Rear Admiral (lower half).

Navy nomination of Capt. Michael S. Rogers, 9688, to be Rear Admiral (lower half).

Navy nomination of Capt. David A. Dunaway, 0499, to be Rear Admiral (lower half).

Navy nomination of Capt. Samuel J. Cox, 9719, to be Rear Admiral (lower half).

Navy nomination of Capt. David G. Simpson, 8388, to be Rear Admiral (lower half).

Navy nomination of Rear Adm. (lh) Edward H. Deets III, 2048, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Jeffrey A. Wieringa, 5245, to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Charles H. Goddard and ending with Rear Adm. (lh) Kevin M. McCoy, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Capt. Terry J. Benedict and ending with Capt. Michael E. McMahon, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Marine Corps nomination of Col. Kenneth F. McKenzie, Jr., 6735, to be Brigadier General.

Army nomination of Maj. Gen. Richard P. Zahner, 3707, to be Lieutenant General.

Navy nomination of Rear Adm. Joseph Maguire, 0399, to be Vice Admiral.

Army nominations beginning with Brigadier General Augustus L. Collins and ending with Colonel Charles F. Walsh, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2007.

Army nomination of Maj. Gen. Francis H. Kearney III, 9443, to be Lieutenant General.

Army nominations beginning with Col. Jonathan E. Farnham and ending with Col. Hugo E. Salazar, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nomination of Rear Adm. (lh) Carol M. Pottenger, 3454, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Jeffrey A. Wieringa, 5245, to be Vice Admiral.

Navy nominations beginning with Rear Adm. (lh) Jeffrey A. Lemmons and ending with Rear Adm. (lh) Robin M. Watters, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Air Force nomination of Brig. Gen. Garbeth S. Graham, 5388, to be Major General.

Army nomination of Col. Jimmie J. Wells, 3197, to be Brigadier General.

Marine Corps nomination of Lt. Gen. Emerson N. Gardner, Jr., 0157, to be Lieutenant General.

Navy nomination of Rear Adm. (lh) Christine M. Bruzek-Kohler, 7779, to be Rear Admiral.

Air Force nominations beginning with Brigadier General Michael D. Akey and ending with Colonel Eric G. Weller, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nomination of Maj. Gen. John D. Gardner, 1994, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Richard G. Anderson and ending with Mitchell Zygadlo, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Christopher R. Abramson and ending with Annamarie Zurlinden, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2007.

Air Force nominations beginning with Alice A. Hale and ending with Natalie A. Jagiella, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Air Force nominations beginning with Anne M. Beaudoin and ending with Justina U. Paulino, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with Eric D. Adams and ending with David S. Zumbro, which nominations were received by the Senate and appeared in the Congressional Record on January 18, 2007.

Army nominations beginning with Jeffrey S. Almony and ending with Daniel A. Zeleski, which nominations were received by the Senate and appeared in the Congressional Record on January 18, 2007.

Army nomination of Kenneth C. Simpkiss, 9979, to be Lieutenant Colonel.

Army nominations beginning with Anthony G. Hoffman and ending with Patricia L. Wood, which nominations were received by the Senate and appeared in the Congressional Record on May 21, 2007.

Army nominations beginning with Roy V. McCarty and ending with Hung Q. Vu, which nominations were received by the Senate and appeared in the Congressional Record on May 21, 2007.

Army nomination of Karen L. Ware, 8863, to be Major.

Army nomination of Jeanetta Corcoran, 7277, to be Major.

Army nominations beginning with Richard L. Klingler and ending with Carlos M. Garcia, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Army nominations beginning with Deepti S. Chitnis and ending with Gia K. Yi, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Army nominations beginning with Jacob W. Aaronson and ending with David W. Wolken, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Army nomination of Birget Batiste, 3681, to be Major.

Army nomination of James P. Houston, 5536, to be Lieutenant Colonel.

Army nomination of John C. Loose, Jr., 3475, to be Colonel.

Army nominations beginning with Bruce Bublick and ending with James Madden, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with Jackie L. Byas and ending with William R. Clark, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with Jeffrey R. Keim and ending with Stan Rowicki, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with Philip A. Horton and ending with Patricia Young, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with Bernadine F. Peletzfox and ending with Susan P. Stattmiller, which nominations

were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with Jeffery H. Allen and ending with Bobby C. Thornton, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with Dirk R. Kloss and ending with Mark C. Strong, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with David M. Griffith and ending with Brian N. Witcher, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Marine Corps nominations beginning with Eric M. Arbogast and ending with James L. Wetzel IV, which nominations were received by the Senate and appeared in the Congressional Record on May 21, 2007.

Navy nomination of Michael R. Murray, 5104, to be Captain.

Navy nomination of Curt W. Dodges, 5943, to be Captain.

Navy nomination of Michael L. Incze, 7492, to be Captain.

Navy nomination of Sandra C. Irwin, 9030, to be Captain.

Navy nominations beginning with William R. Fenick and ending with Isaac N. Skelton, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Robert B. Caldwell, Jr. and ending with Ellen E. Moore, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Dawn H. Driesbach and ending with Glenn S. Rosen, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Nicholas J. Cipriano III and ending with Stephen C. Woll, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Rhetta R. Bailey and ending with Kelly J. Wild, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Jeffrey S. Cole and ending with Timothy J. White, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Bruce A. Bassett and ending with Michael A. Yukish, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Julie S. Chalfant and ending with Paul J. Vanbenthem, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Daniel J. Macdonnell and ending with Michael J. Wilkins, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Harry S. Deloach and ending with Mark Q. Schwartzel, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Kenneth Branham and ending with Kevin J. Mcgovern, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Steven P. Clancy and ending with Stewart B. Wharton III, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with James A. Albani and ending with Robert R. Young, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Patrick J. Barrett and ending with Jeannine E. Snow, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Beth Y. Ahern and ending with Daniel E. Zimberoff, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Steven D. Brown and ending with Mark G. Steiner, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Richard K. Giroux and ending with Denise E. Stich, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Mark A. Admiral and ending with Daniel F. Verheul, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Michael D. Anderson and ending with Bruce C. Urbon, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Scot K. Abel and ending with Leland D. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Michael J. Cerneck and ending with Michael L. Peoples, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with John W. Chandler and ending with James A. Sullivan, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Arne J. Anderson and ending with Kevin E. Zawacki, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Leigh P. Ackart and ending with Kurt E. Waymire, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Pius A. Aiyelawo and ending with Penny E. Walter, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Wendy M. Boruszewski and ending with Patricia A. Tordik, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Cherie L. Bare and ending with Kathryn A. Summers, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Darius Banaji and ending with Michael D. Williamson, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Charles S. Cleckler and ending with Patrick P. Whitsell, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with Randy L. Quinn and ending with Smith S. B. Wall, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with David A. Arzouman and ending with Gregg Wolff, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with Christina M. Alvarado and ending with John Zdencanovic, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with Kenneth W. Bowman and ending with Gary L. Ulrich, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with Hsingchien J. Cheng and ending with Bradley S. Trotter, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with Norman J. Aranda and ending with Sarah E. Supnick, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with Patricia A. Brady and ending with Melvin D. Smith, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with Nathan L. Ammons III and ending with Daniel W. Stehly, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nomination of Carlos E. Gomez-Sanchez, 2507, to be Lieutenant Commander.

Navy nominations beginning with Scott F. Adams and ending with William A. Zirzow IV, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. KENNEDY (for himself, Mr. ENZI, Mrs. CLINTON, Mr. HATCH, Mr. OBAMA, Mr. GREGG, Mr. ALEXANDER, Mr. BURR, Mr. ROBERTS, and Mr. ISAKSON):

S. 1693. A bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself, Mr. THUNE, Mr. CASEY, Mrs. CLINTON, Mr. NELSON of Florida, Mr. MENENDEZ, Mr. DURBIN, Mr. BROWN, and Mr. KERRY):

S. 1694. A bill to authorize resources for sustained research and analysis to address colony collapse disorder and the decline of North American pollinators; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KENNEDY (for himself, Mr. HATCH, Mrs. CLINTON, and Mr. ENZI):

S. 1695. A bill to amend the Public Health Service Act to establish a pathway for the licensure of biosimilar biological products, to promote innovation in the life sciences, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 1696. A bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. SUNUNU (for himself, Mr. GREGG, and Mr. THUNE):

S. 1697. A bill to amend the Internal Revenue Code of 1986 to provide a credit for residential biomass fuel property expenditures; to the Committee on Finance.

By Mr. COLEMAN:

S. 1698. A bill to provide that no funds appropriated or otherwise made available by any Act for contributions for international organizations may be made available to support the United Nations Human Rights Council; to the Committee on Foreign Relations.

By Mr. REED (for himself and Mr. COCHRAN):

S. 1699. A bill to amend the provisions of the Elementary and Secondary Education Act of 1965 regarding school library media specialists, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CHAMBLISS:

S. 1700. A bill to support the establishment of an international regime for the assured supply of nuclear fuel for peaceful means and to authorize voluntary contributions to the International Atomic Energy Agency to support the establishment of an international nuclear fuel bank; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ISAKSON:

S. Res. 255. A resolution recognizing and supporting the long distance runs that will take place in the People's Republic of China in 2007 and the United States in 2008 to promote friendship between the peoples of China and the United States; to the Committee on Foreign Relations.

By Mr. BIDEN (for himself and Mr. JOHNSON):

S. Res. 256. A resolution designating June 2007 as ''National Aphasia Awareness Month'' and supporting efforts to increase awareness of aphasia; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 257. A resolution congratulating the University of California at Los Angeles for becoming the first university to win 100 National Collegiate Athletic Association Division I team titles; considered and agreed to.

ADDITIONAL COSPONSORS

S. 67

At the request of Mr. INOUYE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 67, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 156

At the request of Mr. MCCAIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 185

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 335

At the request of Mr. DORGAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 335, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 439

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 545

At the request of Mr. LOTT, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 545, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 793

At the request of Mr. KENNEDY, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 793, a bill to provide for the expansion and improvement of traumatic brain injury programs.

At the request of Mr. HATCH, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 793, supra.

S. 805

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 860

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 860, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 903

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 911

At the request of Mr. REED, the names of the Senator from California (Mrs. BOXER) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 932

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 932, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant

marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 968

At the request of Mrs. BOXER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 968, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 970

At the request of Mr. SMITH, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors 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. KENNEDY, the name of the Senator from New Mexico (Mr. BINGAMAN) 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. 1096

At the request of Mr. CORNYN, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1096, a bill to amend title 38, United States Code, to provide certain housing benefits to disabled members of the Armed Forces, to expand certain benefits for disabled veterans with severe burns, and for other purposes.

S. 1166

At the request of Mr. WARNER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1166, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain zone compensation of civilian employees of the United States.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1190

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1190, a bill to promote the deployment and adoption of telecommunications services and information technologies, and for other purposes.

S. 1219

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1219, a bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1349

At the request of Mr. DURBIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1349, a bill to ensure that the Department of Defense and the Department of Veterans Affairs provide to members of the Armed Forces and veterans with traumatic brain injury the services that best meet their individual needs, and for other purposes.

S. 1415

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1415, a bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes.

S. 1430

At the request of Mr. OBAMA, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1457

At the request of Mr. HARKIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 1509

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1509, a bill to improve United States hurricane forecasting, monitoring, and warning capabilities, and for other purposes.

S. 1593

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1593, a bill to amend the Internal Revenue Code of 1986 to provide tax relief and protections to military personnel, and for other purposes.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1606

At the request of Mr. LEVIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of 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.

S. 1607

At the request of Mr. BAUCUS, the names of the Senator from Utah (Mr. HATCH) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1607, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

At the request of Mr. STEVENS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1661, supra.

S. 1675

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1675, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.

S. CON. RES. 39

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution supporting the goals and ideals of a world day of remembrance for road crash victims.

S. RES. 203

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 203, a resolution calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan.

S. RES. 224

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 224, a resolution expressing the sense of the Senate regarding the Israeli-Palestinian peace process.

S. RES. 252

At the request of Mr. BOND, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 252, a resolution recognizing the increasingly mutually beneficial relationship between the United States of America and the Republic of Indonesia.

AMENDMENT NO. 1886

At the request of Mrs. DOLE, the names of the Senator from Iowa (Mr.

GRASSLEY) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of amendment No. 1886 intended to be proposed to S. 1639, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mr. ENZI, Mrs. CLINTON, Mr. HATCH, Mr. OBAMA, Mr. GREGG, Mr. ALEXANDER, Mr. BURR, Mr. ROBERTS, Mr. ISAKSON):

S. 1693. A bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is long past time for the Nation's health care industry to adopt modern information technology. Such technology has revolutionized a wide array of American industries, and it holds the same promise for the health care industry. It has a clear capacity to increase efficiency and reduce costs at a time when the industry is being plagued by the alarming rise in health costs.

Staggering inefficiencies imbedded in our health care system prevent patients across the country from receiving the type of care they deserve. Forty percent of Americans have been victims of preventable medical errors, and as many as 100,000 patients die each year from such errors. In a Nation which already spends more on health care than any other country, a modest investment in health IT is a small price to pay for a safer and less costly health care system.

Some health facilities with resources at their disposal have already invested in IT systems with great success. Meanwhile, the most vulnerable institutions lag further and further behind in the adoption of necessary technology. It now costs a physician's office about $40,000 to implement a new IT system. Providers with financial need deserve access to information technology to close the health IT gap, so that patients across the country have access to quality health care.

The Senate unanimously approved the Wired for Health Care Quality Act in the last Congress. Today, Senator ENZI, Senator HATCH, Senator CLINTON, and I are reintroducing that bill, and we urge its swift passage. By setting national standards for health information technology and by offering funds for IT investment, the legislation will help providers overcome both the technical and the financial barriers to adopting and implementing health IT systems.

Recognizing the financial challenges of such investments, our bill establishes several Federal funding mechanisms to encourage the adoption of this technology. The legislation authorizes Federal grants for providers in need and funds low interest loans in order to ease the burden on health care professionals who invest in new systems for electronic medical records and other purposes. Since the ability of physicians to share information is essential to ensuring effective treatment and eliminating wasteful spending, our bill also provides financial assistance to establish regional and local health IT networks.

Rapid exchange of information is essential to ensuring that providers have complete patient information, but the adoption of such technology must be accompanied by strong patient privacy protection. Our bill specifies that the American Health Information Community will be a body to make recommendations to the Secretary of Health and Human Services on patient privacy, information security, and appropriate uses of the technology. In addition, the bill ensures that free-standing health information databases are subject to the same privacy rules as other health care entities and requires grant recipients to implement strong privacy protections themselves.

To encourage the implementation of modern health information systems across the Nation, the legislation codifies the role of the National Coordinator for Health Information Technology in the Department of Health and Human Services to coordinate and expedite the adoption of health IT by Federal agencies. In addition, the bill establishes a public-private partnership, the Partnership for Health Care Improvement, to streamline the nationwide implementation of health information systems by establishing standards for interoperability that must be adopted by grant recipients and Federal contractors.

Estimates indicate that the widespread adoption of electronic health records could save up to 30 percent in annual health spending, or more than $600 billion a year. Since 45 million Americans are uninsured, we can't delay the nationwide adoption of health IT systems any longer. Interoperability standards will eliminate inefficiencies caused by lack of uniform technology. Increased funding will reduce the widening health IT gap, making the advances of the information age available to all health facilities. The savings generated by these initiatives have the potential to give all Americans access to the Nation's state-of-the-art health care industry.

I especially commend the work of my colleagues Senator ENZI, Senator CLINTON, and Senator HATCH in developing this needed legislation, and I look forward to its enactment as soon as possible.

Mr. ENZI. Mr. President, I rise today to speak about my commitment to improve the quality and reduce the cost of health care in this Nation.

Some of the most serious challenges facing health care today, medical errors, inconsistent quality, and rising costs, can be addressed through the effective application of available health information technology linking all elements of the health care system. Information sharing networks have the potential to enable decision support anywhere at any time, thus improving the quality of health care and reducing costs.

But what does this mean for patients? Well, first of all, the widespread use of health IT would allow medical data to move with people as they move. When someone goes to the doctor's office, he or she won't have to take the clipboard and write down everything they can remember about themselves. Better use of health IT also would cut down on medical errors with prescriptions, instead of trying to decipher the doctor's handwriting, a pharmacist could access the prescription information electronically.

The widespread use of health IT could also save lives. If someone is traveling and gets in a car wreck or gets hurt in some other way, the emergency room doctor would be able to find out everything he or she needs to know to make the right treatment decisions. If someone falls into a coma and can't tell a doctor or nurse about their medications, being able to access an electronic medical record could prevent dangerous drug reactions.

Beyond saving lives and saving time, more effective use of health IT also could save us a lot of money. A Rand study suggested that health IT has the potential to save the health care system $162 billion a year. In order for these savings to be realized, we must create an infrastructure for interoperability. The bill I am introducing today is the first step toward building that infrastructure.

Last Congress, the Senate unanimously passed the Wired for Health Care Quality Act, which I wrote with Senator KENNEDY. We have worked with Senator HATCH and Senator CLINTON and are introducing an updated bill today. We plan to bring this revised bill before our committee this Wednesday.

This legislation addresses one of the primary barriers to widespread adoption of interoperable health IT, which is the lack of agreed-upon standards, common implementation guides, and a certification process. The bill directs the Secretary to establish and chair the public-private American Health Information Collaborative, which is composed of representatives of the public and private sectors. The greatest improvements in quality of health care and cost savings will be realized when all elements of the health care system are electronically connected and speak a common technical language; that is, they are interoperable.

In order to address the health information technology ''adoption gap'' in the U.S., the bill authorizes three grant programs that will carefully target financial support to health care providers and consortia for the purpose

of facilitating the adoption of interoperable health information technology.

Another barrier to greater adoption is cultural. I recognize that many physicians and hospitals are hesitant to move from paper-based systems to electronic systems. Some physicians have been writing prescriptions by hand for many years and may resist changing to electronic prescribing. One way to address this cultural barrier is to support teaching hospitals that integrate health information technology in the clinical education of health care professionals. Exposing students and residents to effective everyday uses of health IT will lead to a greater adoption by these students and residents when they graduate and begin practicing on their own.

The wise deployment of health IT is also critical for effective response in public health emergencies. Interoperable health IT systems will help to track infectious disease outbreaks and increase the Federal Government's rapid response in emergency situations.

I am eager to work with members of the Finance Committee to ensure we produce a bill that will pass the Senate unanimously once again this Congress. This bill ensures that avenues to measure and report the quality of care are available through health information technology. Improving the quality of care provided in this country is one of my top legislative priorities.

I look forward to passing this important legislation, which will help facilitate the widespread adoption of electronic health records to ultimately result in fewer mistakes, lower costs, better care, and greater patient participation in their health and well being. This is a great stride forward in the journey to improve our Nation's health care system. I look forward to seeing meaningful health information technology legislation signed into law this Congress.

Mrs. CLINTON. Mr. President, for several years now I have been promoting the adoption of health information technology as a means to improve our health care system. Modernizing our system will improve quality of care and reduce costs. A RAND study found that, as a nation, we could save more than $77 billion annually through the widespread use of electronic medical records, and these savings could double with the addition of prevention and chronic disease management components.

I introduced comprehensive health quality and IT legislation in 2003 to set us on the path to creating a health IT infrastructure. Subsequently, the Senate unanimously passed bipartisan legislation that I worked on with Senators Frist, KENNEDY, and ENZI. We were unable to reach final agreement on that bill before the adjournment of the 109th Congress and today are reintroducing the Wired for Healthcare Quality Act to bring our health care system into the 21st century.

I am pleased to be working again on this critical effort with Senators KENNEDY and ENZI and want to welcome Senator HATCH and thank him for his work and contributions to the bill we are introducing today.

While there are a number of things I believe we need to do to improve our health care system, one of the most fundamental avenues for change is modernizing our system of care by developing a nationwide interoperable health information technology infrastructure that protects patient privacy. It is past time that our health care delivery system allow providers to easily manage their information needs and securely and privately manage the needs of their patients.

We have the most advanced medical system in the world, yet patient safety and quality is compromised because health care providers are treating patients without all the information they need. It happens in the emergency room or when you are seeing multiple doctors who are unaware of treatments you are receiving from others. Harnessing the potential of information technology will eliminate these problems and help reduce errors and improve quality in our health care system.

Interoperable health IT will also help eliminate inefficiency and duplication in the system. Every time patients see a doctor, they fill out forms, have to remember their medical history, their medications, immunizations, and previous test results. No wonder a study in California found that one out of every five lab tests and x rays were conducted solely because previous lab results were unavailable.

There is no reason why people's health files—their medical history, test results, lab records, x rays—can't be accessed securely and confidentially from a doctor's office or hospital. In fact, if all hospitals used a computerized physician order entry system, an estimated 200,000 fewer adverse drug events would occur, saving roughly $1 billion per year.

We should also eliminate administrative inefficiencies that drive up health care costs. Today, processing paper claims costs an average of $1.60 to $2.20 per claim. It costs 85 cents for an electronic claim.

We can also use information technology to disseminate clinical research. A government study recently showed it takes 17 years from the time of a new medical discovery to the time clinicians actually incorporate that discovery into their practice at the bedside. Health IT will dramatically reduce this time and help drive improvements in care.

The Wired for Healthcare Quality Act is designed to address these issues through Federal leadership to develop and adopt the technology standards necessary to ensure that electronic medical records are fully portable and confidential for patients and accessible to their health care providers. The legislation encourages the development of a private and secure nationwide interoperable health IT infrastructure through:

Codifying the role of the National Coordinator for Health Information Technology in coordinating the policies of federal agencies regarding health IT.

Establishing a public-private partnership known as the Partnership for Health Care Improvement to provide recommendations to the Secretary with regard to technical aspects of interoperability, standards, implementation specifications, and certification criteria for the exchange of health information.

Requiring all Federal IT purchases to conform to the standards recommended by the Partnership and adopted by the President.

Establishing the American Health Information Community as a body providing recommendations to the Secretary regarding policies to promote the development of a nationwide interoperable health information technology infrastructure. These include recommendations regarding patient privacy, information security, and appropriate uses of health information. A wide variety of stakeholders including patients, providers, insurers, employers, and experts in information technology, privacy, security, and quality—will have representation on the AHIC.

Establishing three competitive grant programs for the adoption and increased utilization of qualified health information technology systems. The first grant program would award funding to eligible entities, including nonprofit hospitals, community health centers, and small physician practices to purchase, train, and use qualified health information technology systems and improve the management of chronic diseases. The second grant program would award funding to States to establish loan funds for the purchase of qualified systems, and the final competitive grant program would assist with the establishment of regional or local health information technology exchanges.

Ensuring privacy and security by delineating the rights of individuals to inspect and correct their records and take action to address fraud, as well as requiring breach notification and audit trails so patients can know who has accessed their information.

Establishing a Health Information Technology Resource Center to provide technical assistance and highlight best practices associated with the adoption, implementation and effective use of health information technology systems.

I am especially pleased by the focus that this legislation places on ensuring that information technology will improve the quality of care delivered in our Nation. The Wired for Healthcare Quality Act will prioritize quality through the following provisions: Developing quality and efficiency reports at the national, regional, and, when requested, institutional or individual

provider level, that will help to improve quality and efficiency and enhance the ability of consumers to evaluate the quality and delivery of healthcare services; Establishing a process through which to develop evidence-based, consensus health care quality measures, through which to determine the quality and efficiency of care received by patients; and adopting the quality measures established by such process and providing for the integration of these measures into the nationwide health IT infrastructure, thus fostering uniformity in quality measures across our healthcare system.

Information technology has radically changed business and other aspects of American life. It is time we use the power of the information age to improve health care. If we do, we can dramatically improve the quality of care we all receive. The Wired for Healthcare Quality Act is critical to this effort. Again I want to thank my colleagues, Senators KENNEDY, ENZI and HATCH for their partnership on this legislation, and I look forward to working with them and all of my colleagues to enact this important bill.

Mr. HATCH. Mr. President, I am proud to be an original cosponsor of S. 1693, the Wired for Healthcare Quality Act. The goal of achieving high quality health care is not reachable without use of information technology. For instance, the 21 quality measures that hospitals now report for Medicare must usually be manually extracted from paper charts. The Government Accountability Office reports that hospitals are near the limit of the number of quality measures that they can report by these antiquated techniques. Implementation of information technology is critical because with it there is no practical limit on the ability to measure quality.

Dr. Brent James, a national quality expert from Intermountain Healthcare of Salt Lake City, UT, tells me that a health care provider who wishes to improve performance starts by defining detailed measures of quality health care and then builds information technology around the measures so that routine, automatic reporting of compliance with the measures becomes part of the health information technology platform. The Wired for Healthcare Quality Act does not just impose standards for interoperability of information technology it creates a mechanism by which quality measures are embedded in those standards.

The legislation encourages the development of standards by codifying the office of the National Coordinator for Health Information Technology who coordinates the health information technology policies of Federal agencies.

It creates a public-private partnership, the Partnership for Health Care Improvement to advise the Secretary on technical aspects of interoperability, on standards, on implementation, and on certification of compliance with those standards.

The bill establishes the American Health Information Community as a body providing recommendations to the Secretary regarding the broad policy issues of implementation of technical standards created by the partnership. For instance, it will advise the Secretary on issues of patient privacy, information security, and appropriate uses of health information.

The bill directs the Secretary to provide for the development and use of quality measures in the health information technology platform by an arrangement with a private entity that establishes standards for measurement development and coordinates and harmonizes measures so that providers are able to use the same set of measures, if not the same measures, for all their patients.

The legislation requires that all Federal information technology purchases conform to the standards recommended by the Partnership and adopted by the President within 1 year and that all Federal agencies comply within 3 years. Adoption of these standards is voluntary for private entities except for functions they contract with the Federal Government.

The legislation encourages the adoption of qualified health information technology by providing grants for the purchase of health information technology systems to providers demonstrating financial needs, by providing low interest loans to states to help providers acquire health information technology systems, and by providing grants to facilitate the implementation of regional or local health information exchanges.

The legislation provides for the development of national reports of health care quality based on Federal health care data and private data that is publicly available. Reports are to be contracted to quality reporting organizations.

The legislation assures strong privacy protections for electronic health information by forbidding funding under the bill to any information technology system that lacks strong privacy and security protections, by requiring recipients of funding to notify patients if their medical information is wrongfully disclosed and by requiring that the national strategy on health information technology include strong privacy protections.

Before I close, I must raise a concern with the bill. Building a national, interoperable health care information technology platform is like building two houses with a common driveway. Federal programs such as Medicare and Medicaid are one house. Private health plans are the other. They both must share common standards for health information technology so that systems all talk with one another. They both must implement from a common pool of quality standards otherwise providers will be impossibly confused. The two houses will not look alike but they must share a common driveway and common building standards.

I use this analogy to emphasize that the rules for the quality measures used by the Medicare Program are the jurisdiction of the Senate Finance Committee on which I serve as a senior member. The rules for quality measures in a national health information technology standard, and private health insurance plans, are under the jurisdiction of the Health, Education, Labor and Pensions Committee. We must be certain that these distinctions are made with clarity to avoid confusing ourselves and the medical community. I look forward to working with Senators ENZI, KENNEDY, and CLINTON, and my colleagues Chairman MAX BAUCUS and Ranking Minority Member CHUCK GRASSLEY on the Finance Committee to ensure that these important distinctions are made.

If we do not accomplish the task of integrating quality and health information technology standards between public and private programs, providers will be placed in the impossible position of having one set of quality and information technology standards for publicly insured patients and other requirements for privately insured patients. If such a Tower of Babel is allowed to develop, providers will simply not be able to implement the improvements in care that we all want to see through the use of health information technology. We cannot miss this chance.

By Mr. REED (for himself and Mr. COCHRAN):

S. 1699. A bill to amend the provisions of the Elementary and Secondary Education Act of 1965 regarding school library media specialists, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I am joined by Mr. COCHRAN in introducing important legislation, the Strengthening Kids' Interest in Learning and Libraries, SKILLs, Act, to support our Nation's school libraries and librarians. This legislation is also being introduced in the House of Representatives by Representative GRIJALVA and Representative EHLERS.

The SKILLs Act enhances the value of school libraries by reauthorizing and strengthening the Improving Literacy through School Libraries program of the No Child Left Behind Act. The Department of Education found that the Improving Literacy through School Libraries program is successful in improving the quality of school libraries receiving grants and school libraries are a critical component in improving student literacy skills and academic achievement by giving students access to up-to-date library materials, including well-equipped and technologically advanced school library media centers.

The SKILLs Act seeks to build on this success in several ways. It ensures that funds serve elementary, middle, and high school students. It encourages the hiring of highly qualified school library media specialists in our Nation's

school libraries. Additionally, it expands professional development to include information literacy instruction appropriate for all grade levels, an assessment of student literacy needs, the coordination of reading and writing instruction across content areas, and training in literacy strategies.

Today's librarians do so much more than catalogue collections and check out books, they are educators in every sense of the word.

They provide tech support, guidance, and social services to patrons in need. They help teach our children how to safely and effectively navigate electronic media like the Internet and help instill a love of learning and reading in young students. In short, school libraries and librarians play an essential role in helping students get the skills they need to succeed in an increasingly competitive world and this legislation provide the necessary support for that endeavor.

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. 1699

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 ''Strengthening Kids' Interest in Learning and Libraries Act'' or the ''SKILLs Act''.

TITLE I—SCHOOL LIBRARY MEDIA SPECIALIST REQUIREMENTS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 1002(b)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302) is amended by striking ''2002'' and inserting ''2008''.

SEC. 102. STATE PLANS.

Section 1111(b)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(8)) is amended—

(1) in subparagraph (D), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following:

''(E) how the State educational agency will meet the goal of ensuring that there is not less than 1 highly qualified school library media specialist in each school receiving funds under this part, as described in section 1119(h)(2); and''.

SEC. 103. LOCAL EDUCATIONAL AGENCY PLANS.

Section 1112(b)(1)(N) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)(N)) is amended by inserting '', including ensuring that there is not less than 1 highly qualified school library media specialist in each school'' before the semicolon.

SEC. 104. SCHOOLWIDE PROGRAMS.

Section 1114(b)(1)(D) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314(b)(1)(D)) is amended by inserting ''school library media specialists,'' after ''teachers,''.

SEC. 105. TARGETED ASSISTANCE SCHOOLS.

Section 1115(c)(1)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6315(c)(1)(F)) is amended by inserting ''school library media specialists,'' after ''teachers,''.

SEC. 106. QUALIFICATIONS FOR TEACHERS, PARAPROFESSIONALS, AND SCHOOL LIBRARY MEDIA SPECIALISTS.

(a) IN GENERAL.—Section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319) is amended—

(1) in the section heading, by striking ''**TEACHERS AND PARAPROFESSIONALS**'' and inserting ''**TEACHERS, PARAPROFESSIONALS, AND SCHOOL LIBRARY MEDIA SPECIALISTS**'';

(2) by redesignating subsections (h) through (l) as subsections (i) through (m), respectively;

(3) by inserting after subsection (g) the following:

''(h) SCHOOL LIBRARY MEDIA SPECIALISTS.—

''(1) LOCAL EDUCATIONAL AGENCY REQUIREMENT.—Each local educational agency receiving assistance under this part shall ensure, to the extent feasible, that each school that is served by the local educational agency and receives funds under this part employs not less than 1 highly qualified school library media specialist.

''(2) STATE GOAL.—Each State educational agency receiving assistance under this part shall—

''(A) establish a goal of having not less than 1 highly qualified school library media specialist in each public school that is served by the State educational agency and receives funds under this part; and

''(B) specify a date by which the State will reach this goal, which date shall be not later than the beginning of the 2010–2011 school year.''; and

(4) in subsection (i) (as redesignated by subsection (a)(2)), by striking ''and paraprofessionals'' and inserting '', paraprofessionals, and school library and media specialists''.

(b) CONFORMING AMENDMENT.—Section 1119(l) of the Elementary and Secondary Education Act of 1965 (as redesignated by subsection (a)(2)) (20 U.S.C. 6319(l)) is amended by striking ''subsection (1)'' and inserting ''subsection (m)''.

SEC. 107. IMPROVING LITERACY THROUGH SCHOOL LIBRARIES.

Section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383) is amended—

(1) in subsection (a), by striking ''well-trained, professionally certified'' and inserting ''highly qualified'';

(2) in subsection (e)(3)—

(A) by striking ''DISTRIBUTION.—The'' and inserting the following: ''DISTRIBUTION.—

''(A) GEOGRAPHIC DISTRIBUTION.—The''; and

(B) by adding at the end the following:

''(B) BALANCE AMONG TYPES OF SCHOOLS.—In awarding grants under this subsection, the Secretary shall take into consideration whether funding is proportionally distributed among projects serving students in elementary, middle, and high schools.'';

(3) in subsection (f)(2)—

(A) in subparagraph (A)—

(i) by inserting ''the need for student literacy improvement at all grade levels,'' before ''the need for''; and

(ii) by striking ''well-trained, professionally certified'' and inserting ''highly qualified'';

(4) by striking subparagraph (B) and inserting the following:

''(B) a needs assessment of which grade spans are served, ensuring funding is proportionally distributed to serve students in elementary, middle, and high schools;'';

(5) in subsection (g)—

(A) in paragraph (1), by striking the semicolon at the end and inserting ''and reading materials, such as books and materials that—

''(A) are appropriate for students in all grade levels to be served and for students with special learning needs, including students who are limited English proficient; and

''(B) engage the interest of readers at all reading levels;''; and

(B) in paragraph (4), by striking ''professional development described in section 1222(d)(2)'' and inserting ''professional development in information literacy instruction that is appropriate for all grades, including the assessment of student literacy needs, the coordination of reading and writing instruction across content areas, and training in literacy strategies in all content areas''.

TITLE II—PREPARING, TEACHING, AND RECRUITING HIGH QUALITY TEACHERS, SCHOOL LIBRARY MEDIA SPECIALISTS, AND PRINCIPALS

SEC. 201. TEACHER, SCHOOL LIBRARY MEDIA SPECIALIST, AND PRINCIPAL TRAINING AND RECRUITING FUND.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) in the title heading, by striking ''**HIGH QUALITY TEACHERS AND PRINCIPALS**'' and inserting ''**HIGH QUALITY TEACHERS, SCHOOL LIBRARY MEDIA SPECIALISTS, AND PRINCIPALS** ''; and

(2) in the part heading, by striking ''**TEACHER AND PRINCIPAL**'' and inserting ''**TEACHER, SCHOOL LIBRARY MEDIA SPECIALIST, AND PRINCIPAL**''.

SEC. 202. PURPOSE.

Section 2101(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601(1)) is amended to read as follows:

''(1) increase student academic achievement through strategies such as—

''(A) improving teacher, school library media specialist, and principal quality; and

''(B) increasing the number of highly qualified teachers in the classroom, highly qualified school library media specialists in the library, and highly qualified principals and assistant principals in schools; and''.

SEC. 203. STATE APPLICATIONS.

Section 2112(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6612(b)) is amended—

(1) in paragraph (4), by inserting '', school library media specialists,'' before ''and principals''; and

(2) in paragraph (10), by inserting '', school library media specialist,'' before ''and paraprofessional''.

SEC. 204. STATE USE OF FUNDS.

Section 2113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613(c)) is amended—

(1) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by inserting ''highly qualified school library media specialists,'' before ''principals''; and

(B) in subparagraph (B), by inserting '', highly qualified school library media specialists,'' before ''and principals''; and

(2) in paragraph (6), by striking ''teachers and principals'' each place the term appears and inserting ''teachers, school library media specialists, and principals''.

SEC. 205. LOCAL USES OF FUNDS.

Section 2123(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6623(a)) is amended by inserting after paragraph (8) the following:

''(9)(A) Developing and implementing strategies to assist in recruiting and retaining highly qualified school library media specialists; and

''(B) providing appropriate professional development for such specialists, particularly related to skills necessary to assist students to improve the students' academic achievement, including skills related to information literacy.''.

TITLE III—GENERAL PROVISIONS

SEC. 301. DEFINITIONS.

Section 9101(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(23)) is amended—

(1) in subparagraph (B)(ii)(II), by striking ''and'' after the semicolon;

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

(3) by adding at the end the following:

''(D) when used with respect to a school library media specialist employed in an elementary school or secondary school in a State, means that the school library media specialist—

''(i) holds at least a bachelor's degree;

''(ii) has obtained full State certification as a school library media specialist or passed the State teacher licensing examination, with State certification in library media, in such State, except that when used with respect to any school library media specialist teaching in a public charter school, the term means that the school library media specialist meets the requirements set forth in the State's public charter school law; and

''(iii) has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.''.

SEC. 302. CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 note) is amended—

(1) by striking the item relating to section 1119 and inserting the following:

''Sec. 1119. Qualifications for teachers, paraprofessionals, and school library media specialists.'';

(2) by striking the item relating to title II and inserting the following:

''TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS, SCHOOL LIBRARY MEDIA SPECIALISTS, AND PRINCIPALS''; AND

(3) by striking the item relating to part A of title II and inserting the following:

''PART A—TEACHER, SCHOOL LIBRARY MEDIA SPECIALIST, AND PRINCIPAL TRAINING AND RECRUITING FUND''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 255—RECOGNIZING AND SUPPORTING THE LONG DISTANCE RUNS THAT WILL TAKE PLACE IN THE PEOPLE'S REPUBLIC OF CHINA IN 2007 AND THE UNITED STATES IN 2008 TO PROMOTE FRIENDSHIP BETWEEN THE PEOPLES OF CHINA AND THE UNITED STATES

Mr. ISAKSON submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 255

Whereas, in 1984, American long distance runner Stan Cottrell of Tucker, Georgia, was welcomed into the People's Republic of China where he completed the 2,125-mile Great Friendship Run along the Great Wall of China in 53 days, an event which was chronicled in the international press and serves as a sign of international friendship;

Whereas those involved in the Great Friendship Run over 2 decades ago are committed to running again to revisit the experience and to promote friendship between the peoples of China and the United States;

Whereas in China, a 2,200-mile run from the Great Wall of China to Hong Kong will take place October 15 to December 15, 2007;

Whereas in the United States, a 4,000-mile relay style run from San Francisco, California, to the United States Capitol Building in Washington, D.C., will take place May 7 to June 20, 2008, and cross the continent; and

Whereas 3 Chinese long distance runners will participate with Stan Cottrell and others in the run to take place in the United States: Now, therefore, be it

Resolved, That the Senate recognizes and supports the long distance runs that will take place in the People's Republic of China in 2007 and the United States in 2008 to promote friendship between the peoples of China and the United States.

SENATE RESOLUTION 256—DESIGNATING JUNE 2007 AS ''NATIONAL APHASIA AWARENESS MONTH'' AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF APHASIA

Mr. BIDEN (for himself and Mr. JOHNSON) submitted the following resolution; which was considered and agreed to:

S. RES. 256

Whereas aphasia is a communication impairment caused by brain damage, typically resulting from a stroke;

Whereas, while aphasia is most often the result of stroke or brain injury, it can also occur with other neurological disorders, such as in the case of a brain tumor;

Whereas many people with aphasia also have weakness or paralysis in their right leg and right arm, usually due to damage to the left hemisphere of the brain, which controls language and movement on the right side of the body;

Whereas the effects of aphasia may include a loss or reduction in ability to speak, comprehend, read, and write, while intelligence remains intact;

Whereas stroke is the 3rd leading cause of death in the United States, ranking behind heart disease and cancer;

Whereas stroke is a leading cause of serious, long-term disability in the United States;

Whereas there are about 5,000,000 stroke survivors in the United States;

Whereas it is estimated that there are about 750,000 strokes per year in the United States, with approximately ⅓ of these resulting in aphasia;

Whereas aphasia affects at least 1,000,000 people in the United States;

Whereas more than 200,000 Americans acquire the disorder each year;

Whereas the National Aphasia Association is unique and provides communication strategies, support, and education for people with aphasia and their caregivers throughout the United States;

Whereas as an advocacy organization for people with aphasia and their caregivers, the National Aphasia Association envisions a world that recognizes this ''silent'' disability and provides opportunity and fulfillment for those affected by aphasia; and

Whereas National Aphasia Awareness Month is commemorated in June 2007: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of, and encourages all Americans to observe, National Aphasia Awareness Month in June 2007;

(2) recognizes that strokes, a primary cause of aphasia, are the third largest cause of death and disability in the United States;

(3) acknowledges that aphasia deserves more attention and study in order to find new solutions for serving individuals experiencing aphasia and their caregivers; and

(4) must make the voices of those with aphasia heard because they are often unable to communicate their condition to others.

SENATE RESOLUTION 257—CONGRATULATING THE UNIVERSITY OF CALIFORNIA AT LOS ANGELES FOR BECOMING THE FIRST UNIVERSITY TO WIN 100 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I TEAM TITLES

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 257

Whereas, on May 13, 2007, the University of California at Los Angeles (referred to in this preamble as the ''Bruins'') won its 100th National Collegiate Athletic Association (NCAA) team title;

Whereas the Bruins won 70 NCAA championships in men's sports between 1950 and 2007 and 30 NCAA championships in women's sports between 1982 and 2007;

Whereas the Bruins won 60 NCAA championships in the 26 years since the inauguration of women's collegiate sports championships in 1981, including 30 NCAA women's titles and 30 NCAA men's titles;

Whereas 16 separate athletic programs, including 9 men's programs and 7 women's programs, won 1 or more NCAA team championships for the Bruins:

(1) Men's volleyball in 1970, 1971, 1972, 1974, 1975, 1976, 1979, 1981, 1982, 1983, 1984, 1987, 1989, 1993, 1995, 1996, 1998, 2000, and 2006.

(2) Men's tennis in 1950, 1952, 1953, 1954, 1956, 1960, 1961, 1965, 1970, 1971, 1975, 1976, 1979, 1982, 1984, and 2005.

(3) Men's basketball in 1964, 1965, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1975, and 1995.

(4) Softball in 1982, 1984, 1985, 1988, 1989, 1990, 1992, 1999, 2003, and 2004.

(5) Men's track and field in 1956, 1966, 1971, 1973, 1978, 1972, 1987, and 1988.

(6) Men's water polo in 1969, 1971, 1972, 1995, 1996, 1999, 2000, and 2004.

(7) Women's water polo in 2001, 2003, 2005, 2006, and 2007.

(8) Women's gymnastics in 1997, 2000, 2001, 2003, and 2004.

(9) Men's soccer in 1985, 1990, 1997, and 2002.

(10) Women's track and field in 1982, 1983, and 2004.

(11) Women's volleyball in 1984, 1990, and 1991.

(12) Women's indoor track and field in 2000 and 2001.

(13) Women's golf in 1991 and 2004.

(14) Men's gymnastics in 1984 and 1987.

(15) Men's golf in 1988.

(16) Men's swimming in 1982;

Whereas, under the direction of head coach Al Scates, the Bruins won 19 NCAA team titles in the sport of men's volleyball between 1970 and 2006, tying the record for the most NCAA titles won by one coach in a single sport;

Whereas, between 1964 and 1975, under the direction of head coach John Robert Wooden, the Bruins won 10 NCAA team titles in the sport of men's basketball, including an unprecedented seven straight titles between 1967 and 1973;

Whereas, on May 13, 2007, under the direction of head coach Adam Krikorian, the Bruins won their 5th Division I team title in 7 years in the sport of women's water polo, and

ended the 2007 season with an overall record of 28 wins and 2 losses;

Whereas Bruin student-athletes are excellent representatives of the University of California at Los Angeles, the University of California system, and the State of California; and

Whereas the University of California at Los Angeles has demonstrated a strong tradition of academic excellence since the founding of the Univeristy in 1919 and a strong tradition of athletic excellence since winning its 1st NCAA team title in 1950, establishing the University of California at Los Angeles as a top university in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of California at Los Angeles women's water polo team for winning the 2007 NCAA Division I Women's Water Polo National Championship;

(2) congratulates the University of California at Los Angeles for becoming the first university to win 100 National Collegiate Athletic Association Division I team titles; and

(3) commends the student-athletes, coaches, alumni, instructors, and staff of the University of California at Los Angeles for their contributions to the achievement of this distinguished milestone.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1903. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1904. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1905. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1906. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1907. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1908. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1909. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

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SA 1911. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1912. Mr. CORNYN (for himself, Mr. GRASSLEY, Mr. WARNER, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1913. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1914. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1915. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1916. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1917. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1918. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1919. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1920. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1921. Mr. ALEXANDER (for himself, Mr. COCHRAN, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1922. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1923. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1924. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1925. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1926. Mr. DOMENICI (for himself, Mr. MARTINEZ, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1927. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1928. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1929. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1930. Mr. COBURN (for himself, Mr. DEMINT, Mr. INHOFE, Mr. SESSIONS, Mrs. HUTCHISON, Mr. VITTER, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1931. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1932. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1933. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1934. Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) proposed an amendment to the bill S. 1639, supra.

SA 1935. Mr. BINGAMAN (for himself, Mrs. HUTCHISON, Mrs. BOXER, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1936. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1937. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1938. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1939. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1940. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1941. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1942. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1943. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1944. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1945. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1946. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1947. Mr. SALAZAR (for Mr. DODD) proposed an amendment to the bill S. 1612, to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes..

TEXT OF AMENDMENTS

SA 1903. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (e) of section 601, add the following:

(9) HEALTH COVERAGE.—The alien shall establish that the alien will maintain a minimum level of health coverage through a qualified health care plan (within the meaning of section 223(c) of the Internal Revenue Code of 1986).

SA 1904. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CUSTOMS AND BORDER PATROL MANAGEMENT FLEXIBILITY.

Notwithstanding any other provision of law, the Commissioner of U.S. Customs and Border Patrol may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Commissioner determines to be necessary to carry out the functions of the U.S. Customs and Border Patrol. The Commissioner shall establish levels of compensation

and other benefits for individuals so employed.

SA 1905. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 607 and insert the following:

SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end, the following new subsection:

''(d)(1) Except as provided in paragraph (2), no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).''.

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

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

''(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''.

SA 1906. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.

(a) IN GENERAL.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

''(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

''(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

''(B) the President transmits the text of such agreement to each House of Congress as provided in paragraph (2), and

''(C) an approval resolution regarding such agreement has passed both Houses of Congress and has been enacted into law.

''(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President's report shall include the following:

''(i) An estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title.

''(ii) A statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law.

''(iii) A statement describing whether and how the agreement changes provisions of an agreement previously negotiated.

''(iv) A statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title.

''(v) An estimate by the Chief Actuary of the Social Security Administration, working in consultation with the Comptroller General of the United States, of the number of individuals who may become eligible for any benefits under this title or who may otherwise be affected by the agreement.

''(vi) An assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement.

''(vii) An assessment of the ability of such country to track and monitor recipients of benefits under such agreement.

''(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to Congress in the transmittal to Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by Congress under this section and shall have no force and effect under United States law.

''(3) For purposes of this subsection, the term 'approval resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and _____ establishing totalization arrangements between the social security system established by title II of such Act and the social security system of _____, transmitted to Congress by the President on _____, is hereby approved.', the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to Congress.

''(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

''(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.''.

(b) ADDITIONAL REPORTS AND EVALUATIONS.—Section 233 of the Social Security Act (42 U.S.C. 433) is amended by adding at the end the following new subsections:

''(f) BIENNIAL SSA REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—

''(1) REPORT.—For any totalization agreement transmitted to Congress on or after January 1, 2007, the Commissioner of Social Security shall submit a report to Congress and the Comptroller General that—

''(A) compares the estimates contained in the report submitted to Congress under clauses (i) and (v) of subsection (e)(2)(A) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on social security system receipts and disbursements; and

''(B) contains recommendations for adjusting the methods used to make the estimates.

''(2) DATES FOR SUBMISSION.—The report required under this subsection shall be provided not later than 2 years after the effective date of the totalization agreement that is the subject of the report and biennially thereafter.

''(g) GAO EVALUATION AND REPORT.—

''(1) EVALUATION OF INITIAL REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—With respect to each initial report regarding a totalization agreement submitted under subsection (f), the Comptroller General of the United States shall conduct an evaluation of the report that includes—

''(A) an evaluation of the procedures used for making the estimates required by subsection (e)(2)(A);

''(B) an evaluation of the procedures used for determining the actual number of individuals affected by the agreement and the effects of the totalization agreement on receipts and disbursements under the social security system; and

''(C) such recommendations as the Comptroller General determines appropriate.

''(2) REPORT.—Not later than 1 year after the date of submission of an initial report regarding a totalization agreement under subsection (f), the Comptroller General shall submit to Congress a report setting forth the results of the evaluation conducted under paragraph (1).

''(3) DATA COLLECTION.—The Commissioner of Social Security shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the evaluation required by paragraph (1).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act that are transmitted to Congress on or after January 1, 2007.

SA 1907. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 641, strike line 21 and all that follows through page 642, line 20, and insert the following:

''(B) TIMING OF PROBATIONARY BENEFITS.—An alien who submits an application for a Z–A visa under subsection (d), including any evidence required under such subsection, and any spouse or child of the alien seeking a Z–A dependent visa, may receive the probationary benefits described in subparagraph (A) after the Secretary has conducted, completed, and resolved all appropriate background checks, to include name and fingerprint checks.

SA 1908. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 635, strike line 12 and all that follows through page 636, line 14, and insert the following:

''(4) GROUNDS OF INADMISSIBILITY.—

''(A) IN GENERAL.—In the determination of an alien's eligibility for a Z–A visa or a Z–A dependent visa, the grounds of inadmissibility under section 601(d)(2) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 shall apply.

''(B) CONSTRUCTION.—Nothing in this paragraph may be construed to affect the authority of the Secretary to waive provisions of section 212(a).

SA 1909. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 135, between lines 11 and 12, insert the following:

(C) by amending subsection (d) to read as follows:

''(d) DISCONTINUING GRANTING VISAS TO NATIONALS OF COUNTRIES THAT DENY OR DELAY ACCEPTING ALIENS.—Notwithstanding section 221(c), if the Secretary of Homeland Security determines that the government of a foreign country denies or unreasonably delays accepting aliens who are citizens, subjects, nationals, or residents of that country after the Secretary asks whether the government will accept an alien under this section, or after a determination that the alien is inadmissible under paragraph (6) or (7) of section 212(a)—

''(1) the Secretary of State, upon notification from the Secretary of Homeland Security of such denial or delay to accept aliens under circumstances described in this section, shall order consular officers in that foreign country to discontinue granting immigrant visas, nonimmigrant visas, or both, to citizens, subjects, nationals, and residents of that country until the Secretary of Homeland Security notifies the Secretary of State that the country has accepted the aliens;

''(2) the Secretary of Homeland Security may deny admission to any citizens, subjects, nationals, and residents from that country; and

''(3) the Secretary of Homeland Security may impose limitations, conditions, or additional fees on the issuance of visas or travel from that country and any other sanctions authorized by law.''.

SA 1910. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 119, lines 21 and 22, strike ''which is punishable by a sentence of imprisonment of 5 years or more,''.

On page 571, lines 19 and 20, strike ''renunciation of gang affiliation;''.

SA 1911. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 118, between lines 8 and 9, insert the following:

SEC. 203A. TERRORIST BAR TO GOOD MORAL CHARACTER.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended by inserting after paragraph (1) the following:

''(2) one who the Secretary of Homeland Security or the Attorney General determines, in the unreviewable discretion of the Secretary or the Attorney General, to have been at any time an alien described in section 212(a)(3) or 237(a)(4), which determination may be based upon any relevant information or evidence, including classified, sensitive, or national security information;''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act and shall apply to—

(1) any act that occurred before, on, or after such date of enactment; and

(2) any application for naturalization or any other benefit or relief, or any other case or matter under the immigration laws, pending on or filed after such date of enactment.

On page 570, between lines 3 and 4, insert the following:

(8) GOOD MORAL CHARACTER.—The alien shall establish that he or she has been a person of good moral character during the most recent 3-year period.

SA 1912. Mr. CORNYN (for himself, Mr. GRASSLEY, Mr. WARNER, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 308, strike lines 19 through 24 and insert the following:

''(B) STATE IMPACT ASSISTANCE FEE.—Each alien applying for a Y–1 nonimmigrant visa shall pay, at the time of filing an application for Y–1 nonimmigrant status—

''(i) a State impact assistance fee of $750; and

''(ii) an additional fee of $100 for each dependent accompanying or following to join the alien.c

On page 569, strike lines 1 through 6 and insert the following:

(C) STATE IMPACT ASSISTANCE FEE.—In addition to any other amounts required to be paid under this subsection, each alien applying for probationary Z–1 status described in subparagraph (h) or renewable Z–1 status described in subparagraph (i) shall pay, at the time the alien files an application for such status—

(i) a State impact assistance fee of $750; and

(ii) an additional fee of $100 for each dependent accompanying or following to join the alien.

SA 1913. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between line 24 and the matter following line 24, insert the following:

SEC. 230. REPORTING REQUIREMENTS.

(a) CLARIFYING ADDRESS REPORTING REQUIREMENTS.—Section 265 of the Immigration and Nationality Act (8 U.S.C. 1305) is amended—

(1) in subsection (a)—

(A) by striking ''notify the Attorney General in writing'' and inserting ''submit written or electronic notification to the Secretary of Homeland Security, in a manner approved by the Secretary,'';

(B) by striking ''the Attorney General may require by regulation'' and inserting ''the Secretary may require''; and

(C) by adding at the end the following: ''If the alien is involved in a proceeding before an immigration judge or in an administrative appeal of such proceeding, the alien shall submit to the Attorney General the alien's current address and a telephone number, if any, at which the alien may be contacted.'';

(2) in subsection (b), by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security'';

(3) in subsection (c), by striking ''given to such parent'' and inserting ''given by such parent''; and

(4) by adding at the end the following:

''(d)(1) Except as otherwise provided by the Secretary under paragraph (2), an address provided by an alien under this section—

''(A) shall be the alien's current residential mailing address; and

''(B) may not be a post office box, another nonresidential mailing address, or the address of an attorney, representative, labor organization, or employer.

''(2) The Secretary may provide specific requirements with respect to—

''(A) designated classes of aliens and special circumstances, including aliens who are employed at a remote location; and

''(B) the reporting of address information by aliens who are incarcerated in a Federal, State, or local correctional facility.

''(3) An alien who is being detained by the Secretary under this Act—

''(A) is not required to report the alien's current address under this section while the alien remains in detention; and

''(B) shall notify the Secretary of the alien's address under this section at the time of the alien's release from detention.

''(e)(1) Notwithstanding any other provision of law, the Secretary may provide for the appropriate coordination and cross referencing of address information provided by an alien under this section with other information relating to the alien's address under other Federal programs, including—

''(A) any information pertaining to the alien, which is submitted in any application, petition, or motion filed under this Act with the Secretary of Homeland Security, the Secretary of State, or the Secretary of Labor;

''(B) any information available to the Attorney General with respect to an alien in a proceeding before an immigration judge or an administrative appeal or judicial review of such proceeding;

''(C) any information collected with respect to nonimmigrant foreign students or exchange program participants under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372); and

''(D) any information collected from State or local correctional agencies pursuant to the State Criminal Alien Assistance Program.

''(2) The Secretary may rely on the most recent address provided by the alien under this section or section 264 to send to the alien any notice, form, document, or other matter pertaining to Federal immigration laws, including service of a notice to appear. The Attorney General and the Secretary may rely on the most recent address provided by the alien under section 239(a)(1)(F) to contact the alien about pending removal proceedings.

''(3) The alien's provision of an address for any other purpose under the Federal immigration laws does not excuse the alien's obligation to submit timely notice of the alien's address to the Secretary under this section (or to the Attorney General under section 239(a)(1)(F) with respect to an alien in a proceeding before an immigration judge or an administrative appeal of such proceeding).''.

(b) CONFORMING CHANGES WITH RESPECT TO REGISTRATION REQUIREMENTS.—Chapter 7 of title II of the Immigration and Nationality Act (8 U.S.C. 1301 et seq.) is amended—

(1) in section 262(c), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(2) in section 263(a), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(3) in section 264—

(A) in subsections (a), (b), (c), and (d), by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(B) in subsection (f)—

(i) by striking ''Attorney General is authorized'' and inserting ''Secretary of Homeland Security and Attorney General are authorized''; and

(ii) by striking ''Attorney General or the Service'' and inserting ''Secretary or the Attorney General''.

(c) PENALTIES.—Section 266 of the Immigration and Nationality Act (8 U.S.C. 1306) is amended—

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

''(b)(1) Any alien or any parent or legal guardian in the United States of a minor alien who fails to notify the Secretary of Homeland Security of the alien's current address in accordance with section 265 shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both.

''(2) Any alien who violates section 265 (regardless of whether the alien is punished under paragraph (1)) and does not establish to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful shall be taken into custody in connection with removal of the alien. If the alien has not been inspected or admitted, or if the alien has failed on more than 1 occasion to submit notice of the alien's current address as required under section 265, the alien may be presumed to be a flight risk.

''(3) The Secretary or the Attorney General, in considering any form of relief from removal which may be granted in the discretion of the Secretary or the Attorney General, may take into consideration the alien's failure to comply with section 265 as a separate negative factor. If the alien failed to comply with the requirements of section 265 after becoming subject to a final order of removal, deportation, or exclusion, the alien's failure shall be considered as a strongly negative factor with respect to any discretionary motion for reopening or reconsideration filed by the alien.'';

(2) in subsection (c), by inserting ''or a notice of current address'' before ''containing statements''; and

(3) in subsections (c) and (d), by striking ''Attorney General'' each place it appears and inserting ''Secretary''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this section shall apply to proceedings initiated on or after the date of the enactment of this Act.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The amendments made by paragraphs (1)(A), (1)(B), (2) and (3) of subsection (a) are effective as if enacted on March 1, 2003.

On page 592, strike line 14.

On page 592, line 17, strike the period at the end and insert ''; or''.

On page 592, between lines 17 and 18, insert the following:

(G) the alien fails to comply, at any time after being granted probationary Z nonimmigrant status under subsection (h) or renewable Z nonimmigrant status under subsection (i), with the address reporting requirements under section 265 of the Immigration and Nationality Act (8 U.S.C. 1305).

SA 1914. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 116, between lines 18 and 19, insert the following:

(b) DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.—

(1) DETENTION OF INADMISSIBLE ARRIVING ALIENS.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following:

''(e) LENGTH OF DETENTION.—

''(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

''(2) EFFECT ON OTHER DETENTION.—The length of a detention under this section shall not affect the validity of any detention under section 241.

''(f) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (e) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia if the alien has exhausted all administrative remedies available to the alien as of right.''.

(2) DETENTION OF APPREHENDED ALIENS.—Section 236 of such Act (8 U.S.C. 1226) is amended—

(A) by redesignating subsection (e) as subsection (f);

(B) by inserting after subsection (e) the following:

''(e) LENGTH OF DETENTION.—

''(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

''(2) EFFECT ON OTHER DETENTION.—The length of detention under this section shall not affect the validity of any detention under section 241.''; and

(C) in subsection (f), as redesignated, by adding at the end the following: ''Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (f) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia if the alien has exhausted all administrative remedies available to the alien as of right.''.

(c) SEVERABILITY.—If any provision of this section, any amendment made by this section, or the application of any such provision or amendment to any person or circumstance is held to be invalid for any reason, the remainder of this section, the amendments made by this section, and the application of the provisions and amendments made by this section to any other person or circumstance shall not be affected by such holding.

SA 1915. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. APPROPRIATE REMEDIES FOR IMMIGRATION LITIGATION.

(a) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and

(D) provide for the expiration of the relief on a specific date, which allows for the minimum practical time needed to remedy the violation.

(2) WRITTEN EXPLANATION.—The requirements described in subsection (1) shall be—

(A) discussed and explained in writing in the order granting prospective relief; and

(B) sufficiently detailed to allow review by another court.

(3) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) makes the findings required under paragraph (1) for the entry of permanent prospective relief; and

(B) makes the order final before expiration of such 90-day period.

(b) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) AUTOMATIC STAYS DURING REMANDS FROM HIGHER COURTS.—If a higher court remands a decision on a motion subject to this section to a lower court, the order granting prospective relief which is the subject of the motion shall be automatically stayed until the district court enters an order granting or denying the Government's motion.

(E) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(3) PENDING MOTIONS.—

(A) 45 DAYS OR LESS.—Any motion pending for 45 days or less on the date of the enactment of this Act shall be treated as if it had been filed on the date of the enactment of this Act for purposes of this subsection.

(B) MORE THAN 45 DAYS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, which has been pending for more than 45 days on the date of enactment of this Act, and remains pending on the 10th day after such date of enactment, shall result in an automatic stay, without further order of the court, of the prospective relief that is the subject of any such motion. An automatic stay pursuant to this subsection shall continue until the court enters an order granting or denying the Government's motion. No further postponement of any such automatic stay pursuant to this subsection shall be available under paragraph (2)(C).

(4) REQUIREMENTS FOR ORDER DENYING MOTION.—Subsection (a) shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(c) ADDITIONAL RULES CONCERNING PROSPECTIVE RELIEF AFFECTING EXPEDITED REMOVAL.—

(1) JUDICIAL REVIEW.—Except as expressly provided under section 242(e) of the Immigration and Nationality Act (8 U.S.C. 1252(e)) and notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas provision, and sections 1361 and 1651 of such title, no court has jurisdiction to grant or continue an order or part of an order granting prospective relief if the order or part of the order interferes with, affects, or impacts any determination pursuant to, or implementation of, section 235(b)(1) of such Act (8 U.S.C. 1225(b)(1)).

(2) GOVERNMENT MOTION.—If the Government files a motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in a civil action identified in subsection (a), the court shall promptly—

(A) decide whether the court continues to have jurisdiction over the matter; and

(B) vacate any order or part of an order granting prospective relief that is not within the jurisdiction of the court.

(3) APPLICABILITY.—Paragraphs (1) and (2) shall not apply to the extent that an order granting prospective relief was entered before the date of the enactment of this Act and such prospective relief is necessary to remedy the violation of a right guaranteed by the United States Constitution.

(d) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (a).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with subsection (a) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(e) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term ''consent decree''—

(A) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(B) does not include private settlements.

(2) GOOD CAUSE.—The term ''good cause'' does not include discovery or congestion of the court's calendar.

(3) GOVERNMENT.—The term ''Government'' means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) PERMANENT RELIEF.—The term ''permanent relief'' means relief issued in connection with a final decision of a court.

(5) PRIVATE SETTLEMENT AGREEMENT.—The term ''private settlement agreement'' means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(6) PROSPECTIVE RELIEF.—The term ''prospective relief'' means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(f) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

(g) APPLICATION OF AMENDMENT.—This section shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(h) SEVERABILITY.—If any provision of this section or the application of such provision to any person or circumstance is found to be unconstitutional, the remainder of this section and the application of the provisions of such to any person or circumstance shall not be affected by such finding.

SA 1916. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 574, strike line 14 and all that follows through page 575, line 6, and insert the following:

(5) BEFORE THE APPLICATION PERIOD.—The Secretary, in the sole and unreviewable discretion of the Secretary, may provide an alien with a reasonable opportunity to file an application under this section after regulations are promulgated if the alien—

(A) is apprehended after the date of the enactment of this Act and before the date on which the period for initial registration closes under subsection (f)(2);

(B) is not described in, or subject to, paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), paragraph (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)), or section 241(a)(5) of such Act (if the basis for the prior removal was for criminal offenses or terrorists acts); and

(C) can establish prima facie eligibility for Z nonimmigrant status.

(6) DURING CERTAIN PROCEEDINGS.—

(A) IN GENERAL.—The Attorney General may determine that an alien who is in removal proceedings as of the date of the enactment of this Act is prima facie eligible for Z nonimmigrant status and permit the alien a reasonable opportunity to apply for such status.

(B) EXCEPTION.—Subparagraph (A) shall not apply to any alien—

(i) who is currently in removal proceedings; or

(ii) who, after the date of the enactment of this Act, is subject to removal under section 237(a)(1) of the Immigration and Nationality Act (for inadmissibility under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act), paragraph (2) or (4) of section 237(a) of such Act, or section 241(a)(5) of such Act (if the basis for the prior removal was for criminal offenses or terrorists acts).

(C) UNREVIEWABLE DECISION.—A decision by the Attorney General to permit an alien currently in removal proceedings to apply for Z nonimmigrant status is in the sole and unreviewable discretion of the Attorney General.

SA 1917. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 121, strike line 8 and all that follows through page 122, line 13, and insert the following:

(b) INADMISSIBILITY.—

(1) IN GENERAL.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (J); and

(B) by inserting after subparagraph (E) the following:

''(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—

''(i) IN GENERAL.—Any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security determines has at any time has participated in a criminal gang, or knows or has reason to believe, has participated in a criminal gang knowing or having reason to know that such participation will promote, further, aid, or support the illegal activity of the criminal gang is inadmissible.

''(ii) WAIVER.—The Secretary may, in the discretion of the Secretary, waive the applicability of clause (i) if the alien—

''(I) is not currently subject to execution of an outstanding final order of removal, exclusion, or deportation under section 237(a)(1)(A) (for inadmissibility under this paragraph or paragraph (3)), or reinstatement of a removal order under section 241(a)(5) (if the basis for the prior order was for criminal offenses or terrorists acts covered under this paragraph, paragraph (3), or paragraph (2) or (4) of section 237(a));

''(II) establishes urgent humanitarian reasons or significant public benefit for allowing the alien to remain in the United States; and

''(III) can establish that his or her removal from the United States would result in extreme hardship to the alien's spouse or minor child.

''(iii) JUDICIAL REVIEW.—Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, a decision under this subparagraph may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to such decision.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect in the date of enactment of this Act and apply to acts or conduct that occurred before, on or after the date of enactment.

(c) DEPORTABILITY.—

(1) IN GENERAL.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—

''(i) IN GENERAL.—Any alien, in or admitted to the United States, who at any time has participated in a criminal gang, knowing or having reason to know that such participation would promote, further, aid, or support the illegal activity of the criminal gang, is deportable.

''(ii) WAIVER.—The Secretary may, in the discretion of the Secretary, waive ineligibility under subsection (i) if the alien—

''(I) is not currently subject to execution of an outstanding final order of removal, exclusion, or deportation under paragraph (1)(A) (for inadmissibility under paragraph (2) or (3) of section 212(a)), or reinstatement of a removal order under section 241(a)(5) (if the basis for the prior order was for criminal offenses or terrorists acts covered under this paragraph, paragraph (4), or paragraph (2) or (3) of section 212(a));

''(II) establishes that urgent humanitarian reasons or significant public benefit exists, as determined by the Secretary, which warrant allowing the alien to remain in the United States; and

''(III) establishes that his or her removal from the United States would result in extreme hardship to the alien's spouse or minor child.

''(iii) JUDICIAL REVIEW.—Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, a decision under this subparagraph may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to such decision.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to acts or conduct that occurred before, on, or after such date of enactment.

On page 563, strike line 22 and all that follows through ''(2)'' on page 564, line 4, and insert the following:

(2) WAIVER.—

(A) IN GENERAL.—The Secretary may waive the applicability of paragraph (1)(B) if the alien—

(i) has not been physically removed from the United States pursuant to the outstanding final order of removal, deportation or exclusion;

(ii) has never departed the United States since any order of exclusion, deportation, or removal became final and subject to execution or been previously removed pursuant to a final order of removal;

(iii) has been continuously physically present in the United States since January 1, 2007;

(iv) establishes that urgent humanitarian reasons or significant public benefit exists, as determined by the Secretary, which warrant allowing the alien to remain in the United States; and

(v) can establish that his or her departure from the United States would result in extreme hardship to the alien's spouse or minor child.

(B) JUDICIAL REVIEW.—Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, a decision under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to such decision.

(C) EFFECTIVE DATE.—This paragraph shall take effect on the date of the enactment of this Act and shall apply to any application for Z nonimmigrant status submitted on or after such date.

(3)

SA 1918. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 604, line 12, strike the period and insert ''with the Secretary not later than 30 days after the date of the decision. The filing of a motion to reopen or reconsider does not toll the time for filing an administrative appeal under paragraph (2).''.

On page 604, lines 20 and 21, strike ''or the mailing thereof, whichever occurs later in time''.

On page 604, line 22, strike ''The Secretary'' and all that follows through page 605, line 9, and insert the following: ''Except as provided under paragraph (2), the Secretary shall place the alien in removal proceedings to which the alien would otherwise be subject, unless the alien is subject to an administratively final order of removal (including a removal order that has not been executed or is subject to reinstatement pursuant to section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(5)). No court shall have jurisdiction to review the timing of the Secretary's initiation of such proceedings or review the order of removal, except as otherwise provided by law. If the alien failed to file a timely petition for review of an administratively final order of removal, as required under section 242(b) of such Act, no court shall have jurisdiction to review the final order of removal and an alien may only seek review of the denial under section 601(h), termination under section 601(o), or revocation under section 601(p), pursuant to section 242(h) of the Immigration and Nationality Act (8 U.S.C. 1252(h)).''.

On page 605, line 20, strike ''may'' and insert ''shall''.

On page 606, lines 2 through 4, strike ''clauses (1)(F) (i), (iii), or (iv) of subsection [CITE: 601(d)] of [this Act] may'' and insert ''clause (i), (iii), or (iv) of section 601(d)(1)(F) shall''.

On page 606, strike lines 7 through 17 and insert the following:

(C) FINAL DENIAL, TERMINATION, OR REVOCATION.—Notwithstanding subsection (a)(2), the Secretary's denial, termination, or revocation of the status of any alien described in subparagraph (A) or (B) may be reviewed only in removal proceedings initiated pursuant to this paragraph and shall represent the required exhaustion of all review procedures for purposes of seeking judicial review under section 242(h)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1252(h)(3)(C)) of a denial under section 601(h), a termination under section 601(o), or a revocation under section 601(p).

On page 606, line 21, strike the period and insert ''with the Attorney General not later than 90 days after the date of a final decision under paragraph (2)(C). The filing of a motion to reopen or reconsider with the Attorney General does not toll the time for filing a petition for review of a final removal order under section 242(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1252(b)(1)).''.

On page 608, line 3, insert ''within 2 years after the date of such denial, termination, or revocation, and only'' after ''only''.

SA 1919. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 184, line 12, strike ''(b)'' and insert the following:

(b) LIMITATION ON LANDOWNER'S LIABILITY.—Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by inserting after subsection (g) the following:

''(h) INDEMNITY FOR ACTIONS OF LAW ENFORCEMENT OFFICERS.—

''(1) IN GENERAL.—Subject to appropriations, an owner of land located within 100 miles of the international land border of the United States may seek reimbursement from the Department of Homeland Security for any adverse final tort judgment for negligence (excluding attorneys' fees and costs) authorized under the Federal or State tort law, arising directly from such border security activity if—

''(A) such owner has been found negligent by a Federal or State court in any tort litigation;

''(B) such owner has not already been reimbursed for the final tort judgment, including outstanding attorney's fees and costs;

''(C) such owner did not have or does not have sufficient property insurance to cover the judgment and have had an insurance claim for such coverage denied; and

''(D) such tort action was brought as a direct result of activity of law enforcement officers of the Department of Homeland Security, acting in their official capacity, on the owner's land.

''(2) DEFINITIONS.—In this subsection—

''(A) the term 'land' includes roads, water, watercourses, and private ways, and buildings, structures, machinery and equipment that is attached to real property; and

''(B) the term 'owner' includes the possessor of a fee interest, a tenant, lessee, occupant, the possessor of any other interest in land, or any person having a right to grant permission to use the land.

''(3) EXCEPTIONS.—Nothing in this subsection may be construed to limit landowner liability which would otherwise exist for—

''(A) willful or malicious failure to guard or warn against a known dangerous condition, use, structure, or activity likely to cause harm;

''(B) maintaining an attractive nuisance;

''(C) gross negligence; or

''(D) direct interference with, or hindrance of, any agent or officer of the Federal Government who is authorized to enforce the immigration laws of the United States during—

''(i) a patrol of such landowner's land; or

''(ii) any action taken to apprehend or detain any alien attempting to enter the United States illegally or evade execution of an arrest warrant for a violation of any immigration law.

''(4) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect any right or remedy available pursuant to the Federal Tort Claims Act.''.

(c)

SA 1920. Mr. ALEXANDER submitted an amendment intended to be proposed

by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 4, between lines 23 and 24, insert the following:

(e) REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than 90 days before the Secretary submits a written certification under subsection (a), the Secretary shall submit a report to the governors of the States that share a land border with Mexico that—

(A) describes the progress made in establishing, funding, and implementing the border security and other measures described in subsection (a); and

(B) indicates the date on which Secretary's intends to submit a written certification under subsection (a).

(2) GOVERNORS' AFFIRMATION.—Not later than 60 days after receiving a report from the Secretary under paragraph (1), a governor may submit a report to the appropriate congressional committees that—

(A) analyzes the accuracy of the information received from the Secretary; and

(B) indicates whether the governor agrees with the Secretary that the border security and other measures described in subsection (a) will be established, funded, and operational before the Secretary's certification is submitted.

(3) EFFECT OF GOVERNORS AFFIRMATION.—If a majority of the border governors indicate their agreement with the Secretary under paragraph (2)(B), the Secretary may submit the certification under subsection (a).

(f) CONGRESSIONAL REVIEW OF GOVERNORS AFFIRMATION.—

(1) IN GENERAL.—If a majority of the border governors do not submit a report under subsection (e)(2) that indicates agreement with the information received from the Secretary before the end of the 60-day period described in subsection (e)(2), subtitle A of title IV, title V, and subtitles A through C of title VI of this Act shall not be implemented if, during the first 90-calendar day period of continuous session of the Congress after the end of such period, Congress passes a Joint Resolution of Immigration Enforcement expressing opposition to the certification submitted by the Secretary under subsection (a), in accordance with this subsection.

(2) PROCEDURES APPLICABLE TO THE SENATE.—

(A) RULEMAKING AUTHORITY.—The provisions under this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a Joint Resolution of Immigration Enforcement, and such provisions supersede other rules of the Senate only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(B) INTRODUCTION; REFERRAL.—

(i) IN GENERAL.—Not later than the first day on which the Senate is in session following the end of the 60-day period described in subsection (e)(2), a Joint Resolution of Immigration Enforcement shall be introduced (by request) in the Senate—

(I) by the Majority Leader or Minority Leader of the Senate; or

(II) if such resolution is not introduced as provided under subclause (II), by any Senator on the third day on which the Senate is in session after the end of such period.

(ii) REFERRAL.—Upon introduction, a Joint Resolution of Immigration Enforcement shall be referred jointly to each of the appropriate congressional committees by the President of the Senate. Upon the expiration of 60 days of continuous session after the end of the 60-day period described in subsection (e)(2), each committee to which such resolution was referred shall make its recommendations to the Senate.

(iii) DISCHARGE.—If any committee to which is referred a resolution introduced under paragraph (2)(A) has not reported such resolution at the end of 60 days of continuous session of the Congress after introduction of such resolution, such committee shall be discharged from further consideration of such resolution, and such resolution shall be placed on the legislative calendar of the Senate.

(C) CONSIDERATION.—

(i) IN GENERAL.—After each committee to which a Joint Resolution of Immigration Enforcement has been referred has reported, or has been discharged from further consideration of, a resolution described in paragraph (2)(C), it shall be in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such resolution. Such motion shall not be debatable. If a motion to proceed to the consideration of such resolution is agreed to, such resolution shall remain the unfinished business of the Senate until the disposition of such resolution.

(ii) DEBATE.—Debate on a resolution, and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 30 hours, which shall be divided equally between Members favoring and Members opposing such resolution. A motion to further limit debate shall be in order and shall not be debatable. The resolution shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to recommit such resolution shall not be in order.

(iii) FINAL VOTE.—Immediately following the conclusion of the debate on a resolution, and a single quorum call at the conclusion of such debate if requested in accordance with the rules of the Senate, the vote on such resolution shall occur.

(iv) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution shall be limited to 1 hour of debate.

(D) RECEIPT OF A RESOLUTION FROM THE HOUSE.—If the Senate receives from the House of Representatives a Joint Resolution of Immigration Enforcement, the following procedures shall apply:

(i) The resolution shall not be referred to a committee and shall be placed on the Senate calendar, except that it shall not be in order to consider such resolution on the calendar received by the House of Representatives until such time as the Committee reports such resolution or is discharged from further consideration of a resolution, pursuant to this subsection.

(ii) With respect to the disposition by the Senate with respect to such resolution, on any vote on final passage of a resolution of the Senate with respect to such approval, a resolution from the House of Representatives with respect to such measures shall be automatically substituted for the resolution of the Senate.

(3) PROCEDURES APPLICABLE TO THE HOUSE OF REPRESENTATIVES.—

(A) RULEMAKING AUTHORITY.—The provisions of this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the House of Representatives, and as such they are deemed a part of the rules of the House of Representatives, but applicable only with respect to the procedure to be followed in the House of Representatives in the case of a Joint Resolution of Immigration Enforcement, and such provisions supersede other rules of the House of Representatives only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the House of Representatives to change the rules (so far as relating to the procedure of the House of Representatives) at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(B) INTRODUCTION; REFERRAL.—A Joint Resolution of Immigration Enforcement shall upon introduction, be immediately referred by the Speaker of the House of Representatives to the appropriate committee or committees of the House of Representatives. Any such resolution received from the Senate shall be held at the Speaker's table.

(C) DISCHARGE.—Upon the expiration of 60 days of continuous session after the introduction of the first resolution of certification with respect to any measure, each committee to which such resolution was referred shall be discharged from further consideration of such resolution, and such resolution shall be referred to the appropriate calendar, unless such resolution or an identical resolution was previously reported by each committee to which it was referred.

(D) CONSIDERATION.—It shall be in order for the Speaker to recognize a Member favoring a resolution to call up a resolution of certification after it has been on the appropriate calendar for 5 legislative days. At the time any such resolution is called up, the House of Representatives shall proceed to its immediate consideration and the Speaker shall recognize the Member calling up such resolution and a Member opposed to such resolution for 10 hours of debate in the House of Representatives, to be equally divided and controlled by such Members. When such time has expired, the previous question shall be considered as ordered on the resolution to adoption without intervening motion. No amendment to any such resolution shall be in order, nor shall it be in order to move to reconsider the vote by which such resolution is agreed to or disagreed to.

(E) RECEIPT OF RESOLUTION FROM SENATE.—If the House of Representatives receives from the Senate a Joint Resolution of Immigration Enforcement, the following procedures shall apply:

(i) Such resolution shall not be referred to a committee.

(ii) With respect to the disposition by the House of Representatives with respect to such resolution—

(I) the procedure with respect to that or other resolutions originating in the House of Representatives shall be the same as if no resolution from the Senate with respect to such resolution had been received; and

(II) on any vote on final passage of a resolution originating in the House of Representatives with respect to such measures, a resolution from the Senate with respect to such resolution if the text is identical shall be automatically substituted for the resolution originating in the House of Representatives.

(g) DEFINED TERM.—In this section, the term ''operational control'' means the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

SA 1921. Mr. ALEXANDER (for himself, Mr. COCHRAN, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 379, between lines 21 and 22, insert the following:

Subtitle C—Strengthening American Citizenship

SECTION 716. SHORT TITLE.

This subtitle may be cited as the ''Strengthening American Citizenship Act of 2007''.

SEC. 717. DEFINITION.

In this subtitle, the term ''Oath of Allegiance'' means the binding oath (or affirmation) of allegiance required to be naturalized as a citizen of the United States, as prescribed in subsection (e) of section 337 of the Immigration and Nationality Act (8 U.S.C. 1448(e)), as added by section __31(a)(2).

CHAPTER 1—LEARNING ENGLISH

SEC. 718. ENGLISH FLUENCY.

(a) EDUCATION GRANTS.—

(1) ESTABLISHMENT.—The Chief of the Office of Citizenship of the Department (referred to in this subsection as the ''Chief'') shall establish a grant program to provide grants in an amount not to exceed $500 to assist lawful permanent residents of the United States who declare an intent to apply for citizenship in the United States to meet the requirements under section 312 of the Immigration and Nationality Act (8 U.S.C. 1423).

(2) USE OF FUNDS.—Grant funds awarded under this subsection shall be paid directly to an accredited institution of higher education or other qualified educational institution (as determined by the Chief) for tuition, fees, books, and other educational resources required by a course on the English language in which the lawful permanent resident is enrolled.

(3) APPLICATION.—A lawful permanent resident desiring a grant under this subsection shall submit an application to the Chief at such time, in such manner, and accompanied by such information as the Chief may reasonably require.

(4) PRIORITY.—If insufficient funds are available to award grants to all qualified applicants, the Chief shall give priority based on the financial need of the applicants.

(5) NOTICE.—The Secretary, upon relevant registration of a lawful permanent resident with the Department of Homeland Security, shall notify such lawful permanent resident of the availability of grants under this subsection for lawful permanent residents who declare an intent to apply for United States citizenship.

(b) FASTER CITIZENSHIP FOR ENGLISH FLUENCY.—Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427) is amended by adding at the end the following:

''(g) A lawful permanent resident of the United States who demonstrates English fluency, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of State, will satisfy the residency requirement under subsection (a) upon the completion of 4 years of continuous legal residency in the United States.''.

SEC. 719. SAVINGS PROVISION.

Nothing in this chapter shall be construed to—

(1) modify the English language requirements for naturalization under section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)); or

(2) influence the naturalization test redesign process of the Office of Citizenship of the United States Citizenship and Immigration Services (except for the requirement under section 725(b)).

CHAPTER 2—EDUCATION ABOUT THE AMERICAN WAY OF LIFE

SEC. 721. AMERICAN CITIZENSHIP GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a competitive grant program to provide financial assistance for—

(1) efforts by entities (including veterans and patriotic organizations) certified by the Office of Citizenship of the Department to promote the patriotic integration of prospective citizens into the American way of life by providing civics, history, and English as a second language courses, with a specific emphasis on attachment to principles of the Constitution of the United States, the heroes of American history (including military heroes), and the meaning of the Oath of Allegiance; and

(2) other activities approved by the Secretary to promote the patriotic integration of prospective citizens and the implementation of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including grants—

(A) to promote an understanding of the form of government and history of the United States; and

(B) to promote an attachment to the principles of the Constitution of the United States and the well being and happiness of the people of the United States.

(b) ACCEPTANCE OF GIFTS.—The Secretary may accept and use gifts from the United States Citizenship Foundation, established under section 722(a), for grants under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 722. FUNDING FOR THE OFFICE OF CITIZENSHIP.

(a) AUTHORIZATION.—The Secretary, acting through the Director of United States Citizenship and Immigration Services, is authorized to establish the United States Citizenship Foundation (referred to in this section as the ''Foundation''), an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(1) American common values and traditions, including an understanding of the history of the United States and the principles of the Constitution of the United States; and

(2) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(b) DEDICATED FUNDING.—

(1) IN GENERAL.—Not less than 1.5 percent of the funds made available to United States Citizenship and Immigration Services (including fees and appropriated funds) shall be dedicated to the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(A) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(B) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(2) SENSE OF CONGRESS.—It is the sense of Congress that dedicating increased funds to the Office of Citizenship should not result in an increase in fees charged by United States Citizenship and Immigration Services.

(c) GIFTS.—

(1) TO FOUNDATION.—The Foundation may solicit, accept, and make gifts of money and other property in accordance with section 501(c)(3) of the Internal Revenue Code of 1986.

(2) FROM FOUNDATION.—The Office of Citizenship may accept gifts from the Foundation to support the functions of the Office.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the mission of the Office of Citizenship, including the patriotic integration of prospective citizens into—

(1) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(2) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

SEC. 723. RESTRICTION ON USE OF FUNDS.

Amounts appropriated to carry out a program under this chapter may not be used to organize individuals for the purpose of political activism or advocacy.

SEC. 724. REPORTING REQUIREMENT.

The Chief of the Office of Citizenship shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on Education and Labor of the House of Representatives, and the Committee on the Judiciary of the House of Representatives, an annual report that contains—

(1) a list of the entities that have received funds from the Office of Citizenship during the reporting period under this chapter and the amount of funding received by each such entity;

(2) an evaluation of the extent to which grants received under this chapter and chapter 1 successfully promoted an understanding of—

(A) the English language; and

(B) American history and government, including the heroes of American history, the meaning of the Oath of Allegiance, and an attachment to the principles of the Constitution of the United States; and

(3) information about the number of lawful permanent residents who were able to achieve the knowledge described under paragraph (2) as a result of the grants provided under this chapter and chapter 1.

CHAPTER 3—CODIFYING THE OATH OF ALLEGIANCE

SEC. 725. OATH OR AFFIRMATION OF RENUNCIATION AND ALLEGIANCE.

(a) REVISION OF OATH.—Section 337 of the Immigration and Nationality Act (8 U.S.C. 1448) is amended—

(1) in subsection (a), by striking ''under section 310(b) an oath'' and all that follows through ''personal moral code.'' and inserting ''under section 310(b), the oath (or affirmation) of allegiance prescribed in subsection (e).''; and

(2) by adding at the end the following:

''(e)(1) Subject to paragraphs (2) and (3), the oath (or affirmation) of allegiance prescribed in this subsection is as follows: 'I take this oath solemnly, freely, and without any mental reservation. I absolutely and entirely renounce all allegiance to any foreign state or power of which I have been a subject or citizen. My fidelity and allegiance from this day forward are to the United States of America. I will bear true faith and allegiance to the Constitution and laws of the United States, and will support and defend them against all enemies, foreign and domestic. I will bear arms, or perform noncombatant military or civilian service, on behalf of the United States when required by law. This I do solemnly swear, so help me God.'.

''(2) If a person, by reason of religious training and belief (or individual interpretation thereof) or for other reasons of good conscience, cannot take the oath prescribed in paragraph (1)—

''(A) with the term 'oath' included, the term 'affirmation' shall be substituted for the term 'oath'; and

''(B) with the phrase 'so help me God' included, the phrase 'so help me God' shall be omitted.

''(3) If a person shows by clear and convincing evidence to the satisfaction of the Attorney General that such person, by reason of religious training and belief, cannot take the oath prescribed in paragraph (1)—

''(A) because such person is opposed to the bearing of arms in the Armed Forces of the United States, the words 'bear arms, or' shall be omitted; and

''(B) because such person is opposed to any type of service in the Armed Forces of the United States, the words 'bear arms, or' and 'noncombatant military or' shall be omitted.

''(4) As used in this subsection, the term 'religious training and belief'—

''(A) means a belief of an individual in relation to a Supreme Being involving duties superior to those arising from any human relation; and

''(B) does not include essentially political, sociological, or philosophical views or a merely personal moral code.

''(5) Any reference in this title to 'oath' or 'oath of allegiance' under this section shall be deemed to refer to the oath (or affirmation) of allegiance prescribed under this subsection.''.

(b) HISTORY AND GOVERNMENT TEST.—The Secretary shall incorporate a knowledge and understanding of the meaning of the Oath of Allegiance into the history and government test given to applicants for citizenship.

(c) NOTICE TO FOREIGN EMBASSIES.—Upon the naturalization of a new citizen, the Secretary, in cooperation with the Secretary of State, shall notify the embassy of the country of which the new citizen was a citizen or subject that such citizen has—

(1) renounced allegiance to that foreign country; and

(2) sworn allegiance to the United States.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 6 months after the date of the enactment of this Act.

CHAPTER 4—CELEBRATING NEW CITIZENS

SEC. 726. ESTABLISHMENT OF NEW CITIZENS AWARD PROGRAM.

(a) ESTABLISHMENT.—There is established a new citizens award program to recognize citizens who—

(1) have made an outstanding contribution to the United States; and

(2) are naturalized during the 10-year period ending on the date of such recognition.

(b) PRESENTATION AUTHORIZED.—

(1) IN GENERAL.—The President is authorized to present a medal, in recognition of outstanding contributions to the United States, to citizens described in subsection (a).

(2) MAXIMUM NUMBER OF AWARDS.—Not more than 10 citizens may receive a medal under this section in any calendar year.

(c) DESIGN AND STRIKING.—The Secretary of the Treasury shall strike a medal with suitable emblems, devices, and inscriptions, to be determined by the President.

(d) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 727. NATURALIZATION CEREMONIES.

(a) IN GENERAL.—The Secretary, in consultation with the Director of the National Park Service, the Archivist of the United States, and other appropriate Federal officials, shall develop and implement a strategy to enhance the public awareness of naturalization ceremonies.

(b) VENUES.—In developing the strategy under this section, the Secretary shall consider the use of outstanding and historic locations as venues for select naturalization ceremonies.

(c) REPORTING REQUIREMENT.—The Secretary shall annually submit a report to Congress that contains—

(1) the content of the strategy developed under this section; and

(2) the progress made towards the implementation of such strategy.

SA 1922. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 376, between lines 11 and 12, insert the following:

SEC. 711A. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON ENGLISH PROFICIENCY.

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

(1) the needs of citizens and lawful permanent residents of the United States whose native language is not English to obtain English language and literacy proficiency;

(2) the estimated costs to the public and private sector resulting from those residents of the United States who lack English language proficiency; and

(3) the estimated costs of operating English language acquisition programs in the public and private sector for those residents of the United States who lack English language proficiency.

(b) STUDY COMPONENTS.—The study conducted under subsection (a) shall include—

(1) an inventory of all existing Federal programs designed to improve English language and literacy acquisition for adult citizens and lawful permanent residents of the United States, including—

(A) a description of the purpose of each such program;

(B) a summary of the Federal expenditures for each such program during fiscal years 2002 through 2006;

(C) data on the participation rates of individuals within each such program and those who have expressed an interest in obtaining English instruction but have been unable to participate in existing programs;

(D) a summary of evaluations and performance reviews of the effectiveness and sustainability of each such program; and

(E) a description of the coordination of Federal programs with private and nonprofit programs;

(2) the identification of model programs at the Federal, State, and local level with demonstrated effectiveness in helping adult citizens and lawful permanent residents of the United States gain English language and literacy proficiency;

(3) a summary of funding for State and local programs that support improving the English language proficiency and literacy of citizens and lawful permanent residents of the United States;

(4) a summary of the costs incurred and benefits received by Federal, State, and local governments in serving citizens and lawful permanent residents of the United States who are not proficient in English, including—

(A) costs for foreign language translators;

(B) the production of documents in multiple languages; and

(C) compliance with Executive Order 13166;

(5) an analysis of the costs incurred by businesses that employ citizens and lawful permanent residents of the United States who are not proficient in English, including—

(A) costs for English training and foreign language translation;

(B) an estimate of lost productivity; and

(C) costs for providing English training to employees;

(6) the number of lawful permanent residents who are eligible to naturalize as citizens of the United States; and

(7) recommendations regarding the most cost-effective actions the Federal government could take to assist citizens and lawful permanent residents of the United States to quickly learn English.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report containing the findings from the study conducted under this section to—

(1) the Committee on Health, Education, Labor, and Pensions of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Education and Labor of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2008 and 2009 to carry out this section.

SA 1923. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 376, strike lines 9 through 11, and insert the following:

(b) ASSESSMENT TOOLS.—The Director of the United States Citizenship and Immigration Services, in consultation with the Secretary of Education, shall develop valid and reliable assessment tools to measure the progress of individuals—

(1) in the acquisition of the English language under subsection (a); and

(2) in meeting any other English language requirements in this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Education such sums as are necessary to carry out the purposes of this section.

SA 1924. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 375, strike lines 25 through 34, and insert the following:

SEC. 710. HISTORY AND GOVERNMENT TEST.

(a) IN GENERAL.—The Secretary shall incorporate a knowledge and understanding of the meaning of the Oath of Allegiance provided by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448) into the history and government test given to applicants for citizenship.

(b) TEST REDESIGN.—The goals of any naturalization test redesign undertaken by the Office of Citizenship of the United States Citizenship and Immigration Services with respect to determining if a candidate for naturalization meets the requirements relating to the English language and the fundamentals of the history, and of the principles and

form of government, of the United States, under section 312 of the Immigration and Nationality Act, shall include that a candidate demonstrate—

(1) a sufficient understanding of the English language for usage in everyday life;

(2) an understanding of American common values and traditions, including the principles of the Constitution of the United States, the Pledge of Allegiance, respect for the flag of the United States, the National Anthem, and voting in public elections;

(3) an understanding of the history of the United States, including the key events, key persons, key ideas, and key documents that shaped the institutions and democratic heritage of the United States;

(4) an attachment to the principles of the Constitution of the United States and the well-being and happiness of the people of the United States; and

(5) an understanding of the rights and responsibilities of citizenship in the United States.

(c) REPORT.—The United States Citizenship and Immigration Service shall report to Congress on how the current test redesign is meeting the requirements described in subsection (b).

(d) DEFINITIONS.—As used in this section:

(1) KEY DOCUMENTS.—The term ''key documents'' means the documents that established or explained the foundational principles of democracy in the United States, including the United States Constitution and the amendments to the Constitution (particularly the Bill of Rights), the Declaration of Independence, the Federalist Papers, and the Emancipation Proclamation.

(2) KEY EVENTS.—The term ''key events'' means the critical turning points in the history of the United States , including the American Revolution, the Civil War, the world wars of the twentieth century, the civil rights movement, and the major court decisions and legislation that contributed to extending the promise of democracy in American life.

(3) KEY IDEAS.—The term ''key ideas'' means the ideas that shaped the democratic institutions and heritage of the United States, including the notion of equal justice under the law, freedom, individualism, human rights, and a belief in progress.

(4) KEY PERSONS.—The term ''key persons'' means the men and women who led the United States as founding fathers, elected officials, scientists, inventors, pioneers, advocates of equal rights, entrepreneurs, and artists.

SA 1925. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 2, lines 8 and 9, strike ''based on analysis by and in consultation with the Comptroller General'' and insert the following: ''based on analysis by the Comptroller General, and in consultation with the Comptroller General, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives''.

SA 1926. Mr. DOMENICI (for himself, Mr. MARTINEZ, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DISTRICT JUDGES FOR THE DISTRICT COURTS IN BORDER STATES.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 4 additional district judges for the district of Arizona;

(2) 4 additional district judges for the central district of California;

(3) 4 additional district judges for the eastern district of California;

(4) 2 additional district judges for the northern district of California;

(5) 4 additional district judges for the middle district of Florida;

(6) 2 additional district judges for the southern district of Florida;

(7) 1 additional district judge for the district of Minnesota;

(8) 1 additional district judge for the district of New Mexico;

(9) 3 additional district judges for the eastern district of New York;

(10) 1 additional district judge for the western district of New York;

(11) 1 additional district judge for the eastern district of Texas;

(12) 2 additional district judges for the southern district of Texas;

(13) 1 additional district judge for the western district of Texas; and

(14) 1 additional district judge for the western district of Washington.

(b) TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the district of Arizona;

(B) 1 additional district judge for the central district of California;

(C) 1 additional district judge for the northern district of California;

(D) 1 additional district judge for the middle district of Florida;

(E) 1 additional district judge for the southern district of Florida;

(F) 1 additional district judge for the district of Idaho; and

(G) 1 additional district judge for the district of New Mexico.

(2) VACANCIES.—For each of the judicial districts named in this subsection, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this subsection shall not be filled.

(c) EXISTING JUDGESHIPS.—The existing judgeships for the district of Arizona and the district of New Mexico authorized by section 312(c) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273, 116 Stat. 1758), as of the effective date of this Act, shall be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this Act.

(d) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judgeships authorized as a result of subsections (a) and (c), such table is amended to read as follows:

"Districts	Judges
Alabama:	
Northern	7
Middle	3
Southern	3
Alaska	3
Arizona	17
Arkansas:	
Eastern	5
Western	3
California:	
Northern	16
Eastern	10
Central	31
Southern	13
Colorado	7
Connecticut	8
Delaware	4
District of Columbia	15
Florida:	
Northern	4
Middle	19
Southern	19
Georgia:	
Northern	11
Middle	4
Southern	3
Hawaii	3
Idaho	2
Illinois:	
Northern	22
Central	4
Southern	4
Indiana:	
Northern	5
Southern	5
Iowa:	
Northern	2
Southern	3
Kansas	5
Kentucky:	
Eastern	5
Western	4
Eastern and Western	1
Louisiana:	
Eastern	12
Middle	3
Western	7
Maine	3
Maryland	10
Massachusetts	13
Michigan:	
Eastern	15
Western	4
Minnesota	8
Mississippi:	
Northern	3
Southern	6
Missouri:	
Eastern	6
Western	5
Eastern and Western	2
Montana	3
Nebraska	3
Nevada	7
New Hampshire	3
New Jersey	17
New Mexico	8
New York:	
Northern	5
Southern	28
Eastern	18
Western	5
North Carolina:	
Eastern	4
Middle	4
Western	3
North Dakota	2
Ohio:	
Northern	11
Southern	8
Oklahoma:	
Northern	3
Eastern	1
Western	6
Northern, Eastern, and Western	1
Oregon	6
Pennsylvania:	
Eastern	22
Middle	6
Western	10
Puerto Rico	7
Rhode Island	3
South Carolina	10
South Dakota	3
Tennessee:	
Eastern	5

"Districts	Judges
Middle	4
Western	5
Texas:	
Northern	12
Southern	21
Eastern	8
Western	14
Utah	5
Vermont	2
Virginia:	
Eastern	11
Western	4
Washington:	
Eastern	4
Western	8
West Virginia:	
Northern	3
Southern	5
Wisconsin:	
Eastern	5
Western	2
Wyoming	3.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to provide appropriate space and facilities for the judicial positions created under this section.

(f) FUNDING.—Notwithstanding any other provision of law, the Attorney General shall transfer, for each of the fiscal years 2008 through 2017, $8,000,000 from the Department of Justice Assets Forfeiture Fund to the general fund of the Treasury to carry out this section.

SA 1927. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 117, line 4, insert '', even if the length of the term of imprisonment for the offense is based on recidivist or other enhancements,'' after ''15 years''.

On Page 117, line 14, strike lines 14 beginning at and through page 118, line 8, and insert:

(4) in subparagraph (O), by striking ''section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph'' and inserting ''section 275 or 276 for which the term of imprisonment is at least 1 year'';

(5) by striking the undesignated matter following subparagraph (U);

(6) in subparagraph (E)—

(A) in clause (ii), by inserting ''(c),'' after ''924(b)'' and by striking ''or'' at the end, and

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

''(iv) section 2250 of title 18, United States Code (relating to failure to register as a sex offender); or

''(v) section 521(d) of title 18, United States Code (relating to penalties for offenses committed by criminal street gangs);''; and

(7) by amending subparagraph (F) to read as follows:

''(F) either—

''(i) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense), or

''(ii) a third conviction for driving while intoxicated (including a third conviction for driving while under the influence or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under State law,

for which the term of imprisonment is at least one year;''.

(b) EFFECTIVE DATE.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act that occurred before, on, or after such date of enactment.

In title II, insert after section 203 the following:

SEC. 203A. TERRORIST BAR TO GOOD MORAL CHARACTER.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended by inserting after paragraph (1) the following:

''(2) one who the Secretary of Homeland Security or the Attorney General determines, in the unreviewable discretion of the Secretary or the Attorney General, to have been at any time an alien described in section 212(a)(3) or 237(a)(4), which determination—

''(A) may be based upon any relevant information or evidence, including classified, sensitive, or national security information; and

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act and shall apply to—

(1) any act that occurred before, on, or after the date of the enactment of this Act, and

(2) any application for naturalization or any other benefit or relief, or any other case or matter under the immigration laws, pending on or filed after the date of enactment of this Act.

SEC. 203B. PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF AGGRAVATED FELONIES OR OTHER SERIOUS OFFENSES.

(a) INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS; WAIVERS.—Section 212 (8 U.S.C. 1182) is amended—

(1) by adding at the end of subsection (a)(2) the following new subparagraphs:

''(J) CERTAIN FIREARM OFFENSES.—Any alien who at any time has been convicted under any law of, or who admits having committed or admits committing acts which constitute the essential elements of, purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law is inadmissible.

''(K) AGGRAVATED FELONS.—Any alien who has been convicted of an aggravated felony at any time is inadmissible.

''(L) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTION ORDERS; CRIMES AGAINST CHILDREN.—

''(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—Any alien who at any time is convicted of, or who admits having committed or admits committing acts which constitute the essential elements of, a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is inadmissible. For purposes of this clause, the term 'crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

''(ii) VIOLATORS OF PROTECTION ORDERS.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is inadmissible. For purposes of this clause, the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a independent order in another proceeding.''; and

(2) in subsection (h)—

(A) by striking ''The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)'' and inserting ''The Attorney General or the Secretary of Homeland Security may, in his discretion, waive the application of subparagraphs (A)(i)(I), (III), (B), (D), (E), and (L) of subsection (a)(2)'';

(B) by striking ''if either since the date of such admission the alien has been convicted of an aggravated felony or the alien'' in the next to last sentence and inserting ''if since the date of such admission the alien''; and

(C) by inserting ''or Secretary of Homeland Security'' after ''the Attorney General'' each place it appears.

(b) DEPORTABILITY FOR CRIMINAL OFFENSES INVOLVING IDENTIFICATION.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding after subparagraph (E) the following new subparagraph:

''(F) CRIMINAL OFFENSES INVOLVING IDENTIFICATION.—An alien shall be considered to be deportable if the alien has been convicted of a violation of (or a conspiracy or attempt to violate) an offense described in section 208 of the Social Security Act (42 U.S.C. 408) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) any act that occurred before, on, or after the date of enactment, and

(2) to all aliens who are required to establish admissibility on or after the date of enactment of this section, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

(d) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to create eligibility for relief from removal under former section 212(c) of the Immigration and Nationality Act if such eligibility did not exist before the amendments became effective.

On page 119, lines 21 and 22, strike '', which is punishable by a sentence of imprisonment of five years or more''.

On page 121, beginning with line 15, through page 17, strike ''Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any'' and insert ''Any''.

On page 121, strike beginning line 8 then page 122. line 13.

On page 122, lines 10 through 13, strike ''The Secretary of Homeland Security or the Attorney General may in his discretion waive this subparagraph.''.

On page 123, strike all text beginning at line 23 through page 128 line 25.

On page 562, strike lines 1 through 6, and insert:

(A) is inadmissible to the United States under section 212(a) of the Act (8 U.S.C. 1182(a)), except as provided in paragraph (2);

On page 563, strike lines 22 through page 564, line 3, and insert:

(I) is an alien who is described in or subject to section 237(a)(2)(A)(iii), (iv) or (v) of the Act (8 U.S.C. 1227(a)(2)(A)(iii), (iv) or (v)), except if the alien has been granted a full and unconditional pardon by the President of the United States of the Governor of any of the several States, as provided in section 237(a)(2)(A)(vi) of the Act (8 U.S.C. 1227(a)(2)(A)(vi);

(J) is an alien who is described in or subject to section 237(a)(4) of the Act (8 U.S.C. 1227(a)(4); and

(K) is an alien who is described in or subject to section 237(a)(3)(C) of the Act (8 U.S.C. 1227(a)(3)(C)), except if the alien is approved for a waiver as authorized under section 237 (a)(3)(C)(ii) of the Act (8 U.S.C. 1227(a)(3)(C)(ii)).

On page 564, line 14, strike ''(9)(C)(i)(I),''.

On page 565, line 11, strike ''section 212(a)(9)(C)(i)(II)'' and insert ''section 212(a)(9)(C)''.

On page 565, between lines 15 and 16, insert:

(VII) section 212(a)(6)(E) of the Act (8 U.S.C. 1182(a)(6)(E)), except if the alien is approved for a waiver as authorized under section 212(d)(11) of the Act (8 U.S.C. 1182(d)(11)); or

(VIII) section 212(a)(9)(A) of the Act (8 U.S.C. 1182(a)(9)(A)).

On page 565, strike lines 16 through 22.

On page 567, between lines 13 and 14, insert:

(5) GOOD MORAL CHARACTER.—The alien must establish that he or she is a person of good moral character (within the meaning of section 101(f) of the Act (8 U.S.C. 1101(f)) during the past three years and continue to be a person of such good moral character.

On page 567, line 14 strike ''(5)'' and insert ''(6)''.

On page 569, line 22 strike ''(6)'' and insert ''(7)''.

On page 569, line 24 strike ''(7)'' and insert ''(8)''.

SA 1928. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place at the end of section 1, insert the following at the end of section 1:

''(e) REDUCTION IN ILLEGAL IMMIGRATION.—the Secretary shall submit a written certification to the President and the Congress, based on analysis by and in consultation with the Comptroller General as follows:

''(1) within 18 months of enactment that illegal immigration at the border is reduced by 50% and the current level of overstay by nonimmigrant visa holders is reduced by 50%; and

''(2) within 24 months of enactment that illegal immigration at the border is reduced by 65% and the current level of overstay by nonimmigrant visa holders is reduced by 65%; and

''(3) within 30 months of enactment that illegal immigration at the border is reduced by 75% and the current level of overstay by nonimmigrant visa holders is reduced by 75%; and

''(4) within 36 months of enactment that illegal immigration at the border is reduced by 90% and the current level of overstay by nonimmigrant visa holders is reduced by 90%; and

''(5) within 42 months that effective systems are in place to maintain a permanently secure border and prevent the overstay of nonimmigrant visa holders.''

SA 1929. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 21, strike ''(v) Implementation of programs authorized in titles IV and VI''.

SA 1930. Mr. COBURN (for himself, Mr. DEMINT, Mr. INHOFE, Mr. SESSIONS, Mrs. HUTCHISON, Mr. VITTER, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1, strike line 3 and all that follows through page 6, line 11 and insert the following:

SECTION 1. EFFECTIVE DATE TRIGGERS.

(a) IN GENERAL.—With the exception of the provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV, and the programs established by title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence, shall become effective on the date that subsections (e) through (i) have been fulfilled and after the Secretary submits a written certification to the President and the Congress, based on analysis by and in consultation with the Comptroller General, that each of the following border security and other measures are established, funded, and operational:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security has established and demonstrated operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol has hired, trained, and reporting for duty 20,000 full-time agents as of the date of the certification under this subsection.

(3) STRONG BORDER BARRIERS.—There has been—

(A) installed along the international land border between the United States and Mexico as of the date of the certification under this subsection, at least—

(i) 300 miles of vehicle barriers;

(ii) 370 miles of fencing; and

(iii) 105 ground-based radar and camera towers; and

(B) deployed for use along the international land border between the United States and Mexico, as of the date of the certification under this subsection, 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security is detaining all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement has the resources to maintain this practice, including the resources necessary to detain up to 31,500 aliens per day on an annual basis.

(5) WORKPLACE ENFORCEMENT TOOLS.—In compliance with the requirements of title III of this Act, the Secretary of Homeland Security has established, and is using, secure and effective identification tools to prevent unauthorized workers from obtaining employment in the United States. Such identification tools shall include establishing—

(A) strict standards for identification documents that are required to be presented by the alien to an employer in the hiring process, including the use of secure documentation that—

(i) contains—

(I) a photograph of the alien; and

(II) biometric data identifying the alien; or

(ii) complies with the requirements for such documentation under the REAL ID Act (Public Law 109–13; 119 Stat. 231); and

(B) an electronic employment eligibility verification system that is capable of querying Federal and State databases in order to restrict fraud, identity theft, and use of false social security numbers in the hiring of aliens by an employer by electronically providing a digitized version of the photograph on the alien's original Federal or State issued document or documents for verification of that alien's identity and work eligibility.

(6) PROCESSING APPLICATIONS OF ALIENS.—The Secretary of Homeland Security has received, and is processing and adjudicating in a timely manner, applications for Z nonimmigrant status under title VI of this Act, including conducting all necessary background and security checks required under that title.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the border security and other measures described in subsection (a) shall be completed as soon as practicable, subject to the necessary appropriations.

(c) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the President shall submit a report to Congress detailing the progress made in funding, meeting, or otherwise satisfying each of the requirements described under paragraphs (1) through (6) of subsection (a), including detailing any contractual agreements reached to carry out such measures.

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

(d) GAO REPORT.—Not later than 30 days after the certification is submitted under subsection (a), the Comptroller General shall submit a report to Congress on the accuracy of such certification.

(e) CERTIFICATION OF IMPLEMENTATION OF EXISTING PROVISIONS OF LAW.—

(1) IN GENERAL.—In addition to the requirements under subsection (a), at such time as any of the provisions described in paragraph (2) have been satisfied, the Secretary of the department or agency responsible for implementing the requirements shall certify to the President that the provisions of paragraph (2) have been satisfied.

(2) EXISTING LAW.—The following provisions of existing law shall be fully implemented, as directed by Congress, prior to the certification set forth in paragraph (1):

(A) The Department has achieved and maintained operational control over the entire international land and maritime borders of the United States as required under the Secure Fence Act of 2006 (Public Law 109–367)

(B) The total miles of fence required under such Act, and as further amended by this Act, have been constructed.

(C) All databases maintained by the Department which contain information on aliens shall be fully integrated as required by section 202 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1722).

(D) The Department shall have implemented a system to record the departure of every alien departing the United States and of matching records of departure with the records of arrivals in the United States through the US–VISIT program as required by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note).

(E) The provision of law that prevents States and localities from adopting ''sanctuary'' policies or that prevents State and local employees from communicating with the Department are fully enforced as required by section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

(F) The Department employs fully operational equipment at each port of entry and uses such equipment in a manner that allows unique biometric identifiers to be compared and visas, travel documents, passports, and other documents authenticated in accordance with section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732).

(G) An alien with a border crossing card is prevented from entering the United States until the biometric identifier on the border crossing card is matched against the alien as required by section 101(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(6)).

(H) Any alien who is likely to become a public charge is denied entry into the United States pursuant to section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)).

(f) PRESIDENTIAL REVIEW OF CERTIFICATIONS.—

(1) PRESIDENTIAL REVIEW.—

(A) IN GENERAL.—Not later than 60 days after the President has received a certification, the President may approve or disapprove the certification. Any Presidential disapproval of a certification shall be made if the President believes that the requirements set forth have not been met.

(B) DISAPPROVAL.—In the event the President disapproves of a certification, the President shall deliver a notice of disapproval to the Secretary of the department or agency which made such certification. Such notice shall contain information that describes the manner in which the immigration enforcement measure was deficient, and the Secretary of the department or agency responsible for implementing said immigration enforcement measure shall continue to work to implement such measure.

(C) CONTINUATION OF IMPLEMENTATION.—The Secretary of the department or agency responsible for implementing an immigration enforcement measure shall consider such measure approved, unless the Secretary receives the notice set forth in subparagraph (B). In instances where an immigration enforcement measure is deemed approved, the Secretary shall continue to ensure that the immigration enforcement measure continues to be fully implemented as directed by the Congress.

(g) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—

(1) IN GENERAL.—Not later than 90 days after the final certification has been approved by the President, the President shall submit to the Congress a notice of Presidential Certification of Immigration Enforcement.

(2) REPORT.—The certification required under paragraph (1) shall be submitted with an accompanying report that details such information as is necessary for the Congress to make an independent determination that each of the immigration enforcement measures has been fully and properly implemented.

(3) CONTENTS.—The Presidential Certification required under paragraph (1) shall be submitted—

(A) in the Senate, to the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security and Government Affairs; and the Committee on Finance; and

(B) in the House of Representatives, to the Speaker, the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security; and the Committee on Ways and Means.

(h) CONGRESSIONAL REVIEW OF PRESIDENTIAL CERTIFICATION.—

(1) IN GENERAL.—If a Presidential Certification of Immigration Enforcement is made by the President under this section, the programs described in the matter preceding paragraph (1) of subsection (a) shall not be implemented unless, during the first 90-calendar day period of continuous session of Congress after the receipt of notice of Presidential Certification of Immigration Enforcement, Congress passes a Resolution of Presidential Certification of Immigration Enforcement in accordance with this subsection, and such resolution is enacted into law.

(2) PROCEDURES APPLICABLE TO THE SENATE.—

(A) RULEMAKING AUTHORITY.—The provisions under this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a Resolution of Immigration Enforcement, and such provisions supersede other rules of the Senate only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(B) INTRODUCTION; REFERRAL.—

(i) IN GENERAL.—Not later than the first day on which the Senate is in session following the day on which any notice of Presidential Certification of Immigration Enforcement is received by the Congress, a Resolution of Presidential Certification of Immigration Enforcement shall be introduced (by request) in the Senate by either the Majority Leader or Minority Leader. If such resolution is not introduced as provided in the preceding sentence, any Senator may introduce such resolution on the third day on which the Senate is in session after the date or receipt of the Presidential Certification of Immigration Enforcement.

(ii) REFERRAL.—Upon introduction, a Resolution of Presidential Certification of Immigration Enforcement shall be referred jointly to each of the committees having jurisdiction over the subject matter referenced in the Presidential Certification of Immigration Enforcement by the President of the Senate. Upon the expiration of 60 days of continuous session after the introduction of the Resolution of Presidential Certification of Immigration Enforcement, each committee to which such resolution was referred shall make its recommendations to the Senate.

(iii) DISCHARGE.—If any committee to which is referred a resolution introduced under paragraph (2)(A) has not reported such resolution at the end of 60 days of continuous session of the Congress after introduction of such resolution, such committee shall be discharged from further consideration of such resolution, and such resolution shall be placed on the legislative calendar of the Senate.

(C) CONSIDERATION.—

(i) IN GENERAL.—When each committee to which a resolution has been referred has reported, or has been discharged from further consideration of such resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such resolution. Such motion shall not be debatable. If a motion to proceed to the consideration of such resolution is agreed to, such resolution shall remain the unfinished business of the Senate until the disposition of such resolution.

(ii) DEBATE.—Debate on a resolution, and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 30 hours, which shall be divided equally between Members favoring and Members opposing such resolution. A motion to further limit debate shall be in order and shall not be debatable. The resolution shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to recommit such resolution shall not be in order.

(iii) FINAL VOTE.—Immediately following the conclusion of the debate on a resolution of approval, and a single quorum call at the conclusion of such debate if requested in accordance with the rules of the Senate, the vote on such resolution shall occur.

(iv) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution of approval shall be limited to 1 hour of debate.

(D) RECEIPT OF A RESOLUTION FROM THE HOUSE.—If the Senate receives from the House of Representatives a Resolution of Presidential Certification of Immigration Enforcement, the following procedures shall apply:

(i) The resolution of the House of Representatives shall not be referred to a committee and shall be placed on the Senate calendar, except that it shall not be in order to consider such resolution on the calendar received by the House of Representatives until such time as the Committee reports such resolution or is discharged from further consideration of a resolution, pursuant to this title.

(ii) With respect to the disposition by the Senate with respect to such resolution, on any vote on final passage of a resolution of the Senate with respect to such approval, a resolution from the House of Representatives with respect to such measures shall be automatically substituted for the resolution of the Senate.

(3) PROCEDURES APPLICABLE TO THE HOUSE OF REPRESENTATIVES.—

(A) RULEMAKING AUTHORITY.—The provisions of this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the House of Representatives, and as such they are deemed a part of the rules of the House of Representatives, but applicable only with respect to the procedure to be followed in the House of Representatives in the

case of Resolutions of Certification Immigration Enforcement, and such provisions supersede other rules of the House of Representatives only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the House of Representatives to change the rules (so far as relating to the procedure of the House of Representatives) at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(B) INTRODUCTION; REFERRAL.—Resolutions of certification shall upon introduction, be immediately referred by the Speaker of the House of Representatives to the appropriate committee or committees of the House of Representatives. Any such resolution received from the Senate shall be held at the Speaker's table.

(C) DISCHARGE.—Upon the expiration of 60 days of continuous session after the introduction of the first resolution of certification with respect to any measure, each committee to which such resolution was referred shall be discharged from further consideration of such resolution, and such resolution shall be referred to the appropriate calendar, unless such resolution or an identical resolution was previously reported by each committee to which it was referred.

(D) CONSIDERATION.—It shall be in order for the Speaker to recognize a Member favoring a resolution to call up a resolution of certification after it has been on the appropriate calendar for 5 legislative days. When any such resolution is called up, the House of Representatives shall proceed to its immediate consideration and the Speaker shall recognize the Member calling up such resolution and a Member opposed to such resolution for 10 hours of debate in the House of Representatives, to be equally divided and controlled by such Members. When such time has expired, the previous question shall be considered as ordered on the resolution to adoption without intervening motion. No amendment to any such resolution shall be in order, nor shall it be in order to move to reconsider the vote by which such resolution is agreed to or disagreed to.

(E) RECEIPT OF RESOLUTION FROM SENATE.—If the House of Representatives receives from the Senate a Resolution of Certification Immigration Enforcement, the following procedures shall apply:

(i) Such resolution shall not be referred to a committee.

(ii) With respect to the disposition of the House of Representatives with respect to such resolution—

(I) the procedure with respect to that or other resolutions of the House of Representatives shall be the same as if no resolution from the Senate with respect to such resolution had been received; but

(II) on any vote on final passage of a resolution of the House of Representatives with respect to such measures, a resolution from the Senate with respect to such resolution if the text is identical shall be automatically substituted for the resolution of the House of Representatives.

(i) DEFINITIONS.—In this section:

(1) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term ''Presidential Certification of Immigration Enforcement'' means the certification required under this section, which is signed by the President, and reads as follows:

''Pursuant to the provisions set forth in section 1 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 (the 'Act'), I do hereby transmit the Certification of Immigration Enforcement, certify that the borders of the United States are substantially secure, and certify that the following provisions of the Act have been fully satisfied, the measures set forth below are fully implemented, and the border security measures set forth in this section are fully operational.''.

(2) CERTIFICATION.—The term ''certification'' means any of the certifications required under subsection (a).

(3) IMMIGRATION ENFORCEMENT MEASURE.—The term ''immigration enforcement measure'' means any of the measures required to be certified pursuant to subsection (a).

(4) RESOLUTION OF PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term ''Resolution of Presidential Certification of Immigration Enforcement'' means a joint resolution of the Congress, the matter after the resolving clause of which is as follows:

''That Congress approves the certification of the President of the United States submitted to Congress on _____ that the national borders of the United States have been secured and, in accordance with the provisions of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007.'',

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SA 1931. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:.

SEC. ___. PROHIBITION ON WELFARE BENEFITS FOR ILLEGAL ALIENS.

Notwithstanding section 602(a)(6), in no event shall a Z nonimmigrant, as that term is defined in subsection (r) of the first section 601 (contained in title VI relating to nonimmigrants in the United States previously in unlawful status), or an alien granted probationary benefits under subsection (h) of such section 601 be eligible for assistance under the designated Federal program described in section 402(b)(3)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(3)(A)) before the date that is 5 years after the date on which the alien's status is adjusted under this section to that of an alien lawfully admitted for permanent residence.

SA 1932. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 268, strike line 6 and all that follows through page 261, line 13, and insert the following:

''(2) PREEMPTION.—This section preempts any State or local law that—

''(A) requires the use of the EEVS in a manner that—

''(i) conflicts with any Federal policy, procedure, or timetable; or

''(ii) imposes a civil or criminal sanction (other than through licensing or other similar laws) on a person that employs, or recruits or refers for a fee for employment, any unauthorized alien; and

''(B) requires, as a condition of conducting, continuing, or expanding a business, that, to achieve compliance with subsection (a) or (b), a business entity—

''(i) shall provide, build, fund, or maintain a shelter, structure, or designated area at or near the place of business of the entity for use by—

''(I) any individual who is not an employee of the business entity who enters or seeks to enter the property of the entity for the purpose of seek- ing employment by the entity; or

''(II) any contractor, customer, or other person over which the business entity has no authority; or

''(ii) shall carry out any other activity to facilitate the employment by others of—

''(I) any individual who is not an employee of the business entity who enters or seeks to enter the prope of the entity for the purpose of seek- ing employment by the entity; or

''(II) any contractor, customer, or other person over which the business entity has no authority.''.

SA 1933. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 601(h), strike paragraphs (1) and (2), and insert the following:

(1) IN GENERAL.—An alien who files an application for Z nonimmigrant status may, upon submission of any evidence required under subsections (f) and (g) and after the Secretary has conducted and completed appropriate background checks, to include name and fingerprint checks, that do not produce information rendering the applicant ineligible—

(A) be granted probationary benefits in the form of employment authorization pending final adjudication of the alien's application;

(B) may in the Secretary's discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

(C) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z nonimmigrant status; and

(D) may not be considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3))) unless employment authorization under subparagraph (A) is denied.

(2) TIMING OF PROBATIONARY BENEFITS.—No probationary benefits shall be issued to an alien until the alien has passed all appropriate background checks.

SA 1934. Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) proposed an amendment to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of the bill, add the following:

TITLE ___—NONIMMIGRANTS IN THE UNITED STATES PREVIOUSLY IN UNLAWFUL STATUS

Subtitle A—Z Nonimmigrants

SEC. __00. REPEAL OF TITLE VI.

Title VI of this Act is repealed and the amendments made by title VI of this Act are null and void.

SEC. __01. Z NONIMMIGRANTS.

(a) IN GENERAL.—Notwithstanding section 244(h) of the Immigration and Nationality Act (8 U.S.C. 1254a(h)), the Secretary may permit an alien, or a dependent of such alien, described in this section, to remain lawfully in the United States under the conditions set forth in this title.

(b) ESTABLISHMENT OF Z NONIMMIGRANT CATEGORY.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by inserting at the end the following:

''(Z) subject to title ___ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, an alien who—

''(i) is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, is employed, and seeks to continue performing labor, services, or education;

''(ii) is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, and such alien—

''(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i); or

''(II) was, within 2 years of the date on which the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 was introduced in the Senate, the spouse of an alien who is described in clause (i) or is eligible for such classification, if—

''(aa) the termination of the relationship with such spouse was connected to domestic violence; and

''(bb) such spouse has been battered or subjected to extreme cruelty by such alien; or

''(iii) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph, is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, and was born to or legally adopted by at least one parent who is at the time of application described in clause (i) or (ii).''.

(c) PRESENCE IN THE UNITED STATES.—

(1) IN GENERAL.—The alien shall establish that the alien was not present in lawful status in the United States on January 1, 2007, under any classification described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) or any other immigration status made available under a treaty or other multinational agreement that has been ratified by the Senate.

(2) CONTINUOUS PRESENCE.—For purposes of this section, an absence from the United States without authorization for a continuous period of 90 days, or more than 180 days in the aggregate, shall constitute a break in continuous physical presence.

(d) OTHER CRITERIA.—

(1) GROUNDS OF INELIGIBILITY.—

(A) IN GENERAL.—An alien is ineligible for Z nonimmigrant status if the Secretary determines that the alien—

(i) is inadmissible to the United States under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), provided that to be deemed inadmissible, nothing in this paragraph shall require the Secretary to have commenced removal proceedings against an alien;

(ii) subject to subparagraph (B), is subject to the execution of an outstanding administratively final order of removal, deportation, or exclusion;

(iii) subject to subparagraph (B), is described in or is subject to section 241(a)(5) of such Act (8 U.S.C. 1231(a)(5));

(iv) has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

(v) is an alien—

(I) for whom there are reasonable grounds for believing that the alien has committed a serious criminal offense (as described in section 101(h) of such Act (8 U.S.C. 1101(h))) outside the United States before arriving in the United States; or

(II) for whom there are reasonable grounds for regarding the alien as a danger to the security of the United States;

(vi) has been convicted of—

(I) a felony;

(II) an aggravated felony (as defined in section 101(a)(43) of such Act);

(III) 3 or more misdemeanors under Federal or State law; or

(IV) a serious criminal offense (as described in section 101(h) of such Act);

(vii) has entered or attempted to enter the United States illegally on or after January 1, 2007; or

(viii) is an applicant for Z–2 nonimmigrant status, or is under 18 years of age and is an applicant for Z–3 nonimmigrant status, and the principal Z–1 nonimmigrant or Z–1 nonimmigrant status applicant is ineligible.

(B) WAIVER.—The Secretary may, in the Secretary's discretion, waive ineligibility under clause (ii) or (iii) of subparagraph (A) if the alien has not been physically removed from the United States and if the alien demonstrates that the alien's departure from the United States would result in extreme hardship to the alien or the alien's spouse, parent, or child.

(C) CONSTRUCTION.—Nothing in this paragraph shall require the Secretary to commence removal proceedings against an alien.

(2) GROUNDS OF INADMISSIBILITY.—

(A) IN GENERAL.—In determining an alien's admissibility under paragraph (1)(A)(i)—

(i) paragraphs (6)(A)(i) (with respect to an alien present in the United States without being admitted or paroled before the date of application, but not with respect to an alien who has arrived in the United States on or after January 1, 2007), (6)(B), (6)(C)(i), (6)(C)(ii), (6)(D), (6)(F), (6)(G), (7), (9)(B), (9)(C)(i)(I), and (10)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply, but only with respect to conduct occurring or arising before the date of application;

(ii) the Secretary may not waive—

(I) subparagraph (A), (B), (C), (D)(ii), (E), (F), (G), (H), or (I) of section 212(a)(2) of such Act (relating to criminals);

(II) section 212(a)(3) of such Act (relating to security and related grounds);

(III) with respect to an application for Z nonimmigrant status, section 212(a)(6)(C)(i) of such Act;

(IV) paragraph (6)(A)(i) of section 212(a) of such Act (with respect to any entries occurring on or after January 1, 2007);

(V) section 212(a)(9)(C)(i)(II) of such Act; or

(VI) subparagraph (A), (C), or (D) of section 212(a)(10) of such Act (relating to polygamists, child abductors, and unlawful voters); and

(iii) the Secretary may, in the Secretary's discretion, waive the application of any provision of section 212(a) of such Act not listed in clause (ii) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest.

(B) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary other than under this paragraph to waive the provisions of section 212(a) of such Act.

(e) ELIGIBILITY REQUIREMENTS.—To be eligible for Z nonimmigrant status an alien shall meet the following and any other applicable requirements set forth in this section:

(1) ELIGIBILITY.—The alien does not fall within a class of aliens ineligible for Z nonimmigrant status listed under subsection (d)(1).

(2) ADMISSIBILITY.—The alien is not inadmissible as a nonimmigrant to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided in subsection (d)(2) of this section, regardless of whether the alien has previously been admitted to the United States.

(3) PRESENCE.—To be eligible for Z–1 nonimmigrant status, Z–2 nonimmigrant status, or Z–3 nonimmigrant status, the alien shall—

(A) have been physically present in the United States before January 1, 2007, and have maintained continuous physical presence in the United States since that date;

(B) be physically present in the United States on the date of application for Z nonimmigrant status; and

(C) be, on January 1, 2007, and on the date of application for Z nonimmigrant status, not present in lawful status in the United States under any classification described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) or any other immigration status made available under a treaty or other multinational agreement that has been ratified by the Senate.

(4) EMPLOYMENT.—An alien seeking Z–1 nonimmigrant status must be employed in the United States on the date of filing of the application for Z–1 nonimmigrant status.

(5) FEES AND PENALTIES.—

(A) PROCESSING FEES.—

(i) IN GENERAL.—An alien making an initial application for Z nonimmigrant status shall be required to pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application, but not more than $1,500 for a single Z nonimmigrant.

(ii) FEE FOR EXTENSION APPLICATION.—An alien applying for extension of the alien's Z nonimmigrant status shall be required to pay a processing fee in an amount sufficient to cover administrative and other expenses associated with processing the extension application, but not more than $1,500 for a single Z nonimmigrant.

(B) PENALTIES.—

(i) IN GENERAL.—An alien making an initial application for Z–1 nonimmigrant status shall be required to pay, in addition to the processing fee in subparagraph (A), a penalty of $1,000.

(ii) DERIVATIVE STATUS.—An alien making an initial application for Z–1 nonimmigrant status shall be required to pay a $500 penalty for each alien seeking Z–2 nonimmigrant status or Z–3 nonimmigrant status derivative to such applicant for Z–1 nonimmigrant status.

(iii) CHANGE OF Z NONIMMIGRANT CLASSIFICATION.—An alien who is a Z–2 nonimmigrant or Z–3 nonimmigrant and who has not previously been a Z–1 nonimmigrant, and who changes status to that of a Z–1 nonimmigrant, shall in addition to processing fees be required to pay the initial application penalties applicable to Z–1 nonimmigrants.

(C) STATE IMPACT ASSISTANCE FEE.—In addition to any other amounts required to be paid under this subsection, an alien making an initial application for Z–1 nonimmigrant status shall be required to pay a State impact assistance fee equal to $500.

(D) DEPOSIT AND SPENDING OF FEES.—The processing fees under subparagraph (A) shall be deposited and remain available until expended as provided by subsections (m) and (n) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356).

(E) DEPOSIT, ALLOCATION, AND SPENDING OF PENALTIES.—

(i) DEPOSIT OF PENALTIES.—The penalty under subparagraph (B) shall be deposited and remain available as provided by subsection (w) of such section 286, as added by section 402.

(ii) DEPOSIT OF STATE IMPACT ASSISTANCE FUNDS.—The funds under subparagraph (C) shall be deposited and remain available as provided by subsection (x) of such section 286.

(6) HOME APPLICATION.—

(A) IN GENERAL.—An alien granted probationary status under subsection (h) shall not be eligible for Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status until the alien has completed the following home application requirements:

(i) SUBMISSION OF SUPPLEMENTAL CERTIFICATION.—An alien awarded probationary status who seeks Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status shall, within 2 years of being awarded a secure ID card under subsection (j), perfect the alien's application for such nonimmigrant status at a United States consular office by submitting a supplemental certification in person in accordance with the requirements of this subparagraph.

(ii) CONTENTS OF SUPPLEMENTAL CERTIFICATION.—An alien in probationary status who is seeking a Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status shall certify, in addition to any other certifications specified by the Secretary, that the alien has during the period of the alien's probationary status remained continuously employed in accordance with the requirements of subsection (m) and has paid all tax liabilities owed by the alien pursuant to the procedures set forth in section 602(h). The probationary status of an alien making a false certification under this subparagraph shall be terminated pursuant to subsection (o)(1)(G).

(iii) PRESENTATION OF SECURE ID CARD.—The alien shall present the alien's secure ID card at the time the alien submits the supplemental certification under clause (i) at the United States consular office. The alien's secure ID card shall be marked or embossed with a designation as determined by the Secretary of State and the Secretary of Homeland Security to distinguish the card as satisfying all requirements for Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status.

(iv) PLACE OF APPLICATION.—Unless otherwise directed by the Secretary of State, an alien in probationary status who is seeking Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status shall file the supplemental certification described in clause (ii) at a consular office in the alien's country of origin. A consular office in a country that is not the alien's country of origin as a matter of discretion may, or at the direction of the Secretary of State shall, accept a supplemental certification from such an alien.

(B) EFFECT OF FAILURE TO COMPLY.—The probationary status of an alien seeking a Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status who fails to complete the requirements of this paragraph shall be terminated in accordance with subsection (o)(1)(G).

(C) EXEMPTION.—Subparagraph (A) shall not apply to an alien who, on the date on which the alien is granted a secure ID card under subsection (j), is exempted from the employment requirements under subsection (m)(1)(B)(iii).

(D) FAILURE TO ESTABLISH LAWFUL ADMISSION TO THE UNITED STATES.—Unless exempted under subparagraph (C), an alien in probationary status who is seeking Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status who fails to depart and reenter the United States in accordance with subparagraph (A) may not be issued a Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant visa under this section.

(E) DEPENDENTS.—An alien in probationary status who is seeking Z–3 or minor Z–A dependent nonimmigrant status shall be awarded such status upon satisfaction of the requirements set forth in subparagraph (A) by the principal Z–1 or Z–A nonimmigrant. An alien in probationary status who is seeking Z–3 or minor Z–A dependent nonimmigrant status and whose principal Z–1 or Z–A nonimmigrant fails to satisfy the requirements of subparagraph (A) may not be issued a Z–3 or minor Z–A dependent nonimmigrant visa under this section unless the principal Z–1 alien is exempted under subparagraph (C).

(7) INTERVIEW.—An applicant for Z nonimmigrant status shall appear to be interviewed.

(8) MILITARY SELECTIVE SERVICE.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) that such alien has registered under that Act.

(f) APPLICATION PROCEDURES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall prescribe by notice in the Federal Register, in accordance with the procedures described in section 610, the procedures for an alien in the United States to apply for Z nonimmigrant status and the evidence required to demonstrate eligibility for such status.

(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary, or such other entities as are authorized by the Secretary to accept applications under the procedures established under this subsection, shall accept applications from aliens for Z nonimmigrant status for a period of 1 year starting the first day of the first month beginning not more than 180 days after the date of the enactment of this Act. If, during the 1-year initial period for the receipt of applications for Z nonimmigrant status, the Secretary determines that additional time is required to register applicants for Z nonimmigrant status, the Secretary may, in the Secretary's discretion, extend the period for accepting applications by not more than 1 year.

(3) BIOMETRIC DATA.—Each alien applying for Z nonimmigrant status shall submit biometric data in accordance with procedures established by the Secretary.

(4) HOME APPLICATION.—No alien may be awarded Z nonimmigrant status until the alien has completed the home application requirements set forth in subsection (e)(6).

(g) CONTENT OF APPLICATION FILED BY ALIEN.—

(1) APPLICATION FORM.—The Secretary shall create an application form that an alien shall be required to complete as a condition of obtaining probationary status.

(2) APPLICATION INFORMATION.—

(A) IN GENERAL.—The application form shall request such information as the Secretary deems necessary and appropriate, including—

(i) information concerning the alien's physical and mental health;

(ii) complete criminal history, including all arrests and dispositions;

(iii) gang membership or renunciation of gang affiliation;

(iv) immigration history;

(v) employment history; and

(vi) claims to United States citizenship.

(B) STATUS.—An alien applying for Z nonimmigrant status shall be required to specify on the application whether the alien ultimately seeks to be awarded Z–1, Z–2, or Z–3 nonimmigrant status.

(3) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

(A) SUBMISSION OF FINGERPRINTS.—The Secretary may not award Z nonimmigrant status unless the alien submits fingerprints and other biometric data in accordance with procedures established by the Secretary.

(B) BACKGROUND CHECKS.—The Secretary shall utilize fingerprints and other biometric data provided by the alien to conduct appropriate background checks of such alien to search for criminal, national security, or other law enforcement actions that would render the alien ineligible for classification under this section.

(h) TREATMENT OF APPLICANTS.—

(1) IN GENERAL.—An alien who files an application for Z nonimmigrant status, upon submission of any evidence required under subsections (f) and (g) and after the Secretary has conducted appropriate background checks, to include name and fingerprint checks, that have not by the end of the next business day produced information rendering the applicant ineligible—

(A) shall be granted probationary status in the form of employment authorization pending final adjudication of the alien's application;

(B) may, in the Secretary's discretion, receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

(C) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z nonimmigrant status; and

(D) may not be considered an unauthorized alien (as defined in section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a)) unless employment authorization under subparagraph (A) is denied.

(2) TIMING OF PROBATIONARY STATUS.—No alien may be granted probationary status until the alien has passed all appropriate background checks or the end of the next business day, whichever is sooner.

(3) CONSTRUCTION.—Nothing in this section shall be construed to limit the Secretary's authority to conduct any appropriate background and security checks subsequent to issuance of evidence of probationary benefits under paragraph (4).

(4) PROBATIONARY CARD.—The Secretary shall provide each alien described in paragraph (1) with a counterfeit-resistant document that reflects the benefits and status set forth in that paragraph. The Secretary may by regulation establish procedures for the issuance of documentary evidence of probationary status and, except as provided herein, the conditions under which such documentary evidence expires, terminates, or is renewed. All documentary evidence of probationary benefits shall expire not later than 6 months after the date on which the Secretary begins to issue secure ID cards under subsection (j).

(5) BEFORE APPLICATION PERIOD.—If an alien is apprehended between the date of the enactment of this Act and the date on which the period for initial registration closes under subsection (f)(2), and the alien is able to establish prima facie eligibility for Z nonimmigrant status, the Secretary shall provide the alien with a reasonable opportunity to file an application under this section after such regulations are promulgated.

(6) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act, if the Secretary determines that an alien who is in removal proceedings is prima facie eligible for Z nonimmigrant status, then the Secretary shall affirmatively communicate such determination to the immigration judge. The immigration judge shall then terminate or administratively close such proceedings and permit the alien a reasonable opportunity to apply for such classification.

(i) ADJUDICATION OF APPLICATION FILED BY ALIEN.—

(1) IN GENERAL.—The Secretary may approve the issuance of a secure ID card, as described in subsection (j), to an applicant for Z nonimmigrant status who satisfies the requirements of this section.

(2) EVIDENCE OF CONTINUOUS PHYSICAL PRESENCE, EMPLOYMENT, OR EDUCATION.—

(A) PRESUMPTIVE DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status may presumptively establish satisfaction of each required period of presence, employment, or study by submitting records to the Secretary that demonstrate such presence, employment, or

study, and that the Secretary verifies have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(B) VERIFICATION.—Each Federal agency, and each State or local government agency, as a condition of receipt of any funds under subsection (x) of section 286 of the Immigration and Nationality Act, as added by section 402, shall within 90 days of the enactment ensure that procedures are in place under which such agency shall—

(i) consistent with all otherwise applicable laws, including laws governing privacy, provide documentation to an alien upon request to satisfy the documentary requirements of this paragraph; or

(ii) notwithstanding any other provision of law, including section 6103 of the Internal Revenue Code of 1986, provide verification to the Secretary of documentation offered by an alien as evidence of—

(I) presence or employment required under this section; or

(II) a requirement for any other benefit under the immigration laws.

(C) OTHER DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status who is unable to submit a document described in subparagraph (A) may establish satisfaction of each required period of presence, employment, or study by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

(i) bank records;

(ii) business records;

(iii) employer records;

(iv) records of a labor union or day labor center; and

(v) remittance records.

(D) ADDITIONAL DOCUMENTS.—The Secretary may—

(i) designate additional documents to evidence the required period of presence, employment, or study; and

(ii) set such terms and conditions on the use of affidavits as is necessary to verify and confirm the identity of any affiant or otherwise prevent fraudulent submissions.

(3) PAYMENT OF INCOME TAXES.—

(A) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of any applicable Federal tax liability by establishing that—

(i) no such tax liability exists;

(ii) all outstanding liabilities have been paid; or

(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(B) APPLICABLE FEDERAL TAX LIABILITY.—For purposes of subparagraph (A), the term ''applicable Federal tax liability'' means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required by subparagraph (D)(i) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subparagraph.

(D) IN GENERAL.—The alien may satisfy such requirement by establishing that—

(i) no such tax liability exists;

(ii) all outstanding liabilities have been met; or

(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

(4) BURDEN OF PROOF.—An alien who is applying for a Z nonimmigrant visa under this section shall prove, by a preponderance of the evidence, that the alien has satisfied the requirements of this section.

(5) DENIAL OF APPLICATION.—

(A) IN GENERAL.—An alien who fails to satisfy the eligibility requirements for a Z nonimmigrant visa shall have the alien's application denied and may not file additional applications.

(B) FAILURE TO SUBMIT INFORMATION.—An alien who fails to submit requested initial evidence, including requested biometric data, and requested additional evidence by the date required by the Secretary shall, except if the alien demonstrates to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful, have the alien's application considered abandoned. Such application shall be denied and the alien may not file additional applications.

(j) SECURE ID CARD EVIDENCING STATUS.—

(1) IN GENERAL.—Documentary evidence of status shall be issued to each Z nonimmigrant.

(2) FEATURES OF SECURE ID CARD.—Documentary evidence of Z nonimmigrant status—

(A) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that may be authenticated;

(B) shall be designed in consultation with U.S. Immigration and Customs Enforcement's Forensic Document Laboratory;

(C) shall, during the alien's authorized period of admission under subsection (k), serve as a valid travel and entry document for the purpose of applying for admission to the United States where the alien is applying for admission at a port of entry;

(D) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by title III; and

(E) shall be issued to the Z nonimmigrant by the Secretary promptly after final adjudication of such alien's application for Z nonimmigrant status, except that an alien may not be granted permanent Z nonimmigrant status until all appropriate background checks on the alien are completed to the satisfaction of the Secretary.

(k) PERIOD OF AUTHORIZED ADMISSION.—

(1) INITIAL PERIOD.—The initial period of authorized admission as a Z nonimmigrant shall be 4 years beginning on the date on which the alien is first issued a secure ID card under subsection (j).

(2) EXTENSIONS.—

(A) IN GENERAL.—Z nonimmigrants may seek an indefinite number of 4-year extensions of the initial period of authorized admission.

(B) REQUIREMENTS.—In order to be eligible for an extension of the initial or any subsequent period of authorized admission under this paragraph, an alien must satisfy the following requirements:

(i) ELIGIBILITY.—The alien must demonstrate continuing eligibility for Z nonimmigrant status.

(ii) ENGLISH LANGUAGE AND CIVICS.—

(I) REQUIREMENT AT FIRST RENEWAL.—At or before the time of application for the first extension of Z nonimmigrant status, an alien who is 18 years of age or older must demonstrate an attempt to gain an understanding of the English language and knowledge of United States civics by taking the naturalization test described in paragraphs (1) and (2) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) by demonstrating enrollment in or placement on a waiting list for English classes.

(II) REQUIREMENT AT SECOND RENEWAL.—At or before the time of application for the second extension of Z nonimmigrant status, an alien who is 18 years of age or older must pass the naturalization test described in such paragraphs (1) and (2) of such section 312(a). The alien may make up to 3 attempts to demonstrate such understanding and knowledge, but shall satisfy this requirement prior to the expiration of the second extension of Z nonimmigrant status.

(III) EXCEPTION.—The requirements of subclauses (I) and (II) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z nonimmigrant status—

(aa) is unable because of physical or developmental disability or mental impairment to meet the requirements of such subclauses;

(bb) is over 50 years of age and has been living in the United States for periods totaling at least 20 years; or

(cc) is over 55 years of age and has been living in the United States for periods totaling at least 15 years.

(iii) EMPLOYMENT.—With respect to an extension of Z–1 nonimmigrant status or Z–3 nonimmigrant status, an alien shall demonstrate satisfaction of the employment or study requirements provided in subsection (m) during the alien's most recent period of authorized admission as of the date of application.

(iv) FEES.—The alien must pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application, but not more than $1,500 for a single Z nonimmigrant.

(C) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien applying for extension of Z nonimmigrant status may be required to submit to a renewed security and law enforcement background check that shall be completed to the satisfaction of the Secretary before such extension may be granted.

(D) TIMELY FILING AND MAINTENANCE OF STATUS.—

(i) IN GENERAL.—An extension of a period of authorized admission under this paragraph, or a change of status to another Z nonimmigrant status under subsection (l), may not be approved for an applicant who failed to maintain Z nonimmigrant status or if such status expired or terminated before the application was filed.

(ii) EXCEPTION.—Failure to file before the period of previously authorized admission expired or terminated may be excused in the discretion of the Secretary and without separate application, with any extension granted from the date the previously authorized admission expired, if it is demonstrated at the time of filing that—

(I) the delay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the delay commensurate with the circumstances; and

(II) the alien has not otherwise violated the alien's Z nonimmigrant status.

(iii) EXEMPTIONS FROM PENALTY AND EMPLOYMENT REQUIREMENTS.—An alien demonstrating extraordinary circumstances under clause (ii), including the spouse of a Z–1 nonimmigrant who has been battered or has been the subject of extreme cruelty perpetrated by the Z–1 nonimmigrant, and who is changing to Z–1 nonimmigrant status, may be exempted by the Secretary, in the Secretary's discretion, from the requirements under subsection (m) for a period of up to 180 days; and

(E) BARS TO EXTENSION.—Except as provided in subparagraph (D), a Z nonimmigrant

shall not be eligible to extend such nonimmigrant status if—

(i) the alien has violated any term or condition of the alien's Z nonimmigrant status, including failing to comply with the change of address reporting requirements under section 265 of the Immigration and Nationality Act (8 U.S.C. 1305);

(ii) the period of authorized admission of the Z nonimmigrant has been terminated for any reason; or

(iii) with respect to a Z–2 nonimmigrant or a Z–3 nonimmigrant, the principal alien's Z–1 nonimmigrant status has been terminated.

(l) CHANGE OF STATUS.—

(1) CHANGE FROM Z NONIMMIGRANT STATUS.—

(A) IN GENERAL.—A Z nonimmigrant may not change status under section 248 of the Immigration and Nationality Act (8 U.S.C. 1258) to another nonimmigrant status, except another Z nonimmigrant status or status under subparagraph (U) of section 101(a)(15) of such Act (8 U.S.C. 1101(a)(15)).

(B) CHANGE FROM Z–A STATUS.—A Z–A nonimmigrant may change status to Z nonimmigrant status at the time of renewal referenced in section 214A(j)(1)(C) of the Immigration and Nationality Act, as added by section 631.

(C) LIMIT ON CHANGES.—A Z nonimmigrant may not change status more than one time per 365-day period. The Secretary may, in the Secretary's discretion, waive the application of this subparagraph to an alien if it is established to the satisfaction of the Secretary that application of this subparagraph would result in extreme hardship to the alien.

(2) NO CHANGE TO Z NONIMMIGRANT STATUS.—A nonimmigrant under the immigration laws may not change status under section 248 of the Immigration and Nationality Act (8 U.S.C. 1258) to Z nonimmigrant status.

(m) EMPLOYMENT.—

(1) Z–1 AND Z–3 NONIMMIGRANTS.—

(A) IN GENERAL.—Z–1 nonimmigrants and Z–3 nonimmigrants shall be authorized to work in the United States.

(B) CONTINUOUS EMPLOYMENT REQUIREMENT.—All requirements that an alien be employed or seeking employment for purposes of this title shall not apply to an alien who is under 16 years or over 65 years of age. A Z–1 nonimmigrant or Z–3 nonimmigrant between 16 and 65 years of age, or an alien in probationary status between 16 and 65 years of age who is seeking to become a Z–1 or Z–3 nonimmigrant, shall remain continuously employed full time in the United States as a condition of such nonimmigrant status, except if—

(i) the alien is pursuing a full course of study at an established college, university, seminary, conservatory, trade school, academic high school, elementary school, or other academic institution or language training program;

(ii) the alien is employed while also engaged in study at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or language training program;

(iii) the alien cannot demonstrate employment because of a physical or mental disability (as defined under section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)) or as a result of pregnancy if such condition is evidenced by the submission of documentation prescribed by the Secretary; or

(iv) the alien's ability to work has been temporarily interrupted by an event that the Secretary has determined to be a force majeure interruption.

(2) Z–2 NONIMMIGRANTS.—Z–2 nonimmigrants shall be authorized to work in the United States.

(3) PORTABILITY.—Nothing in this subsection shall be construed to limit the ability of a Z nonimmigrant to change employers during the alien's period of authorized admission.

(n) TRAVEL OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—An alien who has been issued a secure ID card under subsection (j) and who is in probationary status or is a Z nonimmigrant—

(A) may travel outside of the United States; and

(B) may be readmitted (if otherwise admissible) without having to obtain a visa if—

(i) the alien's most recent period of authorized admission has not expired;

(ii) the alien is the bearer of valid documentary evidence of Z nonimmigrant status that satisfies the conditions set out in subsection (j); and

(iii) the alien is not subject to the bars on extension described in subsection (k)(2)(E).

(2) ADMISSIBILITY.—On seeking readmission to the United States after travel outside the United States an alien granted Z nonimmigrant status shall establish that such alien is not inadmissible, except as provided by subsection (d)(2).

(3) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under paragraph (1) shall not extend the most recent period of authorized admission in the United States under subsection (k).

(o) TERMINATION OF BENEFITS.—

(1) IN GENERAL.—Any benefit provided to a Z nonimmigrant or an applicant for Z nonimmigrant status under this section shall terminate if—

(A) the Secretary determines that the alien is ineligible for such classification and all review procedures under section 603 of this Act have been exhausted or waived by the alien;

(B)(i) the alien is found removable from the United States under section 237 of the Immigration and Nationality Act (8 U.S.C. 1227);

(ii) the alien becomes inadmissible under section 212 of such Act (8 U.S.C. 1227) (except as provided in subsection (d)(2)); or

(iii) the alien becomes ineligible under subsection (d)(1);

(C) the alien has used documentation issued under this section for unlawful or fraudulent purposes;

(D) in the case of the spouse or child of an alien applying for a Z nonimmigrant visa, in probationary status, or classified as a Z nonimmigrant under this section, the benefits for the principal alien are terminated;

(E) with respect to a Z–1 nonimmigrant or Z–3 nonimmigrant, the employment or study requirements under subsection (m) have been violated;

(F) with respect to an alien in probationary status, the alien's application for Z nonimmigrant status is denied; or

(G) with respect to an alien awarded probationary status who seeks to become a Z nonimmigrant or a Z–A nonimmigrant, the alien fails to complete the home application requirement set forth in subsection (e)(6) within 2 years of receiving a secure ID card.

(2) DENIAL OF IMMIGRANT VISA OR ADJUSTMENT APPLICATION.—Any application for an immigrant visa or adjustment of status to lawful permanent resident status made under this section by an alien whose Z nonimmigrant status is terminated under paragraph (1) shall be denied.

(3) DEPARTURE FROM THE UNITED STATES.—Any alien whose period of authorized admission or probationary benefits is terminated under paragraph (1), as well as the alien's Z–2 nonimmigrant or Z–3 nonimmigrant dependents, shall depart the United States immediately.

(4) INVALIDATION OF DOCUMENTATION.—Any documentation that is issued by the Secretary of Homeland Security under subsection (j) or pursuant to subsection (h)(4) to any alien, whose period of authorized admission terminates under paragraph (1), shall automatically be rendered invalid for any purpose except departure.

(p) REVOCATION.—If, at any time after an alien has obtained status under this section, but not yet adjusted such status to that of an alien lawfully admitted for permanent residence under section 602, the Secretary of Homeland Security may, for good and sufficient cause, if it appears that the alien was not in fact eligible for status under this section, revoke the alien's status following appropriate notice to the alien.

(q) DISSEMINATION OF INFORMATION ON Z PROGRAM.—During the 2-year period immediately after the issuance of regulations implementing this title, the Secretary, in cooperation with entities approved by the Secretary, shall broadly disseminate information respecting Z nonimmigrant classification under this section and the requirements to be satisfied to obtain such classification. The Secretary shall disseminate information to employers and labor unions to advise them of the rights and protections available to them and to workers who file applications under this section. Such information shall be broadly disseminated, in no fewer than the top 5 principal languages, as determined by the Secretary in the Secretary's discretion, spoken by aliens who would qualify for classification under this section, including to television, radio, and print media to which such aliens would have access.

(r) DEFINITIONS.—In this title:

(1) Z NONIMMIGRANT.—The term ''Z nonimmigrant'' means an alien admitted to the United States under subparagraph (Z) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), as added by subsection (b). The term does not include aliens granted probationary benefits under subsection (h) or whose applications for nonimmigrant status under such subparagraph (Z) have not yet been adjudicated.

(2) Z–1 NONIMMIGRANT.—The term ''Z–1 nonimmigrant'' means an alien admitted to the United States under clause (i) of section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by subsection (b).

(3) Z–A NONIMMIGRANT.—The term ''Z–A nonimmigrant'' means an alien admitted to the United States under subparagraph (Z-A) of section 101(a)(15) of the Immigration and Nationality Act, as added by section 631.

(4) Z–2 NONIMMIGRANT.—The term ''Z–2 nonimmigrant'' means an alien admitted to the United States under clause (ii) of section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by subsection (b).

(5) Z–3 NONIMMIGRANT.—The term ''Z–3 nonimmigrant'' means an alien admitted to the United States under clause (iii) of section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by subsection (b).

SEC. __02. EARNED ADJUSTMENT FOR Z STATUS ALIENS.

(a) Z–1 NONIMMIGRANTS.—

(1) PROHIBITION ON IMMIGRANT VISA.—A Z–1 nonimmigrant may not be issued an immigrant visa pursuant to sections 221 and 222 of the Immigration and Nationality Act (8 U.S.C. 1201 and 1202).

(2) ADJUSTMENT.—Notwithstanding subsections (a) and (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the status of any Z–1 nonimmigrant may be adjusted by the Secretary to that of an alien lawfully admitted for permanent residence.

(3) REQUIREMENTS.—A Z–1 nonimmigrant may adjust status to that of an alien lawfully admitted for permanent residence upon

satisfying, in addition to all other requirements imposed by law, including the merit requirements set forth in section 203(b)(1)(A) of the Immigration and Nationality Act, as amended by section 502, the following requirements:

(A) STATUS.—The alien must be in valid Z–1 nonimmigrant status.

(B) APPROVED PETITION.—The alien must be the beneficiary of an approved petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) or have an approved petition that was filed pursuant to the evaluation system under section 203(b)(1)(A) of such Act, as amended by section 502.

(C) ADMISSIBILITY.—The alien must not be inadmissible under section 212(a) of such Act, except for those grounds previously waived under subsection (d)(2) of section 601.

(D) FEES AND PENALTIES.—In addition to the fees payable to the Secretary of Homeland Security and the Secretary of State in connection with the filing of an immigrant petition and application for adjustment of status, a Z–1 nonimmigrant who is the head of household shall pay a $4,000 penalty at the time of submission of any immigrant petition on the alien's behalf, regardless of whether the alien submits such petition on the alien's own behalf or the alien is the beneficiary of an immigrant petition filed by another party.

(b) Z–2 AND Z–3 NONIMMIGRANTS.—

(1) RESTRICTION ON VISA ISSUANCE OR ADJUSTMENT.—An application for an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence of a Z–2 nonimmigrant or a Z–3 nonimmigrant who is under 18 years of age may not be approved before the adjustment of status of the alien's principal Z–1 nonimmigrant.

(2) ADJUSTMENT OF STATUS.—

(A) ADJUSTMENT.—Notwithstanding subsections (a) and (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the status of any Z–2 nonimmigrant or Z–3 nonimmigrant may be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence.

(B) REQUIREMENTS.—A Z–2 nonimmigrant or Z–3 nonimmigrant may adjust status to that of an alien lawfully admitted for permanent residence upon satisfying, in addition to all other requirements imposed by law, the following requirements:

(i) STATUS.—The alien must be in valid Z–2 nonimmigrant or Z–3 nonimmigrant status.

(ii) APPROVED PETITION.—The alien must be the beneficiary of an approved petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) or have an approved petition that was filed pursuant to the merit-based evaluation system under section 203(b)(1)(A) of such Act, as amended by section 502.

(iii) ADMISSIBILITY.—The alien must not be inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), except for those grounds previously waived under subsection (d)(2) of section 601.

(iv) FEES.—The alien must pay the fees payable to the Secretary of Homeland Security and the Secretary of State in connection with the filing of an immigrant petition and application for an immigrant visa.

(c) MAINTENANCE OF WAIVERS OF INADMISSIBILITY.—The grounds of inadmissibility not applicable under subsection (d)(2) of section 601 shall also be considered inapplicable for purposes of admission as an immigrant or adjustment pursuant to this section.

(d) APPLICATION OF OTHER LAW.—In processing applications under this section on behalf of aliens who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply—

(1) the provisions under section 204(a)(1)(J) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(J)); and

(2) the protections, prohibitions, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

(e) BACK OF THE LINE.—An alien may not adjust status to that of a lawful permanent resident under this section until 30 days after an immigrant visa becomes available for approved petitions filed under sections 201, 202, and 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, and 1153) that were filed before May 1, 2005.

(f) INELIGIBILITY FOR PUBLIC BENEFITS.—For purposes of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), an alien whose status has been adjusted under this section shall not be eligible for any Federal means-tested public benefit unless the alien meets the alien eligibility criteria for such benefit under title IV of such Act (8 U.S.C. 1601 et seq.).

(g) MEDICAL EXAMINATION.—An applicant for earned adjustment shall undergo an appropriate medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

(h) PAYMENT OF INCOME TAXES.—

(1) IN GENERAL.—Not later than the date on which status is adjusted under this section, the applicant shall satisfy any applicable Federal tax liability accrued during the period of Z nonimmigrant status by establishing that—

(A) no such tax liability exists;

(B) all outstanding liabilities have been paid; or

(C) the applicant has entered into, and is in compliance with, an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(2) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to—

(A) the applicant, upon request, to establish the payment of all taxes required under this subsection; or

(B) the Secretary, upon request, regarding the payment of Federal taxes by an alien applying for a benefit under this section.

(i) DEPOSIT OF FEES.—Fees collected under this paragraph shall be deposited into the Immigration Examination Fee Account and shall remain available as provided under subsections (m) and (n) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356).

(j) DEPOSIT OF PENALTIES.—Penalties collected under this paragraph shall be deposited into the Temporary Worker Program Account and shall remain available as provided under subsection (w) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as added by section 402.

SEC. __03. ADMINISTRATIVE REVIEW, REMOVAL PROCEEDINGS, AND JUDICIAL REVIEW FOR ALIENS WHO HAVE APPLIED FOR LEGAL STATUS.

(a) ADMINISTRATIVE REVIEW FOR ALIENS WHO HAVE APPLIED FOR STATUS UNDER THIS TITLE.—

(1) EXCLUSIVE REVIEW.—Administrative review of a determination respecting nonimmigrant status under this title shall be conducted solely in accordance with this subsection.

(2) ADMINISTRATIVE APPELLATE REVIEW.—Except as provided in subsection (b)(2), an alien whose status under this title has been denied, terminated, or revoked may file not more than one appeal of the denial, termination, or rescission with the Secretary not later than 30 calendar days after the date of the decision or mailing thereof, whichever occurs later in time. The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of a denial, termination, or rescission of status under this Act.

(3) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional newly discovered or previously unavailable evidence as the administrative appellate review authority may decide to consider at the time of the determination.

(4) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—During the administrative appellate review process the alien may file not more than one motion to reopen or to reconsider. The Secretary's decision whether to consider any such motion is committed to the Secretary's discretion.

(b) REMOVAL OF ALIENS WHO HAVE BEEN DENIED STATUS UNDER THIS TITLE.—

(1) SELF-INITIATED REMOVAL.—Any alien who receives a denial under subsection (a) may request, not later than 30 calendar days after the date of the denial or the mailing thereof, whichever occurs later in time, that the Secretary place the alien in removal proceedings. The Secretary shall place the alien in removal proceedings to which the alien would otherwise be subject, unless the alien is subject to an administratively final order of removal, provided that no court shall have jurisdiction to review the timing of the Secretary's initiation of such proceedings. If the alien is subject to an administratively final order of removal, the alien may seek review of the denial under this section pursuant to subsection (h) of section 242 of the Immigration and Nationality Act (8 U.S.C. 1252), as added by subsection (c), as though the order of removal had been entered on the date of the denial, provided that the court shall not review the order of removal except as otherwise provided by law.

(2) ALIENS WHO ARE DETERMINED TO BE INELIGIBLE DUE TO CRIMINAL CONVICTIONS.—

(A) AGGRAVATED FELONS.—Notwithstanding any other provision of this Act, an alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under subclause (II) of subsection 601(d)(1)(A)(vi) because the alien has been convicted of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))) may be placed forthwith in proceedings pursuant to section 238(b) of such Act (8 U.S.C. 1228(b)).

(B) OTHER CRIMINALS.—Notwithstanding any other provision of this Act, any other alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under subclause (I), (III), or (IV) of section 601(d)(1)(A)(vi) may be placed immediately in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(C) FINAL DENIAL, TERMINATION, OR RESCISSION.—The Secretary's denial, termination, or rescission of the status of any alien described in subparagraph (A) or (B) shall be final for purposes of subsection (h)(3)(C) of section 242 of the Immigration and Nationality Act, as added by subsection (c), and shall represent the exhaustion of all review procedures for purposes of subsection (h) or (o) of section 601, notwithstanding subsection (a)(2) of this section.

(3) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—During the removal process under this subsection the alien may file not more than 1 motion to reopen or to reconsider. The Secretary's or Attorney General's

decision whether to consider any such motion is committed to the discretion of the Secretary or the Attorney General, as appropriate.

(c) JUDICIAL REVIEW.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

''(h) JUDICIAL REVIEW OF ELIGIBILITY DETERMINATIONS RELATING TO STATUS UNDER THE SECURE BORDERS, ECONOMIC OPPORTUNITY AND IMMIGRATION REFORM ACT OF 2007.—

''(1) EXCLUSIVE REVIEW.—Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, and except as provided in this subsection, no court shall have jurisdiction to review a determination respecting an application for status under title ___ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, including, without limitation, a denial, termination, or rescission of such status.

''(2) NO REVIEW FOR LATE FILINGS.—An alien may not file an application for status under title ___ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 beyond the period for receipt of such applications established by section __01(f) of that Act. The denial of any application filed beyond the expiration of the period established by that subsection shall not be subject to judicial review or remedy.

''(3) REVIEW OF A DENIAL, TERMINATION, OR RESCISSION OF STATUS.—A denial, termination, or rescission of status under section __01 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 may be reviewed only in conjunction with the judicial review of an order of removal under this section, provided that—

''(A) the venue provision set forth in subsection (b)(2) shall govern;

''(B) the deadline for filing the petition for review in subsection (b)(1) shall control;

''(C) the alien has exhausted all administrative remedies available to the alien as of right, including the timely filing of an administrative appeal pursuant to section __03(a) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007;

''(D) the court shall decide a challenge to the denial of status only on the administrative record on which the Secretary's denial, termination, or rescission was based;

''(E) notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court reviewing a denial, termination, or rescission of status under title ___ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 may review any discretionary decision or action of the Secretary regarding any application for or termination or rescission of such status; and

''(F) an alien may file not more than 1 motion to reopen or to reconsider in proceedings brought under this section.

''(4) STANDARD FOR JUDICIAL REVIEW.—Judicial review of the Secretary of Homeland Security's denial, termination, or rescission of status under title ___ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 relating to any alien shall be based solely upon the administrative record before the Secretary when the Secretary enters a final denial, termination, or rescission. The administrative findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary. The legal determinations are conclusive unless manifestly contrary to law.

''(5) CHALLENGES ON VALIDITY OF THE SYSTEM.—

''(A) IN GENERAL.—Any claim that title ___ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, or any regulation, written policy, or written directive issued or unwritten policy or practice initiated by or under the authority of the Secretary of Homeland Security to implement such title, violates the Constitution of the United States or is otherwise in violation of law, is available exclusively in an action instituted in the United States District Court for the District of Columbia in accordance with the procedures prescribed in this paragraph. Nothing in this subparagraph shall preclude an applicant for status under such title from asserting that an action taken or decision made by the Secretary with respect to the applicant's status under such title was contrary to law in a proceeding under section __03 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 and subsection (b)(2) of this section.

''(B) DEADLINES FOR BRINGING ACTIONS.—Any action instituted under this paragraph—

''(i) shall, if it asserts a claim that title ___ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 or any regulation, written policy, or written directive issued by or under the authority of the Secretary to implement such title violates the Constitution or is otherwise unlawful, be filed not later than 1 year after the date of the publication or promulgation of the challenged regulation, policy, or directive or, in cases challenging the validity of such Act, not later than 1 year after the date of the enactment of such Act; and

''(ii) shall, if it asserts a claim that an unwritten policy or practice initiated by or under the authority of the Secretary violates the Constitution or is otherwise unlawful, be filed not later than 1 year after the plaintiff knew or reasonably should have known of the unwritten policy or practice.

''(C) CLASS ACTIONS.—Any claim described in subparagraph (A) that is brought as a class action shall be brought in conformity with the Class Action Fairness Act of 2005 (Public Law 109–2; 119 Stat. 4), the amendments made by that Act, and the Federal Rules of Civil Procedure.

''(D) PRECLUSIVE EFFECT.—The final disposition of any claim brought under subparagraph (A) shall be preclusive of any such claim asserted in a subsequent proceeding under this subsection or under section __03 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007.

''(E) EXHAUSTION AND STAY OF PROCEEDINGS.—No claim brought under this paragraph shall require the plaintiff to exhaust administrative remedies under section __03 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, but nothing shall prevent the court from staying proceedings under this paragraph to permit the Secretary to evaluate an allegation of an unwritten policy or practice or to take corrective action. In issuing such a stay, the court shall take into account any harm the stay may cause to the claimant. The court shall have no authority to stay proceedings initiated under any other section of this Act.''.

SEC. __04. MANDATORY DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, or any officer or employee of such agency or bureau, may—

(1) use the information furnished by the applicant pursuant to an application filed under section __01 and __02, for any purpose, other than to make a determination on the application;

(2) make any publication through which the information furnished by any particular applicant can be identified; or

(3) permit anyone other than the sworn officers, employees or contractors of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

(b) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under section 601 and 602, and any other information derived from such furnished information, to—

(1) a law enforcement entity, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested by such entity;

(2) a law enforcement entity, intelligence agency, national security agency, or component of the Department of Homeland Security in connection with a duly authorized investigation of a civil violation, in each instance about an individual suspect or group of suspects, when such information is requested by such entity; or

(3) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(c) INAPPLICABILITY AFTER DENIAL.—The limitations under subsection (a)—

(1) shall apply only until an application filed under section __01 and __02 is denied and all opportunities for administrative appeal of the denial have been exhausted; and

(2) shall not apply to the use of the information furnished pursuant to such application in any removal proceeding or other criminal or civil case or action relating to an alien whose application has been granted that is based upon any violation of law committed or discovered after such grant.

(d) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this section, information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement and law enforcement purposes.

(e) AUDITING AND EVALUATION OF INFORMATION.—The Secretary may audit and evaluate information furnished as part of any application filed under sections __01 and __02, any application to extend such status under section __01(k), or any application to adjust status to that of an alien lawfully admitted for permanent residence under section __02, for purposes of identifying fraud or fraud schemes, and may use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting or referring for prosecution, denying, or terminating immigration benefits.

(f) USE OF INFORMATION IN PETITIONS AND APPLICATIONS SUBSEQUENT TO ADJUSTMENT OF STATUS.—If the Secretary has adjusted an alien's status to that of an alien lawfully admitted for permanent residence pursuant to section __02, then at any time thereafter the Secretary may use the information furnished by the alien in the application for adjustment of status or in the applications for status pursuant to sections __01 or __02 to make a determination on any petition or application.

(g) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

(h) CONSTRUCTION.—Nothing in this section shall be construed to limit the use, or release, for immigration enforcement purposes of information contained in files or records of the Secretary or Attorney General pertaining to an applications filed under sections __01 or __02, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(i) REFERENCES.—References in this section to section __01 or __02 are references to sections __01 and __02 of this Act and the amendments made by those sections.

SEC. __05. EMPLOYER PROTECTIONS.

(a) IN GENERAL.—Copies of employment records or other evidence of employment provided by an alien or by an alien's employer in support of an alien's application for Z nonimmigrant status shall not be used in a prosecution or investigation (civil or criminal) of that employer under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by title ____, or under the tax laws of the United States for the prior unlawful employment of that alien, regardless of the adjudication of such application or reconsideration by the Secretary of such alien's prima facie eligibility determination.

(b) APPLICABILITY OF OTHER LAW.—Nothing in this section may be used to shield an employer from liability under section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b) or any other labor or employment law.

SEC. __06. ENUMERATION OF SOCIAL SECURITY NUMBER.

The Secretary of Homeland Security, in coordination with the Commissioner of Social Security, shall implement a system to allow for the prompt enumeration of a social security account number after the Secretary has granted an alien Z nonimmigrant status or any probationary benefits based upon application for such status.

SEC. __07. PRECLUSION OF SOCIAL SECURITY CREDITS FOR YEARS PRIOR TO ENUMERATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by striking subsection (c) and inserting the following:

''(c)(1) Except as provided in paragraph (2), for purposes of subsections (a) and (b), no quarter of coverage shall be credited for any calendar year beginning on or after January 1, 2004, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (d) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply to an individual who was assigned a social security account number prior to January 1, 2004.

''(d) Not later than 180 days after the date of the enactment of this subsection, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitation on crediting quarters of coverage under subsection (c).''.

(b) BENEFIT COMPUTATION.—Section 215(e) of the Social Security Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

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

''(3) in computing the average indexed monthly earnings of an individual, there shall not be counted any wages or self-employment income for any year for which no quarter of coverage may be credited to such individual as a result of the application of section 214(c).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit applications filed on or after the date that is 180 days after the date of the enactment of this Act based on the wages or self-employment income of an individual with respect to whom a primary insurance amount has not been determined under title II of the Social Security Act (42 U.S.C. 401 et seq.) before such date.

SEC. __08. PAYMENT OF PENALTIES AND USE OF PENALTIES COLLECTED.

(a) PROCEDURES.—The Secretary shall by regulation establish procedures allowing for the payment of 80 percent of the penalties described in section __01(e)(5)(B) and section __02(a)(3)(D) through an installment payment plan.

(b) USE.—Any penalties received under this title with respect to an application for Z–1 nonimmigrant status shall be used in the following order of priority:

(1) Such penalties shall be credited as offsetting collections to appropriations provided pursuant to section __11 for the fiscal year in which this Act is enacted and the subsequent fiscal year.

(2) Such penalties shall be deposited and remain available as otherwise provided under this title.

SEC. __09. LIMITATIONS ON ELIGIBILITY.

(a) IN GENERAL.—An alien is not ineligible for any immigration benefit under any provision of this title, or any amendment made by this title, solely on the basis that the alien violated section 1543, 1544, or 1546 of title 18, United States Code, or any amendments made by this Act, during the period beginning on the date of the enactment of this Act and ending on the date on which the alien applies for any benefits under this title, except with respect to any forgery, fraud, or misrepresentation on the application for Z nonimmigrant status filed by the alien.

(b) PROSECUTION.—An alien who commits a violation of section 1543, 1544, or 1546 of title 18, United States Code, or any amendments made by this Act, during the period beginning on the date of the enactment of this Act and ending on the date on which the alien applies for eligibility for an immigration benefit described in subsection (a) may be prosecuted for the violation if the alien's application for such benefit is denied.

SEC. __10. RULEMAKING.

(a) INTERIM FINAL RULE.—The Secretary shall issue an interim final rule within 6 months of the date of the enactment of this subtitle to implement this title and the amendments made by this title. The interim final rule shall become effective immediately upon publication in the Federal Register. The interim final rule shall sunset 2 years after issuance unless the Secretary issues a final rule within 2 years of the issuance of the interim final rule.

(b) EXEMPTION.—The exemption provided under this section shall sunset not later than 2 years after the date of the enactment of this subtitle, provided that, such sunset shall not be construed to impose any requirements on, or affect the validity of, any rule issued or other action taken by the Secretary under such exemptions.

SEC. __11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this title and the amendments made by this title.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to subsection (a) shall remain available until expended.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that funds authorized to be appropriated under subsection (a) should be directly appropriated so as to facilitate the orderly and timely commencement of the processing of applications filed under sections __01 and __02.

Subtitle B—Dream Act

SEC. __20. SHORT TITLE.

This subtitle may be cited as the ''Development, Relief, and Education for Alien Minors Act of 2007'' or the ''DREAM Act of 2007''.

SEC. __21. DEFINITIONS.

In this subtitle:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. __22. ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this subtitle, the Secretary of Homeland Security may beginning on the date that is 3 years after the date of the enactment of this Act adjust to the status of an alien lawfully admitted for permanent residence an alien who is determined to be eligible for or has been granted probationary or Z nonimmigrant status if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period since January 1, 2007, is under 30 years of age on the date of the enactment of this Act, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has earned a high school diploma or obtained a general education development certificate in the United States;

(C) subject to paragraph (2), the alien has not abandoned the alien's residence in the United States;

(D) the alien has—

(i) acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States; or

(ii) served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge;

(E) the alien has provided a list of all of the secondary educational institutions that the alien attended in the United States; and

(F) the alien is in compliance with the eligibility and admissibility criteria set forth in section 601(d).

(2) ABANDONMENT.—The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(b) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—Solely for purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), an alien who has

been granted probationary or Z nonimmigrant status and has satisfied the requirements of paragraphs (A) through (F) of subsection (a)(1) shall beginning on the date that is 8 years after the date of the enactment of this Act be considered to have satisfied the requirements of section 316(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1427(a)(1)).

(c) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for adjustment of status.

(d) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary shall publish final regulations implementing this section.

SEC. __23. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this subtitle shall provide that no additional fee will be charged to an applicant for a Z nonimmigrant visa for applying for benefits under this subtitle.

SEC. __24. HIGHER EDUCATION ASSISTANCE.

(a) INAPPLICABILITY OF OTHER LAWS.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) shall have no force or effect with respect to an alien who has been granted probationary or Z nonimmigrant status.

(b) ASSISTANCE.—Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this title, or who is a probationary Z or Z nonimmigrant under this title and who meets the eligibility criteria set forth in subparagraphs (A), (B), and (F) of section 622(a)(1), shall be eligible for the following assistance under such title IV:

(1) Student loans under parts B, D, and E of such title IV, subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV, subject to the requirements of such part.

(3) Services under such title IV, subject to the requirements for such services.

SEC. __25. DELAY OF FINES AND FEES.

(a) IN GENERAL.—Payment of the penalties and fees specified in section __01(e)(5) shall not be required with respect to an alien who meets the eligibility criteria set forth in subparagraphs (A), (B), and (F) of section __22(a)(1) until the date that is 6 years and 6 months after the date of the enactment of this Act or the alien reaches the age of 24, whichever is later. If the alien makes all of the demonstrations specified in section __22(a)(1) by such date, the penalties shall be waived. If the alien fails to make the demonstrations specified in section __22(a)(1) by such date, the alien's Z nonimmigrant status will be terminated unless the alien pays the penalties and fees specified in section __01(e)(5) consistent with the procedures set forth in section __08 within 90 days.

(b) REFUNDS.—With respect to an alien who meets the eligibility criteria set forth in subparagraphs (A) and (F) of section __22(a)(1), but not the eligibility criteria in section __22(a)(1)(B), the individual who pays the penalties specified in section __01(e)(5) shall be entitled to a refund when the alien makes all the demonstrations specified in section __22(a)(1).

SEC. __26. GAO REPORT.

Not later than 7 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, which sets forth—

(1) the number of aliens who were eligible for adjustment of status under section __22;

(2) the number of aliens who applied for adjustment of status under section __22; and

(3) the number of aliens who were granted adjustment of status under section __22.

SEC. __27. REGULATIONS; EFFECTIVE DATE; AUTHORIZATION OF APPROPRIATIONS.

(a) REGULATIONS.—The Secretary of Homeland Security shall issue regulations to carry out the amendments made by this subtitle not later than the first day of the seventh month that begins after the date of the enactment of this Act.

(b) EFFECTIVE DATE.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to implement this subtitle, including any sums needed for costs associated with the initiation of such implementation.

Subtitle C—Agricultural Workers

SEC. __30. SHORT TITLE.

This subtitle may be cited as the ''Agricultural Job Opportunities, Benefits, and Security Act of 2007'' or the ''AgJOBS Act of 2007''.

PART I—ADMISSION

SEC. __31. ADMISSION OF AGRICULTURAL WORKERS.

(a) Z–A NONIMMIGRANT VISA CATEGORY.—

(1) ESTABLISHMENT.—Paragraph (15) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), as amended by section __01(b), is further amended by adding at the end the following new subparagraph:

''(Z–A)(i) an alien who is coming to the United States to perform any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), agricultural labor under section 3121(g) of the Internal Revenue Code of 1986, or the performance of agricultural labor or services described in subparagraph (H)(ii)(a), who meets the requirements of section 214A; or

''(ii) the spouse or minor child of an alien described in clause (i) who is residing in the United States.''.

(b) REQUIREMENTS FOR ISSUANCE OF NONIMMIGRANT VISA.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 214 the following:

''SEC. 214A. ADMISSION OF AGRICULTURAL WORKERS.

''(a) DEFINITIONS.—In this section:

''(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

''(2) DEPARTMENT.—The term 'Department' means the Department of Homeland Security.

''(3) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

''(4) QUALIFIED DESIGNATED ENTITY.—The term 'qualified designated entity' means—

''(A) a qualified farm labor organization or an association of employers designated by the Secretary; or

''(B) any such other person designated by the Secretary if the Secretary determines such person is qualified and has substantial experience, demonstrated competence, and a history of long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245, the Act entitled 'An Act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes', approved November 2, 1966 (Public Law 89–732; 8 U.S.C. 1255 note), Public Law 95–145 (8 U.S.C. 1255 note), or the Immigration Reform and Control Act of 1986 (Public Law 99–603; 100 Stat. 3359) or any amendment made by such Act.

''(5) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

''(6) TEMPORARY.—A worker is employed on a 'temporary' basis when the employment is intended not to exceed 10 months.

''(7) WORK DAY.—The term 'work day' means any day in which the individual is employed 5.75 or more hours in agricultural employment.

''(8) Z–A DEPENDENT VISA.—The term 'Z–A dependent visa' means a nonimmigrant visa issued pursuant to section 101(a)(15)(Z–A)(ii).

''(9) Z–A VISA.—The term 'Z–A visa' means a nonimmigrant visa issued pursuant to section 101(a)(15)(Z–A)(i).

''(b) AUTHORIZATION FOR PRESENCE, EMPLOYMENT, AND TRAVEL IN THE UNITED STATES.—

''(1) IN GENERAL.—An alien issued a Z–A visa or a Z–A dependent visa may remain in, and be employed in, the United States during the period such visa is valid.

''(2) AUTHORIZED EMPLOYMENT.—The Secretary shall provide an alien who is issued a Z–A visa or a Z–A dependent visa an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

''(3) AUTHORIZED TRAVEL.—An alien who is issued a Z–A visa or a Z–A dependent visa is authorized to travel outside the United States (including commuting to the United States from a residence in a foreign country) in the same manner as an alien lawfully admitted for permanent residence.

''(c) QUALIFICATIONS.—

''(1) Z–A VISA.—Notwithstanding any other provision of law, the Secretary shall, pursuant to the requirements of this section, issued a Z–A visa to an alien if the Secretary determines that the alien—

''(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2006;

''(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of the enactment of this Act;

''(C) is admissible to the United States under section 212, except as otherwise provided in paragraph (4);

''(D) has not been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; and

''(E) meets the requirements of paragraph (3).

''(2) Z–A DEPENDENT VISA.—Notwithstanding any other provision of law, the Secretary shall issue a Z–A dependent visa to an alien who is—

''(A) described in section 101(a)(15)(Z–A)(ii);

''(B) meets the requirements of paragraph (3); and

''(C) is admissible to the United States under section 212, except as otherwise provided in paragraph (4).

''(3) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

''(A) FINGERPRINTS.—An alien seeking a Z–A visa or a Z–A dependent visa shall submit fingerprints to the Secretary at such time and in manner as the Secretary may require.

''(B) BACKGROUND CHECKS.—The Secretary shall utilize fingerprints provided under subparagraph (A) and other biometric data provided by an alien to conduct a background check of the alien, including searching the alien's criminal history and any law enforcement actions taken with respect to the alien and ensuring that the alien is not a risk to national security.

''(4) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for a Z–A visa or a Z–A dependent visa the following shall apply:

''(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) shall not apply.

''(B) WAIVER OF OTHER GROUNDS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any provision of section 212(a), other than the paragraphs described in subparagraph (A), in the case of individual aliens for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest.

''(ii) GROUNDS THAT MAY NOT BE WAIVED.—Except as provided in subparagraph (C), subparagraphs (A), (B), and (C) of paragraph (2), and paragraphs (3) and (4) of section 212(a) may not be waived by the Secretary under clause (i).

''(iii) CONSTRUCTION.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

''(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for a Z–A visa or a Z–A dependent visa by reason of a ground of inadmissibility under section 212(a)(4) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

''(d) APPLICATION.—

''(1) IN GENERAL.—An alien seeking a Z–A visa shall submit an application to the Secretary for such a visa, including information regarding any Z–A dependent visa for the spouse of child of the alien.

''(2) SUBMISSION.—Applications for a Z–A visa under paragraph (1) may be submitted—

''(A) to the Secretary if the applicant is represented by an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations (or similar successor regulations); or

''(B) to a qualified designated entity if the applicant consents to the forwarding of the application to the Secretary.

''(3) PROOF OF ELIGIBILITY.—

''(A) IN GENERAL.—An alien may establish that the alien meets the requirement for a Z–A visa through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

''(B) DOCUMENTATION OF WORK HISTORY.—

''(i) BURDEN OF PROOF.—An alien applying for a Z–A visa or applying for adjustment of status described in subsection (j) has the burden of proving by a preponderance of the evidence that the alien has performed the requisite number of hours or days of agricultural employment required for such application or adjustment of status, as applicable.

''(ii) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of such records under regulations to be promulgated by the Secretary.

''(iii) SUFFICIENT EVIDENCE.—An alien may meet the burden of proof under clause (i) to establish that the alien has performed the requisite number of hours or days of agricultural employment by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

''(4) APPLICATIONS SUBMITTED TO QUALIFIED DESIGNATED ENTITIES.—

''(A) REQUIREMENTS.—Each qualified designated entity shall agree—

''(i) to forward to the Secretary an application submitted to that entity pursuant to paragraph (2)(B) if the alien for whom the application is being submitted has consented to such forwarding;

''(ii) not to forward to the Secretary any such application if such an alien has not consented to such forwarding; and

''(iii) to assist an alien in obtaining documentation of the alien's work history, if the alien requests such assistance.

''(B) NO AUTHORITY TO MAKE DETERMINATIONS.—No qualified designated entity may make a determination required by this section to be made by the Secretary.

''(5) APPLICATION FEES.——

''(A) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

''(i) shall be charged for applying for a Z–A visa under this section or for an adjustment of status described in subsection (j); and

''(ii) may be charged by qualified designated entities to help defray the costs of services provided to such aliens making such an application.

''(B) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

''(6) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order.

''(7) TREATMENT OF APPLICANTS.—

''(A) IN GENERAL.—An alien who files an application under this section to receive a Z–A visa and any spouse or child of the alien seeking a Z–A dependant visa, on the date described in subparagraph (B)—

''(i) shall be granted probationary benefits in the form of employment authorization pending final adjudication of the alien's application;

''(ii) may in the Secretary's discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

''(iii) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z–A visa; and

''(iv) may not be considered an unauthorized alien (as defined in section 274A) until the date on which the alien's application for a Z–A visa is denied.

''(B) TIMING OF PROBATIONARY BENEFITS.—

''(i) IN GENERAL.—Subject to clause (ii), an alien who submits an application for a Z–A visa under this subsection, including any evidence required under this subsection, and any spouse or child of the alien seeking a Z–A dependent visa shall receive the probationary benefits described in clauses (i) through (iv) of subparagraph (A) at the earlier of—

''(I) the date and time that the alien has passed all appropriate background checks, including name and fingerprint checks; or

''(II) the end of the next business day after the date that the Secretary receives the alien's application for a Z–A visa.

''(ii) EXCEPTION.—If the Secretary determines that the alien fails the background checks referred to in clause (i)(I), the alien may not be granted probationary benefits described in clauses (i) through (iv) of subparagraph (A).

''(C) PROBATIONARY AUTHORIZATION DOCUMENT.—The Secretary shall provide each alien granted probationary benefits described in clauses (i) through (iv) of subparagraph (A) with a counterfeit-resistant document that reflects the benefits and status set forth in subparagraph (A). The Secretary may, by regulation, establish procedures for the issuance of documentary evidence of probationary benefits and, except as provided herein, the conditions under which such documentary evidence expires, terminates, or is renewed.

''(D) CONSTRUCTION.—Nothing in this section may be construed to limit the Secretary's authority to conduct any appropriate background and security checks subsequent to issuance of evidence of probationary benefits under this paragraph.

''(8) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

''(A) BEFORE APPLICATION PERIOD.—Beginning on the date of the enactment of the AgJOBS Act of 2007, the Secretary shall provide that, in the case of an alien who is apprehended prior to the first date of the application period described in subsection (c)(1)(B) and who can establish a nonfrivolous case of eligibility for a Z–A visa (but for the fact that the alien may not apply for such status until the beginning of such period), the alien—

''(i) may not be removed; and

''(ii) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

''(B) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for Z–A visa during the application period described in subsection (c)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

''(i) may not be removed; and

''(ii) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

''(e) NUMERICAL LIMITATIONS.—

''(1) Z–A VISA.—The Secretary may not issue more than 1,500,000 Z–A visas.

''(2) Z–A DEPENDENT VISA.—The Secretary may not count any Z–A dependent visa

issued against the numerical limitation described in paragraph (1).

''(f) EVIDENCE OF NONIMMIGRANT STATUS.—

''(1) IN GENERAL.—Documentary evidence of nonimmigrant status shall be issued to each alien granted a Z–A visa or a Z–A dependent visa.

''(2) FEATURES OF DOCUMENTATION.—Documentary evidence of a Z–A visa or a Z–A dependent visa—

''(A) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated;

''(B) shall be designed in consultation with U.S. Immigration and Customs Enforcement's Forensic Document Laboratory;

''(C) shall serve as a valid travel and entry document for an alien granted a Z–A visa or a Z–A dependent visa for the purpose of applying for admission to the United States where the alien is applying for admission at a port of entry;

''(D) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A; and

''(E) shall be issued to the alien granted the visa by the Secretary promptly after final adjudication of such alien's application for the visa, except that an alien may not be granted a Z–A visa or a Z–A dependent visa until all appropriate background checks on each alien are completed to the satisfaction of the Secretary.

''(g) FINE.—An alien granted a Z–A visa shall pay a fine of $100 to the Secretary.

''(h) TREATMENT OF ALIENS GRANTED A Z–A VISA.—

''(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien issued a Z–A visa or a Z–A dependent visa shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of this Act.

''(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien issued a Z–A visa shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the alien is granted an adjustment of status under subsection (d).

''(3) TERMS OF EMPLOYMENT.—

''(A) PROHIBITION.—No alien issued a Z–A visa may be terminated from employment by any employer during the period of a Z–A visa except for just cause.

''(B) TREATMENT OF COMPLAINTS.—

''(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens issued a Z–A visa who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

''(ii) INITIATION OF ARBITRATION.—If the Secretary finds that an alien has filed a complaint in accordance with clause (i) and there is reasonable cause to believe that the alien was terminated from employment without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

''(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding under this subparagraph in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including reinstatement, back pay, or front pay to the affected employee. Not later than 30 days after the date of the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

''(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated the employment of an alien who is issued a Z–A visa without just cause, the Secretary shall credit the alien for the number of days of work not performed during such period of termination for the purpose of determining if the alien meets the qualifying employment requirement of subsection (f)(2).

''(v) TREATMENT OF ATTORNEY'S FEES.—Each party to an arbitration under this subparagraph shall bear the cost of their own attorney's fees for the arbitration.

''(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

''(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

''(4) RECORD OF EMPLOYMENT.—

''(A) IN GENERAL.—Each employer of an alien who is issued a Z–A visa shall annually—

''(i) provide a written record of employment to the alien; and

''(ii) provide a copy of such record to the Secretary.

''(B) CIVIL PENALTIES.—

''(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien issued a Z–A visa has failed to provide the record of employment required under subparagraph (A) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

''(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this subsection.

''(i) TERMINATION OF A GRANT OF Z–A VISA.—

''(1) IN GENERAL.—The Secretary may terminate a Z–A visa or a Z–A dependent visa issued to an alien only if the Secretary determines that the alien is deportable.

''(2) GROUNDS FOR TERMINATION.—Prior to the date that an alien granted a Z–A visa or a Z–A dependent visa becomes eligible for adjustment of status described in subsection (j), the Secretary may deny adjustment to permanent resident status and provide for termination of the alien's Z–A visa or Z–A dependent visa if—

''(A) the Secretary finds, by a preponderance of the evidence, that the issuance of a Z–A visa was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i)); or

''(B) the alien—

''(i) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (c)(4);

''(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States;

''(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

''(iv) in the case of an alien issued a Z–A visa, fails to perform the agricultural employment described in subsection (j)(1)(A) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (j)(1)(A)(iii).

''(3) REPORTING REQUIREMENT.—The Secretary shall promulgate regulations to ensure that the alien issued a Z–A visa complies with the qualifying agricultural employment described in subsection (j)(1)(A) at the end of the 5-year work period, which may include submission of an application pursuant to this subsection.

''(j) ADJUSTMENT TO PERMANENT RESIDENCE.—

''(1) Z–A VISA.—Except as provided in this subsection, the Secretary shall award the maximum number of points available pursuant to section 203(b)(1) and adjust the status of an alien issued a Z–A visa to that of an alien lawfully admitted for permanent residence under this Act, if the Secretary determines that the following requirements are satisfied:

''(A) QUALIFYING EMPLOYMENT.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the alien has performed at least—

''(I) 5 years of agricultural employment in the United States for at least 100 work days per year, during the 5-year period beginning on the date of the enactment of the AgJOBS Act of 2007; or

''(II) 3 years of agricultural employment in the United States for at least 150 work days per year, during the 3-year period beginning on such date of enactment.

''(ii) FOUR-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to meet the requirements of clause (i) if the alien has performed 4 years of agricultural employment in the United States for at least 150 workdays during 3 years of those 4 years and at least 100 workdays during the remaining year, during the 4-year period beginning on such date of enactment.

''(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement of clause (i), the Secretary may credit the alien with not more than 12 additional months to meet the requirement of that clause if the alien was unable to work in agricultural employment due to—

''(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

''(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

''(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

''(B) PROOF.—An alien may demonstrate compliance with the requirements of subparagraph (A) by submitting—

''(i) the record of employment described in subsection (h)(4); or

''(ii) such documentation as may be submitted under subsection (d)(3).

''(C) APPLICATION PERIOD.—Not later than 8 years after the date of the enactment of the AgJOBS Act of 2007, the alien must—

''(i) apply for adjustment of status; or

''(ii) renew the alien's Z visa status as described in section 601(k)(2).

''(D) FINE.—The alien pays to the Secretary a fine of $400.

''(2) SPOUSES AND MINOR CHILDREN.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted any adjustment of status under paragraph (1), including any individual who was a minor child on the date such alien was granted a Z–A visa, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

''(3) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien granted a Z–A visa or a Z–A dependent visa an adjustment of status under this Act and provide for termination of such visa if—

''(A) the Secretary finds by a preponderance of the evidence that grant of the Z–A visa was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i)); or

''(B) the alien—

''(i) commits an act that makes the alien inadmissible to the United States under section 212, except as provided under subsection (c)(4);

''(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

''(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

''(4) GROUNDS FOR REMOVAL.—Any alien granted Z–A visa status who does not apply for adjustment of status or renewal of Z status under section __01(k)(2) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 prior to the expiration of the application period described in subsection (c)(1)(B) or who fails to meet the other requirements of paragraph (1) by the end of the application period, is deportable and may be removed under section 240.

''(5) PAYMENT OF TAXES.—

''(A) IN GENERAL.—Not later than the date on which an alien's status is adjusted as described in this subsection, the alien shall establish that the alien does not owe any applicable Federal tax liability by establishing that—

''(i) no such tax liability exists;

''(ii) all such outstanding tax liabilities have been paid; or

''(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

''(B) APPLICABLE FEDERAL TAX LIABILITY.—In this paragraph, the term 'applicable Federal tax liability' means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required under paragraph (1)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

''(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subsection.

''(6) ENGLISH LANGUAGE.—

''(A) IN GENERAL.—Not later than the date on which a Z–A nonimmigrant's status is adjusted or renewed under section __01(k)(2) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, a Z–A nonimmigrant who is 18 years of age or older shall pass the naturalization test described in paragraph (1) and (2) of section 312(a).

''(B) EXCEPTION.—The requirement of subparagraph (A) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z–A nonimmigrant status—

''(i) is unable because of physical or developmental disability or mental impairment to comply therewith;

''(ii) is over 50 years of age and has been living in the United States for periods totaling at least 20 years; or

''(iii) is over 55 years of age and has been living in the United States for periods totaling at least 15 years.

''(7) PRIORITY OF APPLICATIONS.—

''(A) BACK OF LINE.—An alien may not adjust status to that of a lawful permanent resident under this subsection until 30 days after the date on which an immigrant visa becomes available for approved petitions filed under sections 201, 202, and 203 that were filed before May 1, 2005 (referred to in this paragraph as the 'processing date').

''(B) OTHER APPLICANTS.—The processing of applications for an adjustment of status under this subsection shall be processed not later than 1 year after the processing date.

''(C) CONSULAR APPLICATION.—

''(i) IN GENERAL.—A Z–A nonimmigrant's application for adjustment of status to that of an alien lawfully admitted for permanent residence shall be filed in person with a United States consulate abroad.

''(ii) PLACE OF APPLICATION.—Unless otherwise directed by the Secretary of State, a Z–A nonimmigrant applying for adjustment of status under this paragraph shall make an application at a consular office in the alien's country of origin. The Secretary of State shall direct a consular office in a country that is not a Z–A nonimmigrant's country of origin to accept an application for adjustment of status from such an alien, where the Z–A nonimmigrant's country of origin is not contiguous to the United States, and as consular resources make possible.

''(k) CONFIDENTIALITY OF INFORMATION.—Applicants for Z–A nonimmigrant status under this section shall be afforded confidentiality as provided under section __04 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007.

''(l) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

''(1) CRIMINAL PENALTY.—Any person who—

''(A) applies for a Z–A visa or a Z–A dependent visa under this section or an adjustment of status described in subsection (j) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

''(B) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

''(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

''(m) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–54) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for a Z–A visa under subsection (b) or an adjustment of status under subsection (j).

''(n) ADMINISTRATIVE AND JUDICIAL REVIEW.—Administrative or judicial review of a determination on an application for a Z–A visa shall be such as is provided under section __03 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007.

''(o) PUBLIC OUTREACH.—Beginning not later than the first day of the application period described in subsection (c)(1)(B), the Secretary shall cooperate with qualified designated entities to broadly disseminate information regarding the availability of Z–A visas, the benefits of such visas, and the requirements to apply for and be granted such a visa.''.

(c) NUMERICAL LIMITATIONS.—

(1) WORLDWIDE LEVEL OF IMMIGRATION.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)), as amended by this Act, is further amended—

(A) in subparagraph (A), by striking ''subparagraph (A) or (B)'' and inserting ''subparagraph (A), (B), or (N)''; and

(B) by adding at the end the following:

''(N) Aliens issued a Z–A visa or a Z–A dependent visa (as those terms are defined in section 214A) who receive an adjustment of status to that of an alien lawfully admitted for permanent residence.''.

(2) NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.—Section 202(a) of such Act (8 U.S.C. 1152) is amended by adding at the end the following:

''(6) SPECIAL RULE FOR Z–A NONIMMIGRANTS.—An immigrant visa may be made available to an alien issued a Z–A visa or a Z–A dependent visa (as those terms are defined in section 214A) without regard to the numerical limitations of this section.''.

(d) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 214 the following:

''Sec. 214A. Admission of agricultural workers.''.

SEC. __32. AGRICULTURAL WORKER IMMIGRATION STATUS ADJUSTMENT ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

''(y) AGRICULTURAL WORKER IMMIGRATION STATUS ADJUSTMENT ACCOUNT.—

''(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Agricultural Worker Immigration Status Adjustment Account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 214A.

''(2) USE OF FEES.—The fees deposited into the Agricultural Worker Immigration Status Adjustment Account shall be used by the Secretary of Homeland Security for processing applications made by aliens seeking

nonimmigrant status under section 101(a)(15)(Z–A) or for processing applications made by such an alien who is seeking an adjustment of status.

''(3) AVAILABILITY OF FUNDS.—All amounts deposited in the Agricultural Worker Immigration Status Adjustment Account under this subsection shall remain available until expended.''.

SEC. _33. REGULATIONS; EFFECTIVE DATE; AUTHORIZATION OF APPROPRIATIONS.

(a) REGULATIONS.—The Secretary shall issue regulations to carry out the amendments made by this subtitle not later than the first day of the seventh month that begins after the date of the enactment of this Act.

(b) EFFECTIVE DATE.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this subtitle and the amendments made by this subtitle, including any sums needed for costs associated with the initiation of such implementation.

SEC. _34. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking ''or'' at the end;

(2) in subparagraph (C), by inserting ''or'' at the end;

(3) by inserting after subparagraph (C) the following:

''(D) who is granted nonimmigrant status pursuant to section 101(a)(15)(Z–A) of the Immigration and Nationality Act,''; and

(4) by striking ''1990.'' and inserting ''1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted such nonimmigrant status.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

SEC. ____. ESTABLISHMENT OF Z NONIMMIGRANT CATEGORY.

(a) IN GENERAL.—Section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by section 601(b), is amended to read as follows:

''(Z) subject to title VI of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, an alien who—

''(i)(I) has maintained a continuous physical presence in the United States since the date that is 4 years before the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007;

''(II) is employed, and seeks to continue performing labor, services, or education; and

''(III) the Secretary of Homeland Security determines has sufficient ties to a community in the United States, based on—

''(aa) whether the applicant has immediate relatives (as defined in section 201(b)(2)(A)) residing in the United States;

''(bb) the amount of cumulative time the applicant has lived in the United States;

''(cc) whether the applicant owns property in the United States;

''(dd) whether the applicant owns a business in the United States;

''(ee) the extent to which the applicant knows the English language;

''(ff) the applicant's work history in the United States;

''(gg) whether the applicant attended school (either primary, secondary, college, post-graduate) in the United States;

''(hh) the extent to which the applicant has a history of paying Federal and State income taxes;

''(ii) whether the applicant has been convicted of criminal activity in the United States; and

''(jj) whether the applicant has certifies his or her intention to ultimately become a United States citizen;

''(ii)(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i);

''(II) was, during the 2-year period ending on the date on which the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 was introduced in the Senate, the spouse of an alien who was subsequently classified as a Z nonimmigrant under this section, or is eligible for such classification, if—

''(aa) the termination of the relationship with such spouse was connected to domestic violence; and

''(bb) the spouse has been battered or subjected to extreme cruelty by the spouse or parent who is a Z nonimmigrant; or

''(III) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph and was born to, or legally adopted by, a parent described in clause (i).''.

(b) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations, in accordance with the procedures set forth in sections 555, 556, and 557 of title 5, United States Code, which establish the precise system that the Secretary shall use to make a determination under section 101(a)(15)(Z)(ii) of the Immigration and Nationality Act, as added by subsection (a).

(c) ADDITIONAL Z NONIMMIGRANT ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any provision of section 601(e), an alien is not eligible for Z–1 or Z–2 nonimmigrant status, or for nonimmigrant status under section 101(a)(15)(Z)(iii)(I) of the Immigration and Nationality Act unless—

(A) the alien was physically present in the United States on the date that is 4 years before the date of the enactment of this Act and has maintained physical presence in the United States since that date; and

(B) the alien was, on the date that is 4 years before the date of the enactment of this Act, not present in lawful status in the United States under any classification described in section 101(a)(15) of the Immigration and Nationality Act or any other immigration status made available under a treaty or other multinational agreement that has been ratified by the Senate.

(2) TREATMENT OF APPLICANTS.—Notwithstanding any provision of section 601(h), an alien who files an application for Z nonimmigrant status shall submit sufficient evidence that the alien resided in the United States for not less than 4 years before the date of the enactment of this Act before receiving any benefit under section 601(h).

(3) APPLICATION.—Notwithstanding any provision of section 602(a)(1), a Z–1 nonimmigrant's application for adjustment of status to that of an alien lawfully admitted for permanent residence may be filed in person with a United States consulate outside the United States or with United States Citizenship and Immigration Services at any location in the United States designated by the Secretary.

SEC. ____. PROHIBITION ON ADJUSTMENT OF STATUS FOR Z NONIMMIGRANTS.

Notwithstanding any provision of section 602—

(1) a Z nonimmigrant may not be issued an immigrant visa pursuant to section 221 or 222 of the Immigration and Nationality Act (8 U.S.C. 1201 and 1202); and

(2) the status of a Z nonimmigrant may not be adjusted to that of an alien lawfully admitted for permanent residence.

SEC. ____. FAMILY-SPONSORED IMMIGRANTS.

(a) PREFERENCE CATEGORIES.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), as amended by section 503(c) of this Act, is further amended to read as follows:

''(a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allotted immigrant visas as follows:

''(1) PARENTS OF A CITIZEN OF THE UNITED STATES IF THE CITIZEN IS AT LEAST 21 YEARS OF AGE.—Qualified immigrants who are the parents of a citizen of the United States if the citizen at least 21 years of age shall be allocated immigrant visas in a number not to exceed the sum of—

''(A) 90,000; and

''(B) the number of visas not required for the classes specified in paragraph (3).

''(2) SPOUSES OR CHILDREN OF AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE OR A NATIONAL.—Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence or a noncitizen national of the United States (as defined in section 101(a)(22)(B)) who is resident in the United States shall be allocated immigrant visas in a number not to exceed the sum of—

''(A) 87,000; and

''(B) the number of visas not required for the class specified in paragraph (1).

''(3) FAMILY-SPONSORED IMMIGRANTS WHO ARE BENEFICIARIES OF FAMILY-BASED VISA PETITIONS FILED BEFORE MAY 1, 2005.—Immigrant visas totaling 440,000 shall be allotted as follows:

''(A) Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a number not to exceed the sum of—

''(i) 70,400; and

''(ii) the number of visas not required for the class specified in subparagraph (D).

''(B) Qualified immigrants who are the unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence, shall be allocated visas in a number not to exceed the sum of—

''(i) 110,000; and

''(ii) the number of visas not required for the class specified in subparagraph (A).

''(C) Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas in a number not to exceed the sum of—

''(i) 70,400; and

''(ii) the number of visas not required for the classes specified in subparagraphs (A) and (B).

''(D) Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas in a number not to exceed the sum of—

''(i) 189,200; and

''(ii) the number of visas not required for the classes specified in subparagraphs (A), (B), and (C).''.

(b) PARENT VISITOR VISAS.—Section 214(s) of the Immigration and Nationality Act, as added by section 506(b) of this Act, is amended to read as follows:

''(s) PARENT VISITOR VISAS.—

''(1) IN GENERAL.—The parent of a United States citizen at least 21 years of age, or the spouse or child of an alien in nonimmigrant status under 101(a)(15)(Y)(i), demonstrating

satisfaction of the requirements of this subsection may be granted a renewable nonimmigrant visa valid for 3 years for a visit or visits for an aggregate period not in excess of 180 days in any one year period under section 101(a)(15)(B) as a temporary visitor for pleasure.

''(2) REQUIREMENTS.—An alien seeking a nonimmigrant visa under this subsection must demonstrate through presentation of such documentation as the Secretary may by regulations prescribe, that—

''(A) the alien's United States citizen son or daughter who is at least 21 years of age or the alien's spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), is sponsoring the alien's visit to the United States;

''(B) the sponsoring United States citizen, or spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), has, according to such procedures as the Secretary may by regulations prescribe, posted on behalf of the alien a bond in the amount of $1,000, which shall be forfeited if the alien overstays the authorized period of admission (except as provided in subparagraph (5)(B)) or otherwise violates the terms and conditions of his or her nonimmigrant status; and

''(C) the alien, the sponsoring United States citizen son or daughter, or the spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), possesses the ability and financial means to return the alien to his or her country of residence.

''(3) TERMS AND CONDITIONS.—An alien admitted as a visitor for pleasure under the provisions of this subsection—

''(A) may not stay in the United States for an aggregate period in excess of 180 days within any calendar year unless an extension of stay is granted upon the specific approval of the district director for good cause;

''(B) shall, according to such procedures as the Secretary may by regulations prescribe, register with the Secretary upon departure from the United States; and

''(C) may not be issued employment authorization by the Secretary or be employed.

''(4) PERMANENT BARS FOR OVERSTAYS.—

''(A) IN GENERAL.—Any alien admitted as a visitor for pleasure under the terms and conditions of this subsection who remains in the United States beyond his or her authorized period of admission is permanently barred from any future immigration benefits under the immigration laws, except—

''(i) asylum under section 208(a);

''(ii) withholding of removal under section 241(b)(3); or

''(iii) protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

''(B) EXCEPTION.—Overstay of the authorized period of admission granted to aliens admitted as visitors for pleasure under the terms and conditions of this subsection may be excused in the discretion of the Secretary where it is demonstrated that:

''(i) the period of overstay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the period commensurate with the circumstances; and

''(ii) the alien has not otherwise violated his or her nonimmigrant status.

''(5) BAR ON SPONSOR OF OVERSTAY.—The United States citizen or Y–1 nonimmigrant sponsor of an alien—

''(A) admitted as a visitor for pleasure under the terms and conditions of this subsection, and

''(B) who remains in the United States beyond his or her authorized period of admission,

shall be permanently barred from sponsoring that alien for admission as a visitor for pleasure under the terms and conditions of this subsection, and, in the case of a Y–1 nonimmigrant sponsor, shall have his Y–1 nonimmigrant status terminated.

''(6) CONSTRUCTION.—Except as specifically provided in this subsection, nothing in this subsection may be construed to make inapplicable—

''(A) the requirements for admissibility and eligibility; or

''(B) the terms and conditions of admission as a nonimmigrant under section 101(a)(15)(B).''.

SEC. ____. REDUCING CHAIN MIGRATION AND PERMITTING PETITIONS BY NATIONALS.

(a) PREFERENCE CATEGORIES.—Section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), as amended by section 503(c), is further amended—

(1) by striking ''not to exceed'' and inserting ''equal to''; and

(2) by adding at the end the following: ''If the number of visas issued pursuant to this paragraph is fewer than 87,000, such unused visas may be available for visas issued pursuant to paragraph (1).''.

(b) PARENT VISITOR VISAS.—Section 214(s)(4) of the Immigration and Nationality Act, as added by section 506(b), is amended by striking ''7 percent'' each place it appears and inserting ''5 percent''.

SEC. ____. EFFECT OF EXTENDED FAMILY ON MERIT-BASED EVALUATION SYSTEM.

Section 203(b)(1)(A) of the Immigration and Nationality Act, as amended by section 502(b)(1), is amended by striking the merit-based evaluation system set forth in all the matter relating to ''Extended family'' and insert the following:

Extended family	Adult (21 or older) son or daughter of a United States citizen – **10 points**	**15**
	Adult (21 or older) son or daughter of a legal permanent resident – **10 points**	.....
	Sibling of a United States citizen or legal permanent resident – **10 points**	.....
	If an alien had applied for a family visa in any of the above categories after May 1, 2005 – **5 points**	.....
Total		**105**

SEC. ____. IDENTIFICATION CARD STANDARDS.

(a) REPEAL.—Section 306 of this Act is repealed.

(b) LIMITATION.—Notwithstanding any other provision of this Act or the amendments made by this Act—

(1) no Federal agency may require that a driver's license or personal identification card meet the standards specified under the REAL ID Act of 2005 (division B of Public Law 109–13) to establish employment authorization or identity in order to be hired by an employer; and

(2) no Federal funds may be provided under this Act to assist States to meet such standards to establish employment authorization or identity in order to be hired by an employer.

TITLE ____—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. __01. REPEAL OF TITLE III.

Title III of this Act is repealed and the amendments made by title III of this Act are null and void.

SEC. __02. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended to read as follows:

''SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

''(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

''(1) IN GENERAL.—It is unlawful for an employer—

''(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reckless disregard for the fact that, the alien is an unauthorized alien with respect to such employment; or

''(B) to hire, or to recruit or refer for a fee, an individual for employment in the United States, unless such employer meets the requirements of subsections (c) and (d).

''(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after hiring an alien for employment, to continue to employ the alien in the United States knowing, or with reckless disregard for the fact that, the alien is (or has become) an unauthorized alien with respect to such employment.

''(3) USE OF LABOR THROUGH CONTRACT.—

''(A) IN GENERAL.—It is unlawful for an employer to obtain, or continue to obtain, the labor of an alien through a contract, subcontract, or exchange knowing that the alien is, or has become, an unauthorized alien with respect to such employment.

''(B) REBUTTABLE PRESUMPTION.—There shall be a rebuttable presumption that the employer has violated subparagraph (A) if the employer fails to terminate such contract or subcontract upon written or electronic notice from the Secretary that such alien is, or has become, an unauthorized alien with respect to such employment.

''(C) NOTIFICATION.—The Secretary shall establish procedures to permit the notification of employers under subparagraph (B).

''(4) DEFENSE.—

''(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

''(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is participating in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) by complying with the requirements of subsection (c).

''(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

''(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

''(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the employer shall certify under penalty of perjury that—

''(A) the employer is in compliance with the requirements of subsections (c) and (d); or

''(B) that the employer has instituted a program to come into compliance with such requirements.

''(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

''(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification under paragraph (1) and for specific recordkeeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

''(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States, shall verify that the individual is eligible for such employment by meeting the following requirements:

''(1) ATTESTATION BY EMPLOYER.—

''(A) REQUIREMENTS.—

''(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining a document described in subparagraph (B).

''(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

''(iii) STANDARDS FOR EXAMINATION.—The employer has complied with the requirement of this paragraph with respect to examination of documentation if a reasonable person would conclude that the document examined is genuine and relates to the individual whose identity and eligibility for employment in the United States is being verified. If the individual provides a document sufficient to meet the requirements of this paragraph, nothing in this paragraph shall be construed as requiring an employer to solicit any other document or as requiring the individual to produce any other document.

''(B) IDENTIFICATION DOCUMENTS.—A document described in this subparagraph is—

''(i) in the case of an individual who is a national of the United States—

''(I) a United States passport, or passport card issued pursuant to the Secretary of State's authority under the first section of the Act of July 3, 1926 (44 Stat. 887, Chapter 772; 22 U.S.C. 211a); or

''(II) a driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that—

''(aa) contains a photograph of the individual and other identifying information, including the individual's name, date of birth, gender, and address; and

''(bb) contains security features to make the license or card resistant to tampering, counterfeiting, and fraudulent use;

''(ii) in the case of an alien lawfully admitted for permanent residence in the United States, a permanent resident card, as specified by the Secretary that meets the requirements of items (aa) and (bb) of clause (i)(II);

''(iii) in the case of an alien who is authorized to be employed in the United States, an employment authorization card, as specified by the Secretary that meets the requirements of such items (aa) and (bb); or

''(iv) in the case of an individual who is unable to obtain a document described in clause (i), (ii), or (iii), a document designated by the Secretary that meets the requirements of such items (aa) and (bb).

''(C) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

''(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B) is not reliable to establish identity or is being used fraudulently to an unacceptable degree, the Secretary shall prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

''(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

''(2) ATTESTATION OF EMPLOYEE.—

''(A) REQUIREMENTS.—

''(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form described in paragraph (1)(A)(i), that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized to be hired, or to be recruited or referred for a fee, in the United States.

''(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

''(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

''(3) RETENTION OF ATTESTATION.—The employer shall retain a paper, microfiche, microfilm, or electronic version of the attestations made under paragraphs (1) and (2) and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

''(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 5 years after the date of the recruiting or referral; or

''(B) in the case of the hiring of an individual the later of—

''(i) 5 years after the date of such hiring;

''(ii) 1 year after the date the individual's employment is terminated; or

''(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

''(4) DOCUMENT RETENTION AND RECORDKEEPING REQUIREMENTS.—

''(A) RETENTION OF DOCUMENTS.—Notwithstanding any other provision of law, an employer shall retain, for the applicable period described in paragraph (3), the following documents:

''(i) IN GENERAL.—The employer shall copy all documents presented by an individual described in paragraph (1)(B) and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall be designated as copied documents.

''(ii) OTHER DOCUMENTS.—The employer shall maintain records of any action taken and copies of any correspondence written or received with respect to the verification of an individual's identity or eligibility for employment in the United States.

''(B) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) or (ii) of subparagraph (A) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

''(5) PENALTIES.—An employer that fails to comply with the recordkeeping requirements of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

''(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

''(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

''(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the 'System') to determine whether—

''(A) the identifying information submitted by an individual is consistent with the information maintained by the Secretary, the Secretary of State, the Commissioner of Social Security, or the official of a State responsible for issuing drivers' licenses and identity cards; and

''(B) such individual is eligible for employment in the United States.

''(2) REQUIREMENT FOR PARTICIPATION.—

''(A) NEW EMPLOYEES.—The Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by the employer on or after the date that is not later than 18 months after the date of enactment of this section.

''(B) OTHER EMPLOYEES.—Not later than 3 years after such date of enactment, the Secretary shall require all employers to verify through the System the identity and employment eligibility of any individual who—

''(i) the Secretary has reason to believe is unlawfully employed based on the information received under section 6103(l)(21) of the Internal Revenue Code of 1986; and

''(ii) has not been previously verified through the System.

''(3) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (2), the Secretary has the authority—

''(A) to permit any employer that is not required to participate in the System under paragraph (2) to participate in the System on a voluntary basis; and

''(B) to require any employer or class of employers to participate on a priority basis in the System with respect to individuals employed as of, or hired after, the date of enactment of this section—

''(i) if the Secretary designates such employer or class of employers as a critical employer based on an assessment of homeland security or national security needs; or

''(ii) if the Secretary has reasonable cause to believe that the employer has engaged in material violations of paragraph (1), (2), or (3) of subsection (a).

''(4) REQUIREMENT TO NOTIFY.—The Secretary shall notify the employer or class of employers in writing regarding the requirement for participation in the System under paragraph (2) or (3)(B) not less than 60 days prior to the effective date of such requirement. Such notice shall include the training materials described in paragraph (8)(E)(iv).

''(5) REGISTRATION OF EMPLOYERS.—An employer shall register the employer's participation in the System in the manner prescribed by the Secretary prior to the date the employer is required or permitted to submit information with respect to an employee under this subsection.

''(6) ADDITIONAL GUIDANCE.—A registered employer shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to facilitate compliance with—

''(A) the attestation requirement in subsection (c); and

''(B) the employment eligibility verification requirements in this subsection.

''(7) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an employee—

''(A) such failure shall be treated as a violation of subsection (a)(1)(B); and

''(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A), however, such presumption may not apply to a prosecution under subsection (f)(1).

''(8) DESIGN AND OPERATION OF SYSTEM.—

''(A) IN GENERAL.—The Secretary shall, through the System—

''(i) respond to each inquiry made by a registered employer through the Internet or other electronic media, or over a toll-free telephone line regarding an individual's identity and eligibility for employment in the United States; and

''(ii) maintain a record of each such inquiry and the information provided in response to such inquiry.

''(B) INITIAL INQUIRY.—

''(i) INFORMATION REQUIRED.—A registered employer shall with respect to hiring or recruiting or referring for a fee any individual for employment in the United States, obtain from the individual and record on the form described in subsection (c)(1)(A)(i)—

''(I) the individual's name and date of birth;

''(II) the individual's social security account number;

''(III) the identification number contained on the document presented by the individual pursuant to subsection (c)(1)(B); and

''(IV) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), such alien identification or authorization number that the Secretary shall require.

''(ii) SUBMISSION TO SYSTEM.—A registered employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

''(I) not earlier than the date of hire and no later than the first day of employment, or recruiting or referring for a fee, of the individual (as the case may be); or

''(II) in the case of an employee hired before such employer was required to participate in the system, at such time as the Secretary shall specify.

''(C) INITIAL RESPONSE.—Not later than 3 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

''(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

''(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, and after a secondary manual verification has been conducted, a tentative nonconfirmation notice, including the appropriate codes on such tentative nonconfirmation notice.

''(D) CONFIRMATION OR NONCONFIRMATION.—

''(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under subparagraph (C)(i) for an individual, the employer shall record, on the form described in subsection (c)(1)(A)(i), the appropriate code provided in such notice.

''(ii) TENTATIVE NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under subparagraph (C)(ii) for an individual, the employer shall inform such individual of the issuance of such notice in writing, on a form prescribed by the Secretary not later than 3 days after receiving such notice. Such individual shall acknowledge receipt of such notice in writing on the form described in subsection (c)(1)(A)(i).

''(iii) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form described in subsection (c)(1)(A)(i), the appropriate code provided through the System to indicate the individual did not contest the tentative nonconfirmation. An individual's failure to contest a tentative nonconfirmation shall not be considered an admission of guilt with respect to any violation of this Act or any other provision of law.

''(iv) CONTEST.—If the individual contests the tentative nonconfirmation notice, the individual shall submit appropriate information to contest such notice under the procedures established in subparagraph (E)(ii) not later than 10 days after receiving the notice from the individual's employer.

''(v) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION NOTICE.—A tentative nonconfirmation notice shall remain in effect until such notice becomes final under clause (iii) or a final confirmation notice or final nonconfirmation notice is issued through the System.

''(vi) EFFECTIVE PERIOD OF FINAL NOTICE.—A final confirmation notice issued under this paragraph for an individual shall remain in effect—

''(I) during any continuous period of employment of such individual by such employer, unless the Secretary determines the final confirmation was the result of error or fraud; or

''(II) in the case of an alien authorized to be employed in the United States for a temporary period, during such period.

''(vii) PROHIBITION ON TERMINATION.—An employer may not terminate such employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (iii) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall prohibit the termination of such employment for any reason other than such tentative nonconfirmation.

''(viii) RECORDING OF CONTEST RESOLUTION.—The employer shall record on the form described in subsection (c)(1)(A)(i) the appropriate code that is provided through the System to indicate a final confirmation notice or final nonconfirmation notice.

''(ix) CONSEQUENCES OF NONCONFIRMATION.—If the employer has received a final nonconfirmation regarding an individual, the employer shall immediately terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

''(E) RESPONSIBILITIES OF THE SECRETARY.—

''(i) IN GENERAL.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by this subsection—

''(I) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer is consistent with such information maintained by the Secretary in order to confirm the validity of the information provided; and

''(II) a determination of whether the individual is authorized to be employed in the United States.

''(ii) CONTEST AND SELF-VERIFICATION.—The Secretary in consultation with the Commissioner of Social Security, shall establish procedures to permit an individual who contests a tentative or final nonconfirmation notice, or seeks to verify the individual's own employment eligibility prior to obtaining or changing employment, to contact the appropriate agency and, in a timely manner, correct or update the information used by the System.

''(iii) INFORMATION TO EMPLOYEE.—The Secretary shall develop a written form for employers to provide to individuals who receive a tentative or final nonconfirmation notice. Such form shall be made available in a language other than English, as necessary and reasonable, and shall include—

''(I) information about the reason for such notice;

''(II) the right to contest such notice;

''(III) contact information for the appropriate agency and instructions for initiating such contest; and

''(IV) a 24-hour toll-free telephone number to respond to inquiries related to such notice.

''(iv) TRAINING MATERIALS.—The Secretary shall make available or provide to the employer, upon request, not later than 60 days prior to such employer's participation in the System, appropriate training materials to facilitate compliance with this subsection, and sections 274B(a)(7) and 274C(a).

''(F) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The responsibilities of the Commissioner of Social Security with respect to the System are set out in section 205(c)(2) of the Social Security Act.

''(G) RESPONSIBILITIES OF THE SECRETARY OF STATE.—The Secretary of State shall establish a reliable, secure method to provide through the System a confirmation of the issuance of identity documents described in subsection (c)(1)(B)(i)(I) and transmit to the Secretary the related photographic image or other identifying information.

''(H) RESPONSIBILITIES OF A STATE.—The official responsible for issuing drivers' licenses and identity cards for a State shall establish a reliable, secure method to provide through the System a confirmation of the issuance of identity documents described in subsection (c)(1)(B)(i)(II) and transmit to the Secretary the related photographic image or other identifying information.

''(9) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

''(10) ADMINISTRATIVE REVIEW.—

''(A) IN GENERAL.—An individual who is terminated from employment as a result of a final nonconfirmation notice may, not later than 30 days after the date of such termination, file an appeal of such notice.

''(B) PROCEDURES.—The Secretary and Commissioner of Social Security shall develop procedures to review appeals filed under subparagraph (A) and to make final determinations on such appeals.

''(C) REVIEW FOR ERRORS.—If a final determination on an appeal filed under subparagraph (A) results in a confirmation of an individual's eligibility to work in the United States, the administrative review process shall require the Secretary to determine whether the final nonconfirmation notice issued for the individual was the result of—

''(i) the decision rules, processes, or procedures utilized by the System;

''(ii) a natural disaster, or other event beyond the control of the government;

''(iii) acts or omissions of an employee or official operating or responsible for the System;

''(iv) acts or omissions of the individual's employer;

''(v) acts or omissions of the individual; or

''(vi) any other reason.

''(D) COMPENSATION FOR ERROR.—

''(i) IN GENERAL.—If the Secretary makes a determination under subparagraph (C) that the final nonconfirmation notice issued for an individual was caused by a negligent, reckless, willful, or malicious act of the government, and was not due to an act or omission of the individual, the Secretary, subject to the availability of appropriations made in accordance with paragraph (12)(B), shall compensate the individual for lost wages.

''(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work schedule that prevailed prior to termination. The individual shall be compensated for wages lost during the period beginning on the date the individual files a notice of appeal under this paragraph and ending on the earlier of—

''(I) the date which is 180 days thereafter; or

''(II) the day after the date the individual receives a confirmation described in subparagraph (C).

''(11) JUDICIAL REVIEW.—

''(A) IN GENERAL.—After the Secretary makes a final determination on an appeal filed by an individual under the administrative review process described in paragraph (10), the individual may obtain judicial review of such determination by a civil action commenced not later than 30 days after the date of such decision, or such further time as the Secretary may allow.

''(B) JURISDICTION.—A civil action for such judicial review shall be brought in the district court of the United States for the judicial district in which the plaintiff resides, or has a principal place of business, or, if the plaintiff does not reside or have a principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia.

''(C) ANSWER.—As part of the Secretary's answer to a complaint for such judicial review, the Secretary shall file a certified copy of the administrative record compiled during the administrative review under paragraph (10), including the evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming or reversing the result of that administrative review, with or without remanding the cause for a rehearing.

''(D) COMPENSATION FOR ERROR.—

''(i) IN GENERAL.—In cases in which such judicial review reverses the final determination of the Secretary made under paragraph (10), the court, subject to the availability of appropriations made in accordance with paragraph (12)(B), shall compensate the individual for lost wages.

''(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work scheduled that prevailed prior to termination. The individual shall be compensated for wages lost during the period beginning on the date the individual files a notice of appeal under paragraph (10) and ending on the earlier of—

''(I) the date which is 180 days thereafter; or

''(II) the day after the date the individual receives a reversal described in clause (i).

''(12) COMPENSATION FOR LOSS OF EMPLOYMENT.—For purposes of paragraphs (10) and (11)—

''(A) LIMITATION ON COMPENSATION.—For purposes of determining an individual's compensation for the loss of employment, such compensation shall not include any period in which the individual was not present in, or was ineligible for employment in, the United States.

''(B) AUTHORIZATION OF APPROPRIATION OF FUNDS.—There is authorized to be appropriated such sums as may be necessary to provide the compensation or reimbursement provided for under such paragraphs. An appropriation made pursuant to this authorization shall be in addition to any funds otherwise authorized to be appropriated to the Department of Homeland Security.

''(13) LIMITATION ON COLLECTION AND USE OF DATA.—

''(A) LIMITATION ON COLLECTION OF DATA.—

''(i) IN GENERAL.—The Secretary shall collect and maintain only the minimum data necessary to facilitate the successful operation of the System, and in no case shall the data be other than—

''(I) information necessary to register employers under paragraph (5);

''(II) information necessary to initiate and respond to inquiries or contests under paragraph (8);

''(III) information necessary to establish and enforce compliance with paragraphs (5) and (8);

''(IV) information necessary to detect and prevent employment-related identity fraud; and

''(V) such other information the Secretary determines is necessary, subject to a 180-day notice and comment period in the Federal Register.

''(ii) PENALTIES.—Any officer, employee, or contractor who willfully and knowingly collects and maintains data in the System other than data described in clause (i) shall be guilty of a misdemeanor and fined $1,000 for each violation.

''(B) LIMITATION ON USE OF DATA.—Whoever willfully and knowingly accesses, discloses, or uses any information obtained or maintained by the System—

''(i) for the purpose of committing identity fraud, or assisting another person in committing identity fraud, as defined in section 1028 of title 18, United States Code;

''(ii) for the purpose of unlawfully obtaining employment in the United States or unlawfully obtaining employment in the United States for any other person; or

''(iii) for any purpose other than as provided for under any provision of law;

shall be guilty of a felony and upon conviction shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

''(C) EXCEPTIONS.—Nothing in subparagraph (A) or (B) may be construed to limit the collection, maintenance, or use of data by the Commissioner of Internal Revenue or the Commissioner of Social Security as provided by law.

''(14) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System. The Secretary shall minimize the collection and storage of paper documents and maximize the use of electronic records, including electronic signatures.

''(15) ANNUAL GAO STUDY AND REPORT.—

''(A) REQUIREMENT.—The Comptroller General of the United States shall conduct an annual study of the System.

''(B) PURPOSE.—The study shall evaluate the accuracy, efficiency, integrity, and impact of the System.

''(C) REPORT.—Not later than the date that is 24 months after the date of the enactment of this section, and annually thereafter, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under this paragraph. Each such report shall include, at a minimum, the following:

''(i) An assessment of System performance with respect to the rate at which individuals who are eligible for employment in the United States are correctly approved within each of the periods specified in paragraph (8), including a separate assessment of such rate for nationals and aliens.

''(ii) An assessment of the privacy and security of the System and its effects on identity fraud or the misuse of personal data.

''(iii) An assessment of the effects of the System on the employment of unauthorized aliens.

''(iv) An assessment of the effects of the System, including the effects of tentative confirmations on unfair immigration-related employment practices, and employment discrimination based on national origin or citizenship status.

''(v) An assessment of whether the Secretary and the Commissioner of Social Security have adequate resources to carry out the duties and responsibilities of this section.

''(e) COMPLIANCE.—

''(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

''(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

''(B) for the investigation of such complaints that the Secretary determines are appropriate to investigate; and

''(C) for the investigation of other violations of subsection (a) that the Secretary determines is appropriate.

''(2) AUTHORITY IN INVESTIGATIONS.—

''(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

''(i) shall have reasonable access to examine evidence regarding any employer being investigated; and

''(ii) if designated by the Secretary, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

''(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

''(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this section.

''(3) COMPLIANCE PROCEDURES.—

''(A) PREPENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

''(i) describe the violation;

''(ii) specify the laws and regulations allegedly violated;

''(iii) specify the amount of fines or other penalties to be imposed;

''(iv) disclose the material facts which establish the alleged violation; and

''(v) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim

for a monetary or other penalty should not be imposed.

''(B) REMISSION OR MITIGATION OF PENALTIES.—

''(i) REVIEW BY SECRETARY.—If the Secretary determines that such fine or other penalty was incurred erroneously, or determines the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in, or agreement to participate in, the System, if not otherwise required.

''(ii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1), (2), or (3) of subsection (a) or of any other requirements of this section.

''(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer, the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

''(4) CIVIL PENALTIES.—

''(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1), (2), or (3) of subsection (a) shall pay civil penalties as follows:

''(i) Pay a civil penalty of $5,000 for each unauthorized alien with respect to each such violation.

''(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of $10,000 for each unauthorized alien with respect to each such violation.

''(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of $25,000 for each unauthorized alien with respect to each such violation.

''(iv) If the employer has previously been fined more than 2 times under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of $75,000 for each unauthorized alien with respect to each such violation.

''(v) An employer who fails to comply with a written final determination under paragraph (3)(C) shall be fined $75,000 for each violation, in addition to any fines or other penalties imposed by such determination.

''(B) RECORDKEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the recordkeeping requirements of subsections (a), (c), and (d), shall pay a civil penalty as follows:

''(i) Pay a civil penalty of $1,000 for each such violation.

''(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of $2,000 for each such violation.

''(iii) If the employer has previously been fined more than 1 time under this subparagraph, pay a civil penalty of $5,000 for each such violation.

''(iv) If the employer has previously been fined more than 2 times under this subparagraph, pay a civil penalty of $15,000 for each such violation.

''(v) An employer who fails to comply with a written final determination under paragraph (3) shall be fined $15,000 for each violation, in addition to any fines or other penalties imposed by such determination.

''(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including violations of cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the criminal penalty described in subsection (f).

''(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 30 days after the date the final determination is issued, file a petition in any appropriate district court of the United States. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

''(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination, not earlier than 31 days and not later than 180 days after the date the final determination is issued, in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

''(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

''(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $75,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 3 years for the entire pattern or practice, or both.

''(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

''(g) ADJUSTMENT FOR INFLATION.—All penalties in this section shall be increased every 4 years beginning January 2011 to reflect the percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) for the 48 month period ending with September of the year preceding the year such adjustment is made. Any adjustment under this subparagraph shall be rounded to the nearest dollar.

''(h) PROHIBITION OF INDEMNITY BONDS.—

''(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referral of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referral of the individual.

''(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the general fund of the Treasury.

''(i) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

''(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

''(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of a Federal contract, grant, or cooperative agreement for a period of not more than 2 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of the debarment.

''(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

''(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

''(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be subject to debarment from the receipt of new Federal contracts, grants, or cooperative agreements for a period of not more than 2 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations.

''(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise all agencies or departments holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of not more than 2 years.

''(C) WAIVER.—After consideration of the views of all agencies or departments that hold a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of nor more than 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding.

''(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

''(4) DETERMINATION OF REPEAT VIOLATORS.—Inadvertent violations of recordkeeping or verification requirements, in the

absence of any other violations of this section, shall not be a basis for determining that an employer is a repeat violator for purposes of this subsection.

''(j) MISCELLANEOUS PROVISIONS.—

''(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement (other than aliens lawfully admitted for permanent residence).

''(2) PREEMPTION.—The provisions of this section preempt any State or local law—

''(A) imposing civil or criminal sanctions upon those who hire, or recruit or refer for a fee, unauthorized aliens for employment; or

''(B) requiring the use of the System for any unauthorized purpose, or any authorized purpose prior to the time such use is required or permitted by Federal law.

''(k) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the general fund of the Treasury.

''(l) DEFINITIONS.—In this section:

''(1) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

''(2) UNAUTHORIZED ALIEN.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

''(A) an alien lawfully admitted for permanent residence; or

''(B) authorized to be so employed by this Act or by the Secretary under any other provision of law.''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS.—

(A) REPEAL OF BASIC PILOT.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) are repealed.

(B) REPEAL OF REPORTING REQUIREMENTS.—

(i) REPORT ON EARNINGS OF ALIENS NOT AUTHORIZED TO WORK.—Subsection (c) of section 290 of the Immigration and Nationality Act (8 U.S.C. 1360) is repealed.

(ii) REPORT ON FRAUDULENT USE OF SOCIAL SECURITY ACCOUNT NUMBERS.—Subsection (b) of section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1360 note) is repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) TECHNICAL AMENDMENTS.—

(1) DEFINITION OF UNAUTHORIZED ALIEN.—Sections 218(i)(1) (8 U.S.C. 1188(i)(1)), 245(c)(8) (8 U.S.C. 1255(c)(8)), 274(a)(3)(B)(i) (8 U.S.C. 1324(a)(3)(B)(i)), and 274B(a)(1) (8 U.S.C. 1324b(a)(1)) are amended by striking ''274A(h)(3)'' and inserting ''274A''.

(2) DOCUMENT REQUIREMENTS.—Section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking ''274A(b)'' and inserting ''274A(c) and (d)''; and

(B) in subsection (g)(2)(B)(ii), by striking ''274A(b)(5)'' and inserting ''274A(c)''.

(d) AMENDMENTS TO THE SOCIAL SECURITY ACT.—

(1) EEVS DETERMINATIONS.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following:

''(I)(i) The Commissioner of Social Security shall, subject to the provisions of section __01(f)(2) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, establish a reliable, secure method to provide through the Electronic Employment Verification System established pursuant to subsection (d) of section 274A of the Immigration and Nationality Act (referred to in this subparagraph as the 'System'), within the time periods required by paragraph (8) of such subsection—

''(I) a determination of whether the name, date of birth, and social security account number of an individual provided in an inquiry made to the System by an employer is consistent with such information maintained by the Commissioner;

''(II) a determination of the citizenship status associated with such name and social security account number, according to the records maintained by the Commissioner;

''(III) a determination of whether the name and number belongs to an individual who is deceased, according to the records maintained by the Commissioner;

''(IV) a determination of whether the name and number is blocked in accordance with clause (ii); and

''(V) a confirmation notice or a nonconfirmation notice described in such paragraph (8), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

''(ii) The Commissioner of Social Security shall prevent the fraudulent or other misuse of a social security account number by establishing procedures under which an individual who has been assigned a social security account number may block the use of such number under the System and remove such block.

''(J) In assigning social security account numbers to aliens who are authorized to work in the United States under section 218A of the Immigration and Nationality Act, the Commissioner of Social Security shall—

''(i) to the maximum extent practicable, assign such numbers by employing the enumeration procedure administered jointly by the Commissioner, the Secretary of State, and the Secretary of Homeland Security;

''(ii) in all cases, record, verify, and maintain an electronic record of the alien identification or authorization number issued by the Secretary and utilized by the Commissioner in assigning such social security account number; and

''(iii) upon the issuance of a social security account number, transmit such number to the Secretary of Homeland Security for inclusion in such alien's record maintained by the Secretary.''.

(2) AGREEMENT.—Section 205(c)(2)(C)(i) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(i)) is amended by adding at the end the following: ''Any State that utilizes a social security account number for such purpose shall enter into an agreement with the Commissioner to allow the Commissioner to verify the name, date of birth, and the identity number issued by the official the State responsible for issuing drivers' licenses and identity cards. Such agreement shall be under the same terms and conditions as agreements entered into by the Commissioner under paragraph 205(r)(8).''.

(3) DISCLOSURE OF DEATH INFORMATION.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended by adding at the end the following:

''(9) Notwithstanding this section or any agreement entered into thereunder, the Commissioner of Social Security is authorized to disclose death information to the Secretary of Homeland Security to the extent necessary to carry out the responsibilities required under subsection (c)(2) and section 6103(l)(21) of the Internal Revenue Code of 1986.''.

(e) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(21) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION BY THE SOCIAL SECURITY ADMINISTRATION TO THE DEPARTMENT OF HOMELAND SECURITY.—

''(A) IN GENERAL.—Upon written request by the Secretary of Homeland Security, the Commissioner of Social Security or the Secretary shall disclose directly to officers, employees, and contractors of the Department of Homeland Security the following information:

''(i) DISCLOSURE OF EMPLOYER NO MATCH NOTICES.—The taxpayer identity of each person who has filed an information return required by reason of section 6051 or section 6041(a) for tax year 2005 and subsequent tax years that end before the date that is specified in subparagraph (F) which contains—

''(I) 1 (or any greater number the Secretary shall request) name and taxpayer identifying number of any employee (within the meaning of section 6051) or any recipient (within the meaning of section 6041(a)) that could not be matched to the records maintained by the Commissioner of Social Security, or

''(II) 2 (or any greater number the Secretary shall request) names of employees (within the meaning of such section) or recipients (within the meaning of section 6041(a)) with the same taxpayer identifying number,

and the taxpayer identity of each such employee or recipient.

''(ii) DISCLOSURE OF INFORMATION REGARDING USE OF DUPLICATE TAXPAYER IDENTIFYING INFORMATION OF EMPLOYEES.—The taxpayer identity of each person who has filed an information return required by reason of section 6051 or section 6041(a) for tax year 2005 and subsequent tax years that end before the date that is specified in subparagraph (F) which contains the taxpayer identifying number (assigned under section 6109) of an employee (within the meaning of section 6051) or a recipient (within the meaning of section 6041(a))—

''(I) who is under the age of 14 (or any lesser age the Secretary shall request), according to the records maintained by the Commissioner of Social Security,

''(II) whose date of death, according to the records so maintained, occurred in a calendar year preceding the calendar year for which the information return was filed,

''(III) whose taxpayer identifying number is contained in more than one (or any greater number the Secretary shall request) information return filed in such calendar year,

''(IV) who is not authorized to work in the United States, according to the records so maintained, or

''(V) who is not a national of the United States, according to the records so maintained,

and the taxpayer identity of each such employee or recipient.

''(iii) DISCLOSURE OF INFORMATION REGARDING NONPARTICIPATING EMPLOYERS.—The taxpayer identity of each person who has filed an information return required by reason of section 6051 or section 6041(a) which the

Commissioner of Social Security or the Secretary, as the case may be, has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of such person's failure to register and participate in the Electronic Employment Verification System authorized under section 274A(d) of the Immigration and Nationality Act (hereafter in this paragraph referred to as the 'System').

''(iv) DISCLOSURE OF INFORMATION REGARDING NEW EMPLOYEES OF NONPARTICIPATING EMPLOYERS.—The taxpayer identity of all employees (within the meaning of section 6051) hired and recipients (within the meaning of section 6041(a)) retained after the date a person identified in clause (iii) is required to participate in the System under section 274A(d)(2) or section 274A(d)(3)(B) of the Immigration and Nationality Act.

''(v) DISCLOSURE OF INFORMATION REGARDING EMPLOYEES OF CERTAIN DESIGNATED EMPLOYERS.—The taxpayer identity of all employees (within the meaning of section 6051) and recipients (within the meaning of section 6041(a)) of each person who is required to participate in the System under section 274A(d)(3)(B) of the Immigration and Nationality Act.

''(vi) DISCLOSURE OF NEW HIRE TAXPAYER IDENTITY INFORMATION.—The taxpayer identity of each person participating in the System and the taxpayer identity of all employees (within the meaning of section 6051) of such person hired and all recipients (within the meaning of section 6041(a)) of such person retained during the period beginning with the later of—

''(I) the date such person begins to participate in the System, or

''(II) the date of the request immediately preceding the most recent request under this clause,

ending with the date of the most recent request under this clause.

''(B) RESTRICTION ON DISCLOSURE.—The taxpayer identities disclosed under subparagraph (A) may be used by officers, employees, and contractors of the Department of Homeland Security only for purposes of, and to the extent necessary in—

''(i) preventing identity fraud;

''(ii) preventing unauthorized aliens from obtaining employment in the United States;

''(iii) establishing and enforcing employer participation in the System;

''(iv) carrying out, including through civil administrative and civil judicial proceedings, of sections 212, 217, 235, 237, 238, 274A, 274B, and 274C of the Immigration and Nationality Act; and

''(v) the civil operation of the Alien Terrorist Removal Court.

''(C) REIMBURSEMENT.—The Commissioner of Social Security and the Secretary shall prescribe a reasonable fee schedule based on the additional costs directly incurred for furnishing taxpayer identities under this paragraph and collect such fees in advance from the Secretary of Homeland Security.

''(D) INFORMATION RETURNS UNDER SECTION 6041.—For purposes of this paragraph, any reference to information returns required by reason of section 6041(a) shall only be a reference to such information returns relating to payments for labor.

''(E) FORM OF DISCLOSURE.—The taxpayer identities to be disclosed under paragraph (A) shall be provided in a form agreed upon by the Commissioner of Social Security, the Secretary, and the Secretary of Homeland Security.

''(F) TERMINATION.—This paragraph shall not apply to any request made after the date which is 5 years after the date of the enactment of this paragraph.''.

(2) COMPLIANCE BY DHS CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.—Section 6103(p) of such Code is amended by adding at the end the following:

''(9) DISCLOSURE TO DHS CONTRACTORS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor of the Department of Homeland Security unless such Department, to the satisfaction of the Secretary—

''(A) has requirements in effect which require each such contractor which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

''(B) agrees to conduct an on-site review every 3 years (midpoint review in the case of contracts or agreements of less than 3 years in duration) of each contractor to determine compliance with such requirements,

''(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

''(D) certifies to the Secretary, for the most recent annual period, that such contractor is in compliance with all such requirements, by submitting the name and address of each contractor, a description of the contract or agreement with such contractor, and the duration of such contract or agreement.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 6103(a)(3) of such Code is amended by striking ''or (20)'' and inserting ''(20), or (21)''.

(B) Section 6103(p)(3)(A) of such Code is amended by adding at the end the following new sentence: ''The Commissioner of Social Security shall provide to the Secretary such information as the Secretary may require in carrying out this paragraph with respect to return information inspected or disclosed under the authority of subsection (l)(21).''.

(C) Section 6103(p)(4) of such Code is amended—

(i) by striking ''or (17)'' both places it appears and inserting ''(17), or (21)''; and

(ii) by striking ''or (20)'' each place it appears and inserting ''(20), or (21)''.

(D) Section 6103(p)(8)(B) of such Code is amended by inserting ''or paragraph (9)'' after ''subparagraph (A)''.

(E) Section 7213(a)(2) of such Code is amended by striking ''or (20)'' and inserting ''(20), or (21)''.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out the amendments made by this section.

(2) LIMITATION ON VERIFICATION RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner's responsibilities in this title or the amendments made by this title, but only to the extent funds are appropriated, in advance, to cover the Commissioner's full costs in carrying out such responsibilities. In no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), (c), and (d) shall take effect on the date of the enactment of this Act.

(2) SUBSECTION (e).—

(A) IN GENERAL.—The amendments made by subsection (e) shall apply to disclosures made after the date of the enactment of this Act.

(B) CERTIFICATIONS.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (e)(2), shall be made with respect to calendar year 2008.

SEC. __03. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) INCREASE IN NUMBER OF PERSONNEL.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,200, the number of United States Immigration and Customs Enforcement personnel during the 5-year period beginning on the date of the enactment of this Act.

(b) USE OF PERSONNEL.—The Secretary shall ensure that not less than 25 percent of all the hours expended by United States Immigration and Customs Enforcement personnel is used to enforce compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2008 through 2012 such sums as may be necessary to carry out this section.

SEC. __04. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking ''citizen'' and inserting ''national''.

SEC. __05. ANTIDISCRIMINATION PROTECTIONS.

(a) APPLICATION OF PROHIBITION OF DISCRIMINATION TO VERIFICATION SYSTEM.—Section 274B(a) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting '', the verification of the individual's work authorization through the Electronic Employment Verification System described in section 274A(d),'' after ''the individual for employment''; and

(B) in subparagraph (B), by striking ''in the case of a protected individual (as defined in paragraph (3)),''; and

(2) by striking paragraph (3) and inserting the following:

''(3) ANTIDISCRIMINATION REQUIREMENTS OF THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

''(A) IN GENERAL.—It is an unfair immigration-related employment practice for a person or other entity, in the course of the electronic verification process described in section 274A(d)—

''(i) to terminate or undertake any adverse employment action due to a tentative nonconfirmation;

''(ii) to use the verification system for screening of an applicant prior to an offer of employment;

''(iii) except as described in section 274A(d)(3)(B), to use the verification system for a current employee after the first day of employment, unless a waiver is provided by the Secretary of Homeland Security for good cause, or for the reverification of an employee after the employee has satisfied the process described in section 274A(d); or

''(iv) to require an individual to make an inquiry under the self-verification procedures established in section 274A(d)(8)(E)(iii).

''(B) PREEMPLOYMENT SCREENING AND BACKGROUND CHECK.—Nothing in subparagraph (A) shall be construed to preclude a preemployment screening or background check that is required or permitted under any other provision of law.''.

(b) INCREASE IN CIVIL MONEY PENALTIES.—Section 274B(g)(2) of the Immigration and Nationality Act (8 U.S.C. 1324b(g)(2)) is amended in subparagraph (B)(iv)—

(1) in subclause (I), by striking ''$250 and not more than $2,000'' and inserting ''$1,000 and not more than $4,000'';

(2) in subclause (II), by striking ''$2,000 and not more than $5,000'' and inserting ''$4,000 and not more than $10,000'';

(3) in subclause (III), by striking ''$3,000 and not more than $10,000'' and inserting ''$6,000 and not more than $20,000''; and

(4) in subclause (IV), by striking ''$100 and not more than $1,000'' and inserting ''$500 and not more than $5,000''.

(c) INCREASED FUNDING OF INFORMATION CAMPAIGN.—Section 274B(l)(3) of the Immigration and Nationality Act (8 U.S.C. 1324b(l)(3)) is amended by inserting ''and an additional $40,000,000 for each of fiscal years 2008 through 2010'' before the period at the end.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to violations occurring on or after such date.

SEC. ___. DISTRICT JUDGES FOR THE DISTRICT COURTS IN BORDER STATES.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 4 additional district judges for the district of Arizona;

(2) 4 additional district judges for the central district of California;

(3) 4 additional district judges for the eastern of California;

(4) 2 additional district judges for the northern district of California;

(5) 4 additional district judges for the middle district of Florida;

(6) 2 additional district judges for the southern district of Florida;

(7) 1 additional district judge for the district of Minnesota;

(8) 1 additional district judge for the district of New Mexico;

(9) 3 additional district judges for the eastern district of New York;

(10) 1 additional district judge for the western district of New York;

(11) 1 additional district judge for the eastern district of Texas;

(12) 2 additional district judges for the southern district of Texas;

(13) 1 additional district judge for the western district of Texas; and

(14) 1 additional district judge for the western district of Washington.

(b) TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the district of Arizona;

(B) 1 additional district judge for the central district of California;

(C) 1 additional district judge for the northern district of California;

(D) 1 additional district judge for the middle district of Florida;

(E) 1 additional district judge for the southern district of Florida;

(F) 1 additional district judge for the district of Idaho; and

(G) 1 additional district judge for the district of New Mexico.

(2) VACANCIES.—For each of the judicial districts named in this subsection, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this subsection shall not be filled.

(c) EXISTING JUDGESHIPS.—The existing judgeships for the district of Arizona and the district of New Mexico authorized by section 312(c) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273, 116 Stat. 1758), as of the effective date of this Act, shall be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this Act.

(d) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judgeships authorized as a result of subsections (a) and (c), such table is amended to read as follows:

''Districts	Judges
Alabama:	
Northern	7
Middle	3
Southern	3
Alaska	3
Arizona	17
Arkansas:	
Eastern	5
Western	3
California:	
Northern	16
Eastern	10
Central	31
Southern	13
Colorado	7
Connecticut	8
Delaware	4
District of Columbia	15
Florida:	
Northern	4
Middle	19
Southern	19
Georgia:	
Northern	11
Middle	4
Southern	3
Hawaii	3
Idaho	2
Illinois:	
Northern	22
Central	4
Southern	4
Indiana:	
Northern	5
Southern	5
Iowa:	
Northern	2
Southern	3
Kansas	5
Kentucky:	
Eastern	5
Western	4
Eastern and Western	1
Louisiana:	
Eastern	12
Middle	3
Western	7
Maine	3
Maryland	10
Massachusetts	13
Michigan:	
Eastern	15
Western	4
Minnesota	8
Mississippi:	
Northern	3
Southern	6
Missouri:	
Eastern	6
Western	5
Eastern and Western	2
Montana	3
Nebraska	3
Nevada	7
New Hampshire	3
New Jersey	17
New Mexico	8
New York:	
Northern	5
Southern	28
Eastern	18
Western	5
North Carolina:	
Eastern	4
Middle	4
Western	4
North Dakota	2
Ohio:	
Northern	11
Southern	8
Oklahoma:	
Northern	3
Eastern	1
Western	6
Northern, Eastern, and Western	1
Oregon	6
Pennsylvania:	
Eastern	22
Middle	6
Western	10
Puerto Rico	7
Rhode Island	3
South Carolina	10
South Dakota	3
Tennessee:	
Eastern	5
Middle	4
Western	5
Texas:	
Northern	12
Southern	21
Eastern	8
Western	14
Utah	5
Vermont	2
Virginia:	
Eastern	11
Western	4
Washington:	
Eastern	4
Western	8
West Virginia:	
Northern	3
Southern	5
Wisconsin:	
Eastern	5
Western	2
Wyoming	3.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to provide appropriate space and facilities for the judicial positions created under this section.

(f) FUNDING.—Notwithstanding any other provision of law, the Attorney General shall transfer, for each of the fiscal years 2008 through 2017, $8,000,000 from the Department of Justice Assets Forfeiture Fund to the general fund of the Treasury to carry out this section.

SEC. ___. TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.

(a) IN GENERAL.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

''(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

''(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

''(B) the President transmits the text of such agreement to each House of Congress as provided in paragraph (2), and

''(C) an approval resolution regarding such agreement has passed both Houses of Congress and has been enacted into law.

''(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such

agreement. The President's report shall include the following:

''(i) An estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title.

''(ii) A statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law.

''(iii) A statement describing whether and how the agreement changes provisions of an agreement previously negotiated.

''(iv) A statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title.

''(v) An estimate by the Chief Actuary of the Social Security Administration, working in consultation with the Comptroller General of the United States, of the number of individuals who may become eligible for any benefits under this title or who may otherwise be affected by the agreement.

''(vi) An assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement.

''(vii) An assessment of the ability of such country to track and monitor recipients of benefits under such agreement.

''(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to Congress in the transmittal to Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by Congress under this section and shall have no force and effect under United States law.

''(3) For purposes of this subsection, the term 'approval resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and _____ establishing totalization arrangements between the social security system established by title II of such Act and the social security system of _____, transmitted to Congress by the President on _____, is hereby approved.', the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to Congress.

''(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

''(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.''.

(b) ADDITIONAL REPORTS AND EVALUATIONS.—Section 233 of the Social Security Act (42 U.S.C. 433) is amended by adding at the end the following new subsections:

''(f) BIENNIAL SSA REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—

''(1) REPORT.—For any totalization agreement transmitted to Congress on or after January 1, 2007, the Commissioner of Social Security shall submit a report to Congress and the Comptroller General that—

''(A) compares the estimates contained in the report submitted to Congress under clauses (i) and (v) of subsection (e)(2)(A) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on social security system receipts and disbursements; and

''(B) contains recommendations for adjusting the methods used to make the estimates.

''(2) DATES FOR SUBMISSION.—The report required under this subsection shall be provided not later than 2 years after the effective date of the totalization agreement that is the subject of the report and biennially thereafter.

''(g) GAO EVALUATION AND REPORT.—

''(1) EVALUATION OF INITIAL REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—With respect to each initial report regarding a totalization agreement submitted under subsection (f), the Comptroller General of the United States shall conduct an evaluation of the report that includes—

''(A) an evaluation of the procedures used for making the estimates required by subsection (e)(2)(A);

''(B) an evaluation of the procedures used for determining the actual number of individuals affected by the agreement and the effects of the totalization agreement on receipts and disbursements under the social security system; and

''(C) such recommendations as the Comptroller General determines appropriate.

''(2) REPORT.—Not later than 1 year after the date of submission of an initial report regarding a totalization agreement under subsection (f), the Comptroller General shall submit to Congress a report setting forth the results of the evaluation conducted under paragraph (1).

''(3) DATA COLLECTION.—The Commissioner of Social Security shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the evaluation required by paragraph (1).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act that are transmitted to Congress on or after January 1, 2007.

SEC. ___. IMMIGRATION ENFORCEMENT IMPROVEMENTS.

(a) VISA EXIT TRACKING SYSTEM.—In addition to the border security and other measures described in paragraphs (1) through (6) of section 1(a), the certification required under section 1(a) shall include a statement that the Secretary of Homeland Security has established and deployed a system capable of recording the departure of aliens admitted under section 101(a)(15)(Y) of the Immigration and Nationality Act at designated ports of entry or designated United States consulates abroad.

(b) PROMPT REMOVAL PROCEEDINGS.—Subject to the availability of appropriations, the Secretary of Homeland Security shall promptly identify, investigate, and initiate removal proceedings against every alien admitted into the United States under subparagraph (B) (admitted under the terms and conditions of section 214(s)), (H)(ii) (as amended by title IV), or (Y) of section 101(a)(15) of the Immigration and Nationality Act, and who exceeds the alien's period of authorized admission or otherwise violates any terms of the alien's nonimmigrant status. In conducting such removal proceedings, the Secretary shall give priority to aliens who may pose a threat to the national security, and those convicted of criminal offenses.

(c) REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than 90 days before the Secretary of Homeland Security submits a written certification under section 1(a), the Secretary shall submit a report to the governors of the States that share a land border with Mexico that—

(A) describes the progress made in establishing, funding, and implementing the border security and other measures described in subsection (a) and section 1(a); and

(B) indicates the date on which the Secretary intends to submit a written certification under subsection (a) and section 1(a).

(2) GOVERNOR'S RESPONSE.—Not later than 60 days after receiving a report from the Secretary under paragraph (1), a governor may submit a report to Congress that—

(A) analyzes the accuracy of the information received by the Secretary;

(B) indicates whether the governor agrees with the Secretary that the border security and other measures described in subsection (a) and section 1(a) will be established, funded, and operational before the Secretary's certification is submitted; and

(C) makes recommendations regarding new border enforcement policies, strategies, and additional programs needed to secure the border.

(3) CONSULTATION.—The Secretary shall consult with any governor who submits a report under subsection (2) before submitting written certification under section 1(a).

(d) SMUGGLING INVESTIGATORS AND ICE PERSONNEL.—

(1) INCREASE IN FULL-TIME UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL.—In each of the fiscal years 2008 through 2012, the Secretary of Homeland Security shall, subject to the availability of appropriations, increase by not less than 1,250 the number of positions for full-time active duty forensic auditors, intelligence research specialists, agents, officers, and investigators in United States Immigration and Customs Enforcement—

(A) to carry out the removal of aliens who are not admissible to, or are subject to removal from, the United States;

(B) to investigate immigration fraud; and

(C) to enforce workplace violations.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(3) CONFORMING AMENDMENT.—Section 5203 of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458; 118 Stat. 3734) is repealed.

(e) COLLECTION OF BIOMETRIC DATA FROM ALIENS ENTERING AND DEPARTING THE UNITED STATES.—Section 215 of the Immigration and Nationality Act, as amended by section 111(a), is further amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(2) by striking subsection (c), as added by section 111(a)(3), and inserting the following:

''(c) COLLECTION OF BIOMETRIC DATA FROM ALIENS ENTERING AND DEPARTING THE UNITED STATES.—The Secretary of Homeland Security shall require an alien entering and departing the United States to provide biometric data and other information relating to the alien's immigration status.

''(d) COLLECTION OF DEPARTURE DATA FROM CERTAIN NONIMMIGRANTS.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall require an alien who was admitted to the United States under subparagraph (B) (under the terms and conditions of section 214(s)), (H)(ii), or (Y) of section 101(a)(15) to record the alien's departure at a designated port of entry or at a designated United States consulate abroad.

''(2) FAILURE TO RECORD DEPARTURE.—If an alien does not record the alien's departure as required under paragraph (1), the Secretary, not later than 48 hours after the expiration of the alien's period of authorized admission, shall enter the name of the alien into a database of the Department of Homeland Security as having overstayed the alien's period of authorized admission.

''(3) INFORMATION SHARING WITH LAW ENFORCEMENT AGENCIES.—Consistent with the authority of State and local police to assist the Federal Government in the enforcement of Federal immigration laws, the information in the database described in paragraph (2) shall be made available to State and local law enforcement agencies pursuant to the provisions of section 240D.''.

(f) EFFECTIVE DATE OF AGGRAVATED FELONY SECTION.—

(1) IN GENERAL.—Notwithstanding section 203(b), and except as provided under paragraph (2), the amendments made by section 203(a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply to any conviction that occurred on or after the date of the enactment of this Act.

(2) APPLICATION WITH RESPECT TO CONVICTIONS FOR SEXUAL ABUSE OF A MINOR.—Notwithstanding paragraph (1), the amendment made by section 203(a)(2) related to the sexual abuse of a minor shall apply to any conviction for sexual abuse of a minor that occurred before, on, or after the date of the enactment of this Act.

(3) APPLICATION OF IIRAIRA AMENDMENTS.—In accordance with section 203(b)(2) of this Act, the amendments to section 101(a)(43) of the Immigration and Nationality Act made by section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 11 Stat. 3009–627) shall continue to apply, whether the conviction was entered before, on, or after September 30, 1996.

(g) INCREASED CRIMINAL PENALTIES RELATED TO DRUNK DRIVING.—

(1) INADMISSIBILITY.—Section 212(a)(2)(K) of the Immigration and Nationality Act, as added by section 205(a)(1), is amended by inserting ''or 2 convictions for driving under the influence under Federal or State law,'' after ''imprisonment,''.

(2) DEPORTABILITY.—Section 237(a)(2)(F) of the Immigration and Nationality Act, as added by section 205(a)(2), is amended by inserting ''or 2 convictions for driving under the influence under Federal or State law,'' after ''imprisonment,''.

(h) DEFINITION OF CRIMINAL GANG.—Section 101(a)(52)(B)(iv) of the Immigration and Nationality Act, as added by section 204(a), is amended by striking ''which is punishable by a sentence of imprisonment of 5 years or more,''.

(i) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—

(1) INADMISSIBILITY.—Section 212(a)(2)(F) of the Immigration and Nationality Act, as added by section 204(b), is amended to read as follows:

''(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—

''(i) IN GENERAL.—An alien is inadmissible if—

''(I) a consular officer, the Secretary of Homeland Security, or the Attorney General knows, or has reason to believe, that the alien is a member of a criminal gang; or

''(II) a consular officer, the Secretary of Homeland Security, or the Attorney General knows or has reason to believe that the alien has participated in the activities of a criminal gang, knowing or having reason to know that such activities would promote, further, aid, or support the illegal activity of the criminal gang.

''(ii) WAIVER.—The Secretary of Homeland Security or the Attorney General may, in the discretion of the Secretary or the Attorney General, as appropriate, waive an alien's inadmissibility under clause (i).''.

(2) DEPORTABILITY.—Section 237(a)(2) of the Immigration and Nationality Act, as added by section 204(c), is amended to read as follows:

''(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—

''(i) IN GENERAL.—An alien is deportable if—

''(I) there is a preponderance of the evidence to believe the alien is a member of a criminal gang; or

''(II) there is reasonable ground to believe the alien has participated in the activities of a criminal gang, knowing or having reason to know that such activities would promote, further, aid, or support the illegal activity of the criminal gang.

''(ii) WAIVER.—The Secretary of Homeland Security or the Attorney General may, in the discretion of the Secretary or the Attorney General, as appropriate, waive an alien's deportability under clause (i).''.

(j) TEMPORARY PROTECTED STATUS.—Section 244(c)(2)(B) of the Immigration and Nationality Act, as amended by section 204(d), is further amended—

(1) in clause (ii), by striking ''or'' at the end and inserting a semicolon;

(2) in clause (iii), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(iv) the alien is a member of a criminal gang.''.

(k) EFFECTIVE DATE.—Notwithstanding any other provision of this Act, the amendments made by subsections (i) and (j) of this section and subsections (b), (c), and (d) of section 204 shall apply to—

(1) all aliens required to establish admissibility on or after such date of enactment; and

(2) all aliens in removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date of enactment.

(l) DETENTION PENDING DEPORTATION OF ALIENS WHO OVERSTAY.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226)is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) DETENTION OF ALIENS WHO EXCEED THE ALIEN'S PERIOD OF AUTHORIZED ADMISSION.—

''(1) CUSTODY.—An alien shall be arrested and detained by the Secretary of Homeland Security pending a decision on whether the alien is to be removed from the United States for willfully exceeding, by 60 days or more, the period of the alien's authorized admission or parole into the United States.

''(2) WAIVER.—The Secretary of Homeland Security may waive the application of paragraph (1) if the Secretary determines that the alien exceeded the alien's period of authorized admission or parole as a result of exceptional circumstances beyond the control of the alien.''.

SEC. ___. WORKSITE ENFORCEMENT.

(a) NOTIFICATION OF EXPIRATION OF ADMISSION.—Notwithstanding any other provision of this Act, an employer or educational institution shall notify an alien in writing of the expiration of the alien's period of authorized admission not later than 14 days before such eligibility expires.

(b) UNLAWFUL EMPLOYMENT OF ALIENS.—

(1) IN GENERAL.—Section 274A(a) of the Immigration and Nationality Act, as amended by section 302(a), is further amended—

(A) in paragraph (3), by striking subparagraphs (B) and (C) and inserting the following:

''(B) The Secretary may establish procedures by which an employer may obtain confirmation from the Secretary that the contractor or subcontractor has registered with the EEVS and is utilizing the EEVS.

''(C) The Secretary may establish such other requirements for employers using contractors or subcontractors as are necessary to prevent knowing violations of this paragraph after rulemaking pursuant to section 553 of title 5, United States Code. The Secretary may issue widely disseminated guidelines to clarify and supplement the regulations issued hereunder and disseminate the guidelines broadly in coordination with the Private Sector Office of the Department of Homeland Security.''; and

(B) by striking paragraph (6) and inserting the following:

''(6) A rebuttable presumption is created that an employer has acted with knowledge or reckless disregard if the employer is shown by clear and convincing evidence to have materially failed to comply with written standards, procedures or instructions issued by the Secretary. Standards, procedures or instructions issued by the Secretary shall be objective and verifiable.''.

(2) DEFINITIONS.—Section 274A(b) of the Immigration and Nationality Act, as amended by section 302(a), is further amended by striking paragraph (2) and inserting the following:

''(2) DEFINITION OF EMPLOYER.—In this section, the term 'employer' means any person or entity hiring, recruiting, or referring an individual for a fee for employment in the United States. Franchised businesses that operate independently do not constitute a single employer solely on the basis of sharing a common brand.

''(3) DEFINITION OF CRITICAL INFRASTRUCTURE.—In this section, the term 'critical infrastructure' means agencies and departments of the United States, States, their suppliers or contractors, and any other employer whose employees have access as part of their jobs to a government building, military base, nuclear energy site, weapon site, airport, or seaport.''.

(3) MANAGEMENT OF EEVS.—Section 274A(d)(9)(E)(v) of the Immigration and Nationality Act, as amended by section 302(a), is further amended by adding at the end the following: ''The Secretary shall further study the feasibility of providing other alternatives for employers that do not have Internet access.''.

(4) REPEAT VIOLATOR.—Section 274A(h)(1) of the Immigration and Nationality Act, as amended by section 302(a), is amended by adding at the end the following: ''The Secretary shall define 'repeat violator', as used

in this subsection, in a rulemaking that complies with the requirements of section 553 of title 5, United States Code.''.

(5) PREEMPTION.—Section 274A(i) of the Immigration and Nationality Act, as amended by section 302(a), is amended by striking paragraph (2) and inserting the following:

''(2) PREEMPTION.—The provisions of this section shall preempt any State or local law that requires the use of the EEVS in a fashion that—

''(A) conflicts with Federal policies, procedures or timetables;

''(B) requires employers to verify whether or not an individual is authorized to work in the United States; or

''(C) imposes civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding the matter preceding subparagraph (A) of section 310(a)(1), there are authorized to be appropriated to the Secretary of Homeland Security, in each of the 2 fiscal years beginning after the date of the enactment of this Act, such sums as may be necessary to annually hire not less than 2,500 personnel of the Department of Homeland Security, who are to be assigned exclusively or principally to an office or offices dedicated to monitoring and enforcing compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c), including compliance with the requirements of the EEVS. These personnel shall perform the compliance and monitoring activities described in subparagraphs (A) through (O) of section 310(a)(1).

SEC. ___. TEMPORARY WORKER PROGRAM.

(a) H–1B STREAMLINING AND SIMPLIFICATION.—Section 214(g) of the Immigration and Nationality Act, as amended by this Act, is further amended—

(1) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

''(i) 115,000 in fiscal year 2008;

''(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

''(iii) 180,000 for any fiscal year;''; and

(2) in paragraph (9), as redesignated by section 409—

(A) in subparagraph (B)—

(i) in clause (ii), by striking ''The annual numerical limitations described in clause (i) shall not exceed'' and inserting ''Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 101(a)(15)(H)(i)(b) in the following quantities:''; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

(b) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by title IV, is further amended—

(A) by striking paragraph (6), as redesignated by section 409 of this Act, and inserting the following:

''(6) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b) who—

''(A) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a fiscal year exceeds 20,000, has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States;

''(B) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a fiscal year exceeds 40,000, has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965); and

''(C) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a fiscal year exceeds 50,000—

''(i) is employed (or has received an offer of employment) at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965; 20 U.S.C. 1001(a)), or a related or affiliated nonprofit entity; or

''(ii) is employed (or has received an offer of employment) at a nonprofit research organization or a governmental research organization.''; and

(B) by adding at the end the following:

''(13) An employer that has at least 1,000 full-time employees who are employed in the United States, including employment-authorized aliens, and employs aliens admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b) in a number that is equal to or greater than 15 percent of the number of such full-time employees, may file not more than 1,000 petitions under subsection (c) to import aliens under section 101(a)(15)(H)(i)(b) in any fiscal year.''.

(2) APPLICABILITY.—

(A) IN GENERAL.—The amendment made by paragraph (1)(A) shall apply to any petition or visa application pending on the date of the enactment of this Act and any petition or visa application filed on or after such date.

(B) EFFECTIVE DATE.—The amendment made by paragraph (1)(B) shall take effect on the first day of the fiscal year following the fiscal year in which the backlog of employment-based immigrant visa petitions existing as of the effective date established under section 502(d).

(c) DOCUMENT REQUIREMENT.—Section 212(n)(1) of the Immigration and Nationality Act, as amended by section 420, is further amended—

(1) in subparagraph (A)—

(A) in clause (i)(II), by striking '', and'' and inserting a semicolon;

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

(C) by adding at the end the following:

''(iii) will provide to the H–1B nonimmigrant—

''(I) a copy of each application filed on behalf of the nonimmigrant under this section; and

''(II) documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor.''; and

(2) by adding at the end the following:

''(L) An H–1B nonimmigrant may not be stationed at the worksite of an employer other than the petitioning employer or its affiliate, subsidiary, or parent if the alien will be controlled and supervised principally by such unaffiliated employer or if the placement of the alien at the worksite of the affiliated employer is essentially an arrangement to provide labor for hire for the unaffiliated employer, rather than a placement in connection with the provision of a product or service.''.

(d) FRAUD ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall, subject to the availability of appropriations, submit to Congress a fraud risk assessment of the H–1B visa program.

(e) GROUNDS OF INADMISSIBILITY.—Section 218A(f) of the Immigration and Nationality Act , as added by section 402(a), is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) WAIVER.—For a Y nonimmigrant, the Secretary of Homeland Security may waive those provisions of section 212(a) for which the Secretary had discretionary authority to waive before the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Enforcement Act of 2007.''.

(f) TERMINATION.—Section 218A(j) of the Immigration and Nationality Act , as added by section 402(a), is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) EXCEPTION.—The period of authorized admission of a Y nonimmigrant shall not terminate for unemployment under paragraph (1)(D) if the alien attests under the penalty of perjury and submits documentation to the satisfaction of the Secretary of Homeland Security that establishes that such unemployment was the result of—

''(A) a period of physical or mental disability of the alien or the spouse, son, daughter, or parent (as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611)) of the alien;

''(B) a period of vacation, medical leave, maternity leave, or similar leave from employment authorized by Federal or State law or by a policy of the alien's employer; or

''(C) any other period of temporary unemployment that is the direct result of a force majeure event.

''(3) RETURN TO FOREIGN RESIDENCE.—An alien who is a Y nonimmigrant whose period of authorized admission terminates under paragraph (1) shall immediately depart the United States.''.

(g) REGISTRATION OF DEPARTURE.—Section 218A(k) of the Immigration and Nationality Act, as added by section 402(a), is amended by striking the subsection heading and inserting the following:

''(k) LEAVING THE UNITED STATES.—

''(1) REGISTRATION OF DEPARTURE.—

''(A) IN GENERAL.—An alien who is a Y nonimmigrant whose period of authorized admission has expired under subsection (i), or whose period of authorized admission terminates under subsection (j), shall register the departure of such alien at a designated port of departure or designated United States consulate abroad in a manner to be prescribed by the Secretary of Homeland Security.

''(B) EFFECT OF FAILURE TO DEPART.—If an alien described in subparagraph (A) fails to depart the United States or to register such departure as required under subsection (j)(3), the Secretary of Homeland Security shall—

''(i) take immediate action to determine the location of the alien; and

''(ii) if the alien is located in the United States, remove the alien from the United States.

''(C) INVALIDATION OF DOCUMENTATION.—Any documentation issued by the Secretary of Homeland Security under subsection (m) to an alien described in subparagraph (A) shall be invalid for any purpose except the departure of the alien on and after the date on which the period of authorized admission of such alien terminates. The Secretary shall ensure that the invalidation of such documentation is recorded in the employment eligibility verification system described in section 274A.

''(2) VISITS OUTSIDE THE UNITED STATES.—''.

(h) OVERSTAY.—Section 218A(o) of the Immigration and Nationality Act , as added by section 402(a), is amended by striking paragraph (2) and inserting the following:

''(2) Except as provided in paragraph (3) or (4), any alien, other than a Y nonimmigrant,

who, after the date of the enactment of this section remains unlawfully in the United States beyond the period of authorized admission, is permanently barred from any future benefits under Federal immigration law.''.

SEC. ___. IMMIGRATION BENEFITS.

(a) NUMERICAL LIMITS.—Section 201(d)(1)(A) of the Immigration and Nationality Act, as amended by section 501(b), is further amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking ''Section 502(d) of the [Insert title of Act].'' and inserting ''section 502(d) of the Secure Borders, Economic Opportunity and Immigration Enforcement Act of 2007;''; and

(3) by adding at the end the following:

''(iii) up to 20,000 shall be for aliens who met the specifications set forth in section 203(b)(1) on January 1, 2007; and

''(iv) the remaining visas shall be allocated as follows:

''(I) In fiscal years 2008 and 2009, 115,401 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

''(II) In fiscal year 2010, 86,934 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

''(III) In fiscal year 2011, 58,467 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

''(IV) In fiscal year 2012, 44,234 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.''.

(b) MERIT-BASED IMMIGRANTS.—Section 203(b)(1) of the Immigration and Nationality Act, as amended by section 502(b)(1) of this Act, is further amended by adding at the end the following:

''(G) Any employer desiring and intending to employ within the United States an alien qualified under subparagraph (A) may file a petition with the Secretary of Homeland Security for such classification.

''(H) The Secretary shall collect applications and petitions not later than July 1 of each fiscal year and shall adjudicate from the pool of applicants received for that fiscal year, from the highest to the lowest, the determined number of points necessary for the fiscal year. If the number of applications and petitions submitted that meet the merit-based threshold is insufficient for the number of visas available that year, the Secretary may continue accepting applications and petitions at a date determined by the Secretary to adjudicate the applications and petitions under this section.''.

(c) EFFECTIVE DATE FOR PENDING AND APPROVED PETITIONS AND APPLICATIONS.—Notwithstanding the provisions under section 502(d)(2)—

(1) petitions for an employment-based visa filed for classification under paragraphs (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act (as such paragraphs existed on the date before the date of the enactment of this Act) that were filed before the date on which this Act was introduced and were pending or approved on the effective date of this section, shall be treated as if such provision remained effective and an approved petition may serve as the basis for issuance of an immigrant visa;

(2) the beneficiary, who has been classified as a nonimmigrant described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, of such a pending or approved petition, and any dependent accompanying or following to join such beneficiary, may file an application for adjustment of status under section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255) regardless of whether an immigrant visa is immediately available at the time the application is filed;

(3) the application for adjustment of status filed under paragraph (2) shall not be approved until an immigrant visa becomes available; and

(4) aliens with applications for a labor certification pursuant to section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A) shall preserve the immigrant visa priority date accorded by the date of filing of such labor certification application.

(d) PARENT VISITOR VISAS.—Section 214(s) of the Immigration and Nationality Act, as added by section 506(b), is amended—

(1) in paragraph (2)(B), by striking ''$1,000, which shall be forfeit'' and inserting ''$2,500, which shall be forfeited''; and

(2) in paragraph (3), by amending subparagraph (A) to read as follows:

''(A) may not stay in the United States, within any calendar year—

''(i) in the case of a spouse or child sponsored by a nonimmigrant described in section 101(a)(15)(Y)(i), for an aggregate period in excess of 30 days; and

''(ii) in the case of a parent sponsored by a United States citizen child, for an aggregate period in excess of 100 days;''.

SEC. ___. Z NONIMMIGRANT STATUS.

(a) APPLICATION AND BACKGROUND CHECKS.—Notwithstanding any provision of section 601(g) or section 214A(d) of the Immigration and Nationality Act, as added by section 622(b)—

(1) the application forms created pursuant to section 601(g)(1) of this Act and section 214A(d) of the Immigration and Nationality Act shall request such information as the Secretary determines necessary and appropriate, including information concerning the alien's—

(A) physical and mental health;

(B) complete criminal history, including all arrests and dispositions;

(C) gang membership;

(D) immigration history;

(E) employment history; and

(F) claims to United States citizenship; and

(2) the Secretary shall utilize fingerprints and other biometric data provided by the alien pursuant to section 601(g)(3)(A) and any other appropriate information to conduct appropriate background checks of such alien to search for criminal, national security, or other law enforcement actions that would render the alien ineligible for classification under section 601 of this Act or section 214A of the Immigration and Nationality Act; and

(3) appropriate background checks conducted pursuant to paragraph (2) for applicants determined to be from countries designated as state sponsors of terrorism or for whom there are reasonable grounds for regarding the alien as a danger to the security of the United States shall include—

(A) other appropriate background checks involving databases operated by the Department of State and other national security databases; and

(B) other appropriate procedures used to conduct terrorism and national security background investigations.

(b) PROBATIONARY BENEFITS.—Notwithstanding any provision of section 601(h) or section 214A(d) of the Immigration and Nationality Act, as added by section 622(b)—

(1) no probationary benefits described in section 601(h)(1) of this Act or section 214A(d)(7) of the Immigration and Nationality Act may be granted to any alien unless the alien passes all appropriate background checks under such section;

(2) an alien awaiting adjudication of the alien's application for probationary status under such sections shall not be considered unauthorized to work pending the granting or denial of such status; and

(3) the term unauthorized alien, for purposes of such section, has the meaning set forth in section 274A(b) of the Immigration and Nationality Act, as added by section 302(a) of this Act.

(c) RETURN HOME REQUIREMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of title VI, an alien who is applying for a Z–1 nonimmigrant visa under section 601 shall not be eligible for such status until the alien, in addition to the requirements described in such section, has completed the following requirements:

(A) The alien shall demonstrate that the alien departed from the United States and received a home return certification of such departure from a United States consular office in order to complete the alien's application for Z status. The Secretary of State, in consultation with the Secretary of Homeland Security, shall develop an appropriate certification for such purposes.

(B) The certification provided under subparagraph (A) shall be obtained not later than 3 years after the date on which the alien was granted probationary status. Failure to obtain such certification shall terminate the alien's eligibility for Z status for a Z–1 applicant and the eligibility of the applicant's derivative Z–2 or Z–3 applicants pursuant to section 601.

(C) Unless otherwise authorized, an applicant for a Z–1 nonimmigrant visa shall file a home return supplement to the alien's application for Z status at a consular office in the alien's country of origin. The Secretary of State may direct a consular office in a country that is not a Z nonimmigrant's country of origin to accept an application for adjustment of status from such an alien, if the Z nonimmigrant's country of origin is not contiguous to the United States, to the extent made possible by consular resources.

(2) RULEMAKING.—The Secretary of Homeland Security shall promulgate regulations to ensure a secure means for Z applicants to fulfill the requirements under paragraph (1).

(3) CLARIFICATION.—Notwithstanding any other provision of this Act, The return home requirement described in paragraph (1) shall be the sole return home requirement for Z–1 nonimmigrants.

(d) ELECTRONIC SYSTEM FOR PREREGISTRATION OF APPLICANTS FOR Z AND Z–A NONIMMIGRANT STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security may establish an online registration process allowing applicants for Z and Z–A nonimmigrant status to provide, in advance of submitting the application described in section 601(f), such biographical information and other information as the Secretary shall prescribe—

(A) for the purpose of providing applicants with an appointment to provide fingerprints and other biometric data at a facility of the Department of Homeland Security;

(B) to initiate background checks based on such information; and

(C) for other purposes consistent with this Act.

(2) MANDATORY DISCLOSURE OF INFORMATION.—The provisions of section 604 shall apply to the information provided pursuant to the process established under this section.

(e) PERJURY AND FALSE STATEMENTS.—Notwithstanding any other provision of this Act, all application forms for immigration benefits, relief, or status under this Act (including application forms for Z non-immigrant status) shall bear a warning to the applicant and to any other person involved in the preparation of the application that the making of

any false statement or misrepresentation on the application form (or any supporting documentation) will subject the applicant or other person to prosecution for false statement, fraud, or perjury under the applicable laws of the United States, including sections 1001, 1546, and 1621 of title 18, United States Code.

(f) FRAUD PREVENTION PROGRAM.—Notwithstanding any other provision of this Act, the head of each department responsible for the administration of a program or authority to confer an immigration benefit, relief, or status under this Act shall, subject to available appropriations, develop an administrative program to prevent fraud within or upon such program or authority. Such program shall provide for fraud prevention training for the relevant administrative adjudicators within the department and such other measures as the head of the department may provide.

(g) ELIGIBILITY FOR MILITARY SERVICE.—In addition to the benefits described in subparagraphs (A) through (D) of section 601(h)(1), an alien described in such section shall be eligible to serve as a member of the Uniformed Services of the United States.

SEC. ____. GOVERNMENT CONTRACTS.

(a) GOVERNMENT CONTRACTS.—Section 274A(h) of the Immigration and Nationality Act, as amended by section 302 of this Act, is further amended by striking paragraphs (1) and (2) and inserting the following:

''(1) EMPLOYERS.—

''(A) IN GENERAL.—If an employer who does not hold Federal contracts, grants, or cooperative agreements is determined by the Secretary of Homeland Security to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of Federal contracts, grants, or cooperative agreements for a period of not less than 5 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. The Secretary or the Attorney General shall advise the Administrator of General Services of any such debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for the period of the debarment.

''(B) WAIVER AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with an employer described under subparagraph (A), the Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive the debarment or may limit the duration or scope of the debarment under subparagraph (A) if such waiver or limitation is necessary to the national defense or in the interest of national security.

''(C) NOTIFICATION TO CONGRESS.—If the Administrator of General Services grants a waiver or limitation described under subparagraph (B), the Administrator shall submit notice of such waiver or limitation to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives.

''(2) CONTRACTORS AND RECIPIENTS.—

''(A) IN GENERAL.—If an employer who holds Federal contracts, grants, or cooperative agreements is determined by the Secretary of Homeland Security to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of Federal contracts, grants, or cooperative agreements for a period of not less than 5 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. Prior to debarring the employer, the Secretary, in cooperation with the Administrator of General Services, shall advise all agencies holding contracts, grants, or cooperative agreements with the employer of the proceedings to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of not less than 5 years.

''(B) WAIVER AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with an employer described under subparagraph (A), the Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive the debarment or may limit the duration or scope of the debarment under subparagraph (A) if such waiver or limitation is necessary to the national defense or in the interest of national security.

''(C) NOTIFICATION TO CONGRESS.—If the Administrator of General Services grants a waiver or limitation described under subparagraph (B), the Administrator shall submit notice of such waiver or limitation to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives.''.

(b) LIMIT ON PERCENTAGE OF H–1B AND L EMPLOYEES.—Subparagraph (I) of section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as added by section 420(d), is amended to read as follows:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants and nonimmigrants described in section 101(a)(15)(L).''.

(c) WAGE DETERMINATION FOR H–1B NONIMMIGRANTS.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(p)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(p)(3)) is amended by adding at the end the following sentence: ''The wage rate required under subsections (n)(1)(A)(i)(II) and (t)(1)(A)(i)(II) shall be determined and issued by the Secretary of Labor, pursuant to a request from an employer filing a labor condition application with the Secretary for purposes of those subsections and as part of the adjudication of such application. The Secretary shall respond to such a request within 14 days.''.

(2) LABOR CONDITION APPLICATIONS.—Section 212(n)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(A)) is amended—

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

(B) by redesignating clause (ii) as clause (iv); and

(C) by inserting after clause (i) the following new clauses:

''(ii) has filed with the Secretary of Labor, pursuant to section 212(p)(3), a request for the Secretary's determination of the appropriate wage rate;

''(iii) in no instance will pay more than 30 percent of the H–1B nonimmigrants employed by the employer wages equivalent to the lowest wage level under section 212(p)(4); and''.

(3) NONIMMIGRANT PROFESSIONALS; LABOR ATTESTATIONS.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended in paragraph (1)(A) of the first subsection (t) (as added by section 402(b)(2) of Public Law 108–77 (117 Stat. 941))—

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

(B) by redesignating clause (ii) as clause (iii); and

(C) inserting after clause (i) the following new clause:

''(ii) has filed with the Secretary of Labor, pursuant to section 212(p)(3), a request for the Secretary's determination of the appropriate wage rate; and''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(d) PROHIBITION ON OUTPLACEMENT OF H–1B NONIMMIGRANTS.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this Act, is further amended—

(A) in paragraph (1), by amending subparagraph (F), as amended by section 420, to read as follows:

''(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an H–1B nonimmigrant with another employer where there are indicia of an employment relationship between the nonimmigrant and such other employer unless the employer of the alien has been granted a waiver under paragraph (2)(E).''; and

(B) in paragraph (2), by amending subparagraph (E), as amended by section 420, to read as follows:

''(E) The Secretary of Labor shall promulgate rules, after notice and a period for comment, for an employer of an H–1B nonimmigrant to apply for a waiver of the prohibition in paragraph (1)(F). The Secretary shall grant or deny a waiver within 14 days after the waiver application is filed. In order to receive a waiver under this subparagraph, the burden shall be on the employer seeking the waiver to establish that—

''(i) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

''(ii) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

''(iii) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed.''.

(2) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed on or after the date the rules required by section 212(n)(2)(E) of such Act, as amended by paragraph (1)(B) of this subsection, are issued.

(e) POSTING AVAILABLE POSITIONS.—

(1) POSTING AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) by redesignating clause (ii) as subclause (II);

(B) by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided''; and

(C) by inserting before clause (ii), as redesignated by subparagraph (B), the following:

''(i) has posted a detailed description of each position for which a nonimmigrant is sought on the website described in paragraph (6) of this subsection for at least 30 calendar days, which description shall include the wages and other terms and conditions of employment, the minimum education, training, experience and other requirements for the position, and the process for applying for the position; and''.

(2) DEPARTMENT OF LABOR WEBSITE.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

''(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a searchable website for posting positions as required by paragraph (1)(C). This website shall be publicly accessible without charge.

''(B) The Secretary may work with private companies and nonprofit organizations in the development and operation of the website established under this paragraph.

''(C) The Secretary may promulgate rules, after notice and a period for comment, to carry out the requirements of this paragraph.''.

(3) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed 30 days or more after the date that the website required by section 212(n)(6) of such Act, as added by paragraph (2) of this subsection, is created.

(f) WAGE DETERMINATION FOR L NONIMMIGRANTS.—

(1) CHANGE IN MINIMUM WAGES.—Paragraph (2) of section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the prevailing wage level for the occupational classification in the area of employment; or

''(bb) the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

''(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

''(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(g) PROHIBITION ON OUTPLACEMENT OF L NONIMMIGRANTS.—

(1) IN GENERAL.—Paragraph (2) of section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by this section, is further amended by adding at the end the following:

''(M)(i) An employer who imports an alien as a nonimmigrant described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of the alien with another employer where there are indicia of an employment relationship between the alien and such other employer unless the employer of the alien has been granted a waiver under clause (ii).

''(ii) The Secretary of Homeland Security shall promulgate rules, after notice and a period for comment, for an employer to apply for a waiver of the prohibition set out in clause (i). The Secretary shall grant or deny a waiver within 14 days after the waiver application is filed. In order to receive such a waiver, the burden shall be on the employer seeking the waiver to establish that—

''(I) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

''(II) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

''(III) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed, rather than a placement in connection with the provision or a product or service for which specialized knowledge specific to the petitioning employer is necessary.''.

(2) APPLICATION.—The amendment made by paragraph (1) shall apply to an application filed on or after the date the rules required by section 212(c)(2)(M)(ii) of such Act, as added by paragraph (1) of this subsection, are issued.

SEC. ____. H–1B PROVISIONS.

(a) REPEAL OF CERTAIN TEMPORARY WORKER PROVISIONS.—The following amendments are null and void and have no effect:

(1) The amendments to subsection (b) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) made by subsection (c) of section 418 of this Act.

(2) The amendments to subsection (h) of such section 214 made by subsection (d) of such section 418.

(3) The amendments to subsection (g) of such section 214 made by subsection (a) of section 419 of this Act.

(4) The amendments to paragraph (2) of subsection (i) of such made by subsection (b) such of section 419.

(b) GRANTING DUAL INTENT TO CERTAIN NONIMMIGRANT STUDENTS.—Subsection (h) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) by striking ''(H)(i)(b) or (c),'' and inserting ''(F)(iv), (H)(i)(b), (H)(i)(c),''; and

(2) by striking ''if the alien had obtained a change of status'' and inserting ''if the alien had been admitted as, provided status as, or obtained a change of status''.

(c) H–1B AMENDMENTS.—Subsection (g) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

''(i) 15,000 in fiscal year 2008;

''(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

''(iii) 180,000 for any fiscal year;'';

(2) in paragraph (9), as redesignated by section 409—

(A) in subparagraph (B)—

(i) in clause (ii), by striking ''The annual numerical limitations described in clause (i) shall not exceed'' and inserting ''Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:''; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

(d) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Paragraph (6) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is amended to read as follows:

''(6) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b) who—

''(A) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 50,000

''(i) is employed (or has received an offer of employment) at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965) (20 U.S.C. 1001(a)), or a related or affiliated nonprofit entity; or

''(ii) is employed (or has received an offer of employment) at a nonprofit research organization or a governmental research organization;

''(B) has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 40,000; or

''(C) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States, until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 20,000.''.

(e) EMPLOYER REQUIREMENT.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is further amended to add the following:

''(13) An employer that has at least 1,000 full-time employees who are employed in the United States, including employment authorized aliens, and employs aliens admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b) in a number that is equal to or at least 15 percent of the number of such full-time employees, may file no more than 1,000 petitions under subsection (c) to import aliens under section 101(a)(15)(H)(i)(b) in any fiscal year.''.

(f) APPLICABILITY.—The amendment made by subsection (d) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date. The amendment made by subsection (e) shall take effect on the first day of the fiscal year following the fiscal year in which the backlog of employment-based immigrant visa petitions existing as of the effective date established in section 502(d) of this Act.

(g) DOCUMENT REQUIREMENT.—Paragraph (1) of section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)), as amended by this Act, is further amended—

(1) in subparagraph (A)—

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

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

(C) by adding at the end the following:

''(iii) will provide to the H–1B non-immigrant—

''(I) a copy of each application filed on behalf of the n nonimmigrant under this section; and

''(II) documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor.'';

(2) by adding at the end the following:

''(L) An H–1B nonimmigrant may not be stationed at the worksite of an employer other than the petitioning employer or its affiliate, subsidiary, or parent if the alien will be controlled and supervised principally by such unaffiliated employer or if the placement of the alien at the worksite of the affiliated employer is essentially an arrangement to provide labor for hire for the unaffiliated employer, rather than a placement in connection with the provision of a product or service.''.

(h) FRAUD ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall submit to Congress a fraud risk assessment of the H–1B visa program.

(i) MERIT-BASED IMMIGRANTS.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 11519(d)), as amended by section 501(b) to is amended to read as follows:

''(d) WORLDWIDE LEVEL OF MERIT-BASED, SPECIAL, AND EMPLOYMENT CREATION IMMIGRANTS.—

''(1) IN GENERAL.—The worldwide level of merit-based, special, and employment creation immigrants under this subsection for a fiscal year—

''(A) for the first five fiscal years shall be equal to the number of immigrant visas made available to aliens seeking immigrant visas under section 203(b) of this Act for fiscal year 2005, plus any immigrant visas not required for the class specified in (c), of which—

''(i) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y);

''(ii) 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved at the time of the effective date of section 502(d) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007;

''(iii) up to 20,000 shall be for aliens who met the specifications set forth in section 203(b)(1)(as of January 1, 2007); and

''(iv) the remaining visas be allocated as follows:

''(I) In fiscal year 2008 and 2009, 115,401 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

''(II) In fiscal year 2010, 86,934 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

''(III) In fiscal year 2011, 58,467 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

''(IV) In fiscal year 2012, 44,234 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.''.

(j) AMENDMENTS TO MERIT-BASED IMMIGRANT PROVISIONS.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), as amended by section 502(b), is further amended in paragraph (1) by adding at the end the following new subparagraphs:

''(G) Any employer desiring and intending to employ within the United States an alien qualified under (A) may file a petition with the Secretary of Homeland Security for such classification.

''(H) The Secretary of Homeland Security shall collect applications and petitions by July 1 of each fiscal year and will adjudicate from the pool of applicants received for that fiscal year, from the highest to the lowest, the determined number of points necessary for the fiscal year. If the number of applications and petitions submitted that meet the merit based threshold is insufficient for the number of visas available that year, the Secretary is authorized to continue accepting applications and petitions at a date determined by the Secretary to adjudicate the applications and petitions under this section.''.

(k) EFFECTIVE DATE.—

(1) REPEAL.—Paragraph (2) of section 502(d) is null and void and shall have no effect.

(2) PENDING AND APPROVED PETITIONS AND APPLICATIONS.—Petitions for an employment-based visa filed for classification under section 203(b)(1), (2), or (3) of the Immigration and Nationality Act (as such provisions existed prior to the enactment of section 502) that were pending or approved at the time of the effective date of section 502, shall be treated as if such provision remained effective and an approved petition may serve as the basis for issuance of an immigrant visa. The beneficiary (as classified for this subparagraph as a nonimmigrant described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) of such a pending or approved petition, and any dependent accompanying or following to join such beneficiary, may file an application for adjustment of status under section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a)) regardless of whether an immigrant visa is immediately available at the time the application is filed. Such application for adjustment of status shall not be approved until an immigrant visa becomes available. Aliens with applications for a labor certification pursuant to section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) shall preserve the immigrant visa priority date accorded by the date of filing of such labor certification application.

SEC. ____. INFORMATION SHARING BETWEEN FEDERAL AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—The certification submitted under section 1(a) shall include a statement that the Secretary of Homeland Security has promulgated a regulation stating that no person, agency, or Federal, State, or local government entity may prohibit a law enforcement officer from acquiring information regarding the immigration status of any individual if the officer seeking such information has probable cause to believe that the individual is not lawfully present in the United States.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) may be construed—

(1) to limit the acquisition of information as otherwise provided by law; or

(2) to require a person to disclose information regarding an individual's immigration status prior to the provision of medical or education services.

SEC. ____. SUPPLEMENTAL IMMIGRATION FEE.

(a) AUTHORIZATION OF FEE.—

(1) IN GENERAL.—Subject to paragraph (2), any alien who receives any immigration benefit under this title, or the amendments made by this title, shall, before receiving such benefit, pay a fee to the Secretary in an amount equal to $500, in addition to other applicable fees and penalties imposed under this title, or the amendments made by this title.

(2) FEES CONTINGENT ON APPROPRIATIONS.—No fee may be collected under this section except to the extent that the expenditure of the fee to pay the costs of activities and services for which the fee is imposed, as described in subsection (b), is provided for in advance in an appropriations Act.

(b) DEPOSIT AND EXPENDITURE OF FEES.—

(1) DEPOSIT.—Amounts collected under subsection (a) shall be deposited as an offsetting collection in, and credited to, the accounts providing appropriations—

(A) to carry out the apprehension and detention of any alien who is inadmissible by reason of any offense described in section 212(a) of the Immigration and Nationality Act;

(B) to carry out the apprehension and detention of any alien who is deportable for any offense under section 237(a) of such Act;

(C) to acquire border sensor and surveillance technology;

(D) for air and marine interdiction, operations, maintenance, and procurement;

(E) for construction projects in support of the United States Customs and Border Protection;

(F) to train Federal law enforcement personnel; and

(G) for employment eligibility verification.

(2) AVAILABILITY OF FEES.—Amounts deposited under paragraph (1) shall remain available until expended for the activities and services described in paragraph (1).

SEC. ____. INCLUSION OF PROBATIONARY BENEFITS IN TRIGGER PROVISION.

Notwithstanding section 1(a), no probationary benefit authorized under section 601(h) may be issued to an alien until after section 1 has been implemented.

SEC. ____. CERTIFICATION REQUIREMENT.

(a) IN GENERAL.—A petition by an employer for any visa authorizing employment in the United States may not be approved until the employer has provided written certification, under penalty of perjury, to the Secretary of Labor that—

(1) the employer has not provided a notice of a mass layoff pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.) during the 12-month period immediately preceding the date on which the alien is to be hired; and

(2) the employer does not intend to provide a notice of a mass layoff pursuant to such Act.

(b) EFFECT OF MASS LAYOFF.—If an employer provides a notice of a mass layoff pursuant to such Act after a visa described in subsection (a) has been approved, such visa shall expire on the date that is 60 days after the date on which such notice is provided.

(c) EXEMPTION.—An employer shall be exempt from the requirements under this section if the employer provides written certification, under penalty of perjury, that the total number of the employer's employees in the United States will not be reduced as a result of a mass layoff.

TITLE ____—STRENGTHENING AMERICAN CITIZENSHIP

SEC. __01. SHORT TITLE.

This title may be cited as the ''Secure Borders, Economic Opportunity and Immigration Reform Act of 2007''.

SEC. __02. DEFINITION.

In this title, the term ''Oath of Allegiance'' means the binding oath (or affirmation) of allegiance required to be naturalized as a citizen of the United States, as prescribed in subsection (e) of section 337 of the Immigration and Nationality Act (8 U.S.C. 1448(e)), as added by section __31(a)(2).

Subtitle A—Learning English

SEC. __11. ENGLISH FLUENCY.

(a) EDUCATION GRANTS.—

(1) ESTABLISHMENT.—The Chief of the Office of Citizenship of the Department (referred to in this subsection as the ''Chief'') shall establish a grant program to provide grants in an amount not to exceed $500 to assist lawful permanent residents of the United States who declare an intent to apply for

citizenship in the United States to meet the requirements under section 312 of the Immigration and Nationality Act (8 U.S.C. 1423).

(2) USE OF FUNDS.—Grant funds awarded under this subsection shall be paid directly to an accredited institution of higher education or other qualified educational institution (as determined by the Chief) for tuition, fees, books, and other educational resources required by a course on the English language in which the lawful permanent resident is enrolled.

(3) APPLICATION.—A lawful permanent resident desiring a grant under this subsection shall submit an application to the Chief at such time, in such manner, and accompanied by such information as the Chief may reasonably require.

(4) PRIORITY.—If insufficient funds are available to award grants to all qualified applicants, the Chief shall give priority based on the financial need of the applicants.

(5) NOTICE.—The Secretary, upon relevant registration of a lawful permanent resident with the Department of Homeland Security, shall notify such lawful permanent resident of the availability of grants under this subsection for lawful permanent residents who declare an intent to apply for United States citizenship.

(b) FASTER CITIZENSHIP FOR ENGLISH FLUENCY.—Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427) is amended by adding at the end the following:

''(g) A lawful permanent resident of the United States who demonstrates English fluency, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of State, will satisfy the residency requirement under subsection (a) upon the completion of 4 years of continuous legal residency in the United States.''.

SEC. __12. SAVINGS PROVISION.

Nothing in this subtitle shall be construed to—

(1) modify the English language requirements for naturalization under section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)); or

(2) influence the naturalization test redesign process of the Office of Citizenship of the United States Citizenship and Immigration Services (except for the requirement under section __31(b)).

Subtitle B—Education About the American Way of Life

SEC. __21. AMERICAN CITIZENSHIP GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a competitive grant program to provide financial assistance for—

(1) efforts by entities (including veterans and patriotic organizations) certified by the Office of Citizenship of the Department to promote the patriotic integration of prospective citizens into the American way of life by providing civics, history, and English as a second language courses, with a specific emphasis on attachment to principles of the Constitution of the United States, the heroes of American history (including military heroes), and the meaning of the Oath of Allegiance; and

(2) other activities approved by the Secretary to promote the patriotic integration of prospective citizens and the implementation of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including grants—

(A) to promote an understanding of the form of government and history of the United States; and

(B) to promote an attachment to the principles of the Constitution of the United States and the well being and happiness of the people of the United States.

(b) ACCEPTANCE OF GIFTS.—The Secretary may accept and use gifts from the United States Citizenship Foundation, established under section __22(a), for grants under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. __22. FUNDING FOR THE OFFICE OF CITIZENSHIP.

(a) AUTHORIZATION.—The Secretary, acting through the Director of United States Citizenship and Immigration Services, is authorized to establish the United States Citizenship Foundation (referred to in this section as the ''Foundation''), an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(1) American common values and traditions, including an understanding of the history of the United States and the principles of the Constitution of the United States; and

(2) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(b) DEDICATED FUNDING.—

(1) IN GENERAL.—Not less than 1.5 percent of the funds made available to United States Citizenship and Immigration Services (including fees and appropriated funds) shall be dedicated to the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(A) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(B) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(2) SENSE OF CONGRESS.—It is the sense of Congress that dedicating increased funds to the Office of Citizenship should not result in an increase in fees charged by United States Citizenship and Immigration Services.

(c) GIFTS.—

(1) TO FOUNDATION.—The Foundation may solicit, accept, and make gifts of money and other property in accordance with section 501(c)(3) of the Internal Revenue Code of 1986.

(2) FROM FOUNDATION.—The Office of Citizenship may accept gifts from the Foundation to support the functions of the Office.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the mission of the Office of Citizenship, including the patriotic integration of prospective citizens into—

(1) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(2) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

SEC. __23. RESTRICTION ON USE OF FUNDS.

Amounts appropriated to carry out a program under this subtitle may not be used to organize individuals for the purpose of political activism or advocacy.

SEC. __24. REPORTING REQUIREMENT.

The Chief of the Office of Citizenship shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on Education and Labor of the House of Representatives, and the Committee on the Judiciary of the House of Representatives, an annual report that contains—

(1) a list of the entities that have received funds from the Office of Citizenship during the reporting period under this subtitle and the amount of funding received by each such entity;

(2) an evaluation of the extent to which grants received under this subtitle and subtitle A successfully promoted an understanding of—

(A) the English language; and

(B) American history and government, including the heroes of American history, the meaning of the Oath of Allegiance, and an attachment to the principles of the Constitution of the United States; and

(3) information about the number of lawful permanent residents who were able to achieve the knowledge described under paragraph (2) as a result of the grants provided under this subtitle and subtitle A.

Subtitle C—Codifying the Oath of Allegiance

SEC. __31. OATH OR AFFIRMATION OF RENUNCIATION AND ALLEGIANCE.

(a) REVISION OF OATH.—Section 337 of the Immigration and Nationality Act (8 U.S.C. 1448) is amended—

(1) in subsection (a), by striking ''under section 310(b) an oath'' and all that follows through ''personal moral code.'' and inserting ''under section 310(b), the oath (or affirmation) of allegiance prescribed in subsection (e).''; and

(2) by adding at the end the following:

''(e)(1) Subject to paragraphs (2) and (3), the oath (or affirmation) of allegiance prescribed in this subsection is as follows: 'I take this oath solemnly, freely, and without any mental reservation. I absolutely and entirely renounce all allegiance to any foreign state or power of which I have been a subject or citizen. My fidelity and allegiance from this day forward are to the United States of America. I will bear true faith and allegiance to the Constitution and laws of the United States, and will support and defend them against all enemies, foreign and domestic. I will bear arms, or perform noncombatant military or civilian service, on behalf of the United States when required by law. This I do solemnly swear, so help me God.'.

''(2) If a person, by reason of religious training and belief (or individual interpretation thereof) or for other reasons of good conscience, cannot take the oath prescribed in paragraph (1)—

''(A) with the term 'oath' included, the term 'affirmation' shall be substituted for the term 'oath'; and

''(B) with the phrase 'so help me God' included, the phrase 'so help me God' shall be omitted.

''(3) If a person shows by clear and convincing evidence to the satisfaction of the Attorney General that such person, by reason of religious training and belief, cannot take the oath prescribed in paragraph (1)—

''(A) because such person is opposed to the bearing of arms in the Armed Forces of the United States, the words 'bear arms, or' shall be omitted; and

''(B) because such person is opposed to any type of service in the Armed Forces of the United States, the words 'bear arms, or' and 'noncombatant military or' shall be omitted.

''(4) As used in this subsection, the term 'religious training and belief'—

''(A) means a belief of an individual in relation to a Supreme Being involving duties superior to those arising from any human relation; and

''(B) does not include essentially political, sociological, or philosophical views or a merely personal moral code.

''(5) Any reference in this title to 'oath' or 'oath of allegiance' under this section shall be deemed to refer to the oath (or affirmation) of allegiance prescribed under this subsection.''.

(b) HISTORY AND GOVERNMENT TEST.—The Secretary shall incorporate a knowledge and understanding of the meaning of the Oath of Allegiance into the history and government test given to applicants for citizenship.

(c) NOTICE TO FOREIGN EMBASSIES.—Upon the naturalization of a new citizen, the Secretary, in cooperation with the Secretary of State, shall notify the embassy of the country of which the new citizen was a citizen or subject that such citizen has—

(1) renounced allegiance to that foreign country; and

(2) sworn allegiance to the United States.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 6 months after the date of the enactment of this Act.

Subtitle D—Celebrating New Citizens

SEC. __41. ESTABLISHMENT OF NEW CITIZENS AWARD PROGRAM.

(a) ESTABLISHMENT.—There is established a new citizens award program to recognize citizens who—

(1) have made an outstanding contribution to the United States; and

(2) are naturalized during the 10-year period ending on the date of such recognition.

(b) PRESENTATION AUTHORIZED.—

(1) IN GENERAL.—The President is authorized to present a medal, in recognition of outstanding contributions to the United States, to citizens described in subsection (a).

(2) MAXIMUM NUMBER OF AWARDS.—Not more than 10 citizens may receive a medal under this section in any calendar year.

(c) DESIGN AND STRIKING.—The Secretary of the Treasury shall strike a medal with suitable emblems, devices, and inscriptions, to be determined by the President.

(d) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. __42. NATURALIZATION CEREMONIES.

(a) IN GENERAL.—The Secretary, in consultation with the Director of the National Park Service, the Archivist of the United States, and other appropriate Federal officials, shall develop and implement a strategy to enhance the public awareness of naturalization ceremonies.

(b) VENUES.—In developing the strategy under this section, the Secretary shall consider the use of outstanding and historic locations as venues for select naturalization ceremonies.

(c) REPORTING REQUIREMENT.—The Secretary shall annually submit a report to Congress that contains—

(1) the content of the strategy developed under this section; and

(2) the progress made towards the implementation of such strategy.

SEC. ____. EMPLOYER OBLIGATION TO DOCUMENT COMPARABLE JOB OPPORTUNITIES.

(a) IN GENERAL.—Section 218B(b) of the Immigration and Nationality Act, as added by section 403 of this Act, is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) in subparagraph (D), by striking the period at the end and insert ''; and''; and

(C) by adding at the end the following:

''(E) documenting that for a period of not less than 90 days before the date an application is filed under subsection (a)(1), and for a period of 1 year after the date that such application is filed, every comparable job opportunity (including those in the same occupation for which an application for a Y–1 worker is made, and all other job opportunities for which comparable education, training, or experience are required), that becomes available at the employer is posted to the designated State employment service agency, including a description of the wages and other terms and conditions of employment and the minimum education, training, experience and other requirements of the job, and the designated State agency has been authorized—

''(i) to post all such job opportunities on the Internet website established under section 414 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, with local job banks, and with unemployment agencies and other referral and recruitment sources pertinent to the job involved; and

''(ii) to notify labor organizations in the State in which the job is located and, if applicable, the office of the local union which represents the employees in the same or substantially equivalent job classification of the job opportunity.'';

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1), the following:

''(2) PENALTY FOR FAILURE TO DOCUMENT COMPLIANCE.—The failure of an employer to document compliance with paragraph (1)(E) shall result in the employer's ineligibility to make a subsequent application under subsection (a)(1) during the 1-year period following the initial application. The Secretary of Labor shall routinely publicize the requirement under paragraph (1)(E) in communications with employers, and encourage State agencies to also publicize such requirement, to help employers become aware of and comply with such requirement in a timely manner.''.

(b) DEFINITION OF EMPLOYER.—Section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)), as amended by subsection (a) of the first section 302 (relating to unlawful employment of aliens), is further amended by striking paragraph (2).

SEC. ____. TREATMENT OF CERTAIN NATIONALS OF IRAQ.

(a) REQUIREMENT FOR REHEARING OF CERTAIN CLAIMS DENIED ON BASIS OF CHANGED COUNTRY CONDITIONS.—Section 208(b) of the Immigration and Nationality Act (8 U.S.C. 1158(b)) is amended by adding at the end the following:

''(4) CHANGED COUNTRY CONDITIONS.—The Attorney General shall accept and grant a motion filed not later than 6 months after the date of the enactment of this paragraph for rehearing before an immigration judge of an application for asylum or withholding of removal if the alien—

''(A) is a religious minority from Iraq whose claim was denied by an immigration judge in whole or in part on the basis of changed country conditions on or after March 1, 2003; and

''(B) has remained in the United States as of the date of the enactment of this paragraph.''.

(b) CONSIDERATION OF CERTAIN NATIONALS FROM IRAQ AS PRIORITY 2 REFUGEES.—Subject to the numerical limitations established pursuant to section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), the Secretary of State or a designee of the Secretary shall present to the Secretary of Homeland Security, and the Secretary of Homeland Security or a designee of the Secretary shall adjudicate, any application for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) submitted by an applicant who—

(1) is a national of Iraq;

(2) is able to demonstrate that he or she is a member of a religious minority group in Iraq; and

(3) is able to demonstrate that he or she left Iraq before January 1, 2007, and has resided outside Iraq since that time.

SEC. ____. PREEMPTION.

In section 274A(i) of the Immigration and Nationality Act, as amended by section 302(a) of this Act, strike paragraph (2) and insert the following:

''(2) PREEMPTION.—This section preempts any State or local law that—

''(A) requires the use of the EEVS in a manner that—

''(i) conflicts with any Federal policy, procedure, or timetable; or

''(ii) imposes a civil or criminal sanction (other than through licensing or other similar laws) on a person that employs, or recruits or refers for a fee for employment, any unauthorized alien; and

''(B) requires, as a condition of conducting, continuing, or expanding a business, that, to achieve compliance with subsection (a) or (b), a business entity—

''(i) shall provide, build, fund, or maintain a shelter, structure, or designated area at or near the place of business of the entity for use by—

''(I) any individual who is not an employee of the business entity who enters or seeks to enter the property of the entity for the purpose of seeking employment by the entity; or

''(II) any contractor, customer, or other person over which the business entity has no authority; or

''(ii) shall carry out any other activity to facilitate the employment by others of—

''(I) any individual who is not an employee of the business entity who enters or seeks to enter the property of the entity for the purpose of seeking employment by the entity; or

''(II) any contractor, customer, or other person over which the business entity has no authority.''.

SEC. ____. CLARIFYING AMENDMENTS REGARDING THE USE OF SOCIAL SECURITY CARDS.

(a) USE OF SOCIAL SECURITY CARDS TO ESTABLISH IDENTITY AND EMPLOYMENT AUTHORIZATION.—Section 274A of the Immigration and Nationality Act, as amended by section 302, is further amended—

(1) in subsection (c)(1)—

(A) in subparagraph (B)—

(i) in clause (ii)(III), by striking ''; or'' and inserting a semicolon;

(ii) in clause (iii), by striking the end period and inserting ''; or''; and

(iii) by adding at the end the following:

''(iv) social security card (other than a card that specifies on its face that the card is not valid for establishing employment authorization in the United States) that bears a photograph and meets the standards established under section 716(d) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, upon the recommendation of the Secretary of Homeland Security, in consultation with the Commissioner of Social Security, pursuant to section 716(f)(1) of such Act.''; and

(B) in subparagraph (D)(i), by striking ''may'' and inserting ''shall, not later than the date on which the report described in section 716(f)(1) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, is submitted,''; and

(2) in subsection (d)(9)(B)(v)(I), by striking ''as specified in (D)'' and inserting ''as specified in subparagraph (D), including photographs and any other biometric information as may be required''.

(b) ACCESS TO SOCIAL SECURITY CARD INFORMATION.—Section 205(c)(2)(I)(i) of the Social Security Act, as added by section 308, is further amended by inserting at the end of the flush text at the end the following new

sentence: ''As part of the employment eligibility verification system established under section 274A of the Immigration and Nationality Act, the Commissioner of Social Security shall provide to the Secretary of Homeland Security access to any photograph, other feature, or information included in the social security card.''

(c) INCREASING SECURITY AND INTEGRITY OF SOCIAL SECURITY CARDS.—Notwithstanding any other provision of this Act, section 305 of this Act is repealed.

(d) FRAUD-RESISTANT, TAMPER-RESISTANT, AND WEAR-RESISTANT SOCIAL SECURITY CARDS.—

(1) ISSUANCE.—Not later than first day of the second fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Commissioner of Social Security shall begin to administer and issue fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(2) INTERIM.—Not later than the first day of the seventh fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Commissioner of Social Security shall issue only fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(3) COMPLETION.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), all social security cards that are not fraud-resistant, tamper-resistant, and wear-resistant shall be invalid for establishing employment authorization for any individual 16 years of age or older.

(4) EXEMPTION.—Nothing in this section shall require an individual under the age of 16 years to be issued or to present for any purpose a social security card described in this subsection. Nothing in this section shall prohibit the Commissioner of Social Security from issuing a social security card not meeting the requirements of this subsection to an individual under the age of 16 years who otherwise meets the eligibility requirements for a social security card.

(e) ADDITIONAL DUTIES OF THE SOCIAL SECURITY ADMINISTRATION.—In accordance with the responsibilities of the Commissioner of Social Security under section 205(c)(2)(I) of the Social Security Act, as added by section 308, the Commissioner—

(1) shall issue a social security card to an individual at the time of the issuance of a social security account number to such individual, which card shall—

(A) contain such security and identification features as determined by the Secretary of Homeland Security, in consultation with the Commissioner; and

(B) be fraud-resistant, tamper-resistant, and wear-resistant;

(2) in consultation with the Secretary of Homeland Security, shall issue regulations specifying such particular security and identification features, renewal requirements (including updated photographs), and standards for the social security card as necessary to be acceptable for purposes of establishing identity and employment authorization under the immigration laws of the United States; and

(3) may not issue a replacement social security card to any individual unless the Commissioner determines that the purpose for requiring the issuance of the replacement document is legitimate.

(f) REPORTING REQUIREMENTS.—

(1) REPORT ON THE USE OF IDENTIFICATION DOCUMENTS.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Secretary of Homeland Security shall submit to Congress a report recommending which documents, if any, among those described in section 274A(c)(1) of the Immigration and Nationality Act, should continue to be used to establish identity and employment authorization in the United States.

(2) REPORT ON IMPLEMENTATION.—Not later than 12 months after the date on which the Commissioner begins to administer and issue fraud-resistant, tamper-resistant, and wear-resistant cards under subsection (d)(1), and annually thereafter, the Commissioner shall submit to Congress a report on the implementation of this section. The report shall include analyses of the amounts needed to be appropriated to implement this section, and of any measures taken to protect the privacy of individuals who hold social security cards described in this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. ____. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended—

(1) by striking subsections (c) and (d), as added by section 607, and inserting the following:

''(c) The criterion specified in this subsection is that the individual, if not a citizen or national of the United States—

''(1) has been assigned a social security account number that was, at the time of assignment, or at any later time, consistent with the requirements under subclause (I) or (III) of section 205(c)(2)(B)(i); or

''(2) at the time any such quarters of coverage are earned—

''(A) is described in subparagraph (B) or (D) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15));

''(B) is lawfully admitted temporarily to the United States for business (in the case of an individual described in such subparagraph (B)) or the performance as a crewman (in the case of an individual described in such subparagraph (D)); and

''(C) the business engaged in, or service as a crewman performed, is within the scope of the terms of such individual's admission to the United States.

''(d)(1) Except as provided in paragraph (2), no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).''.

(b) BENEFIT COMPUTATION.—Section 215(e)(3) of such Act, as added by section 607(b)(3), is amended—

(1) by inserting ''who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007'' after ''earnings of an individual'';

(2) by striking ''for any year''; and

(3) by striking ''section 214(c)'' and inserting ''section 214(d)''.

(c) EFFECTIVE DATE.—Notwithstanding section 607(c), the amendments made by this section and by section 607 shall take effect on the date of the enactment of this Act.

SEC. ____. PROTECTION FOR SCHOLARS.

(a) NONIMMIGRANT CATEGORY.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)) of the Immigration and Nationality Act is amended by striking subparagraph (W), as added by section 401(a)(4), and inserting the following:

''(W) subject to section 214(s), an alien—

''(i) who the Secretary of Homeland Security determines—

''(I) is a scholar; and

''(II) is subject to a risk of grave danger or persecution in the alien's country of nationality on account of the alien's belief, scholarship, or identity; or

''(ii) who is the spouse or child of an alien described in clause (i) who is accompanying or following to join such alien;''.

(b) CONDITIONS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), as amended by this Act, is further amended by adding at the end the following:

''(s) REQUIREMENTS APPLICABLE TO PERSECUTED SCHOLARS.—

''(1) ELIGIBILITY.—

''(A) IN GENERAL.—An alien is eligible for nonimmigrant status under section 101(a)(15)(W)(i) if the alien demonstrates that the alien is a scholar in any field who is subject to a risk of grave danger or persecution in the alien's country of nationality on account of the alien's belief, scholarship, or identity.

''(B) CONSULTATION.—In determining eligibility of aliens under subparagraph (A), the Secretary of Homeland Security shall consult with nationally recognized organizations that have not less than 5 years of experience in assisting and funding scholars needing to escape dangerous conditions.

''(2) NUMERICAL MINIMUMS.—The number of aliens who may be issued visas or otherwise provided status as nonimmigrants under section 1101(a)(15)(W) in any fiscal year may not be less than 2,000, unless the Secretary determines that less than 2,000 aliens who are qualified for such status are seeking such status during the fiscal year.

''(3) CREDIBLE EVIDENCE CONSIDERED.—In acting on any application filed under this subsection, the consular officer or the Secretary of Homeland Security, as appropriate, shall consider any credible evidence relevant to the application, including information received in connection with the consultation required under paragraph (1)(B).

''(4) NONEXCLUSIVE RELIEF.—Nothing in this subsection limits the ability of an alien who qualifies for status under section 101(a)(15)(W) to seek any other immigration benefit or status for which the alien may be eligible.

''(5) DURATION OF STATUS.—

''(A) INITIAL PERIOD.—The initial period of admission of an alien granted status as a nonimmigrant under section 101(a)(15)(W) shall be not more than 2 years.

''(B) EXTENSION OF PERIOD.—The period of admission described in subparagraph (A) may be extended for 1 addi÷tional 2-year period.''.

SEC. ____. REPORT ON Y NONIMMIGRANT VISAS.

(a) IN GENERAL.—The Secretary of Homeland Security shall annually report to Congress on the number of Y nonimmigrant visa holders that do not report at a port of departure and return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

(b) TIMING OF REPORTS.—

(1) INITIAL REPORT.—The initial report required under subsection (a) shall be submitted to Congress not later than 2 years and 2 months after the date on which the Secretary of Homeland Security makes the certification described in section 1(a) of this Act.

(2) SUBSEQUENT REPORTS.—Following the submission of the initial report under paragraph (1), each subsequent report required under subsection (a) shall be submitted to Congress not later than 60 days after the end of each calendar year.

(c) REQUIRED ACTION.—Based upon the findings in the reports required under subsection (a), the Secretary, for the following calendar year, shall reduce the number of available Y nonimmigrant visas by a number which is equal to the number of Y nonimmigrant visa holders who do not return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

(d) INFORMATION SHARING.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et. seq.) is amended by adding after section 240D, as added by section 223(a) of this Act, the following:

"SEC. 240E. INFORMATION SHARING WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.

''(a) AUTHORITY.—Consistent with the authority of State and local law enforcement agencies and political subdivisions to assist the Federal Government in the enforcement of Federal immigration laws, the Secretary of Homeland Security or the Attorney General may make available information collected and maintained pursuant to any provision of this Act. Nothing in this section may be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

''(b) TRANSFER.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

''(1) shall—

''(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States; and

''(B) if the individual is an alien who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States—

''(i) take the illegal alien into the custody of the Federal Government not later than 72 hours after—

''(I) the conclusion of the State charging process or dismissal process; or

''(II) the illegal alien is apprehended, if no State charging or dismissal process is required; or

''(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

''(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

''(c) REIMBURSEMENT.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State, or a political subdivision of a State, for expenses, as verified by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (a)(1).

''(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (a)(1) shall be equal to—

''(A) the product of—

''(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

''(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

''(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

''(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (b) and the time of transfer into Federal custody.

''(d) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

''(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

''(2) if practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

''(e) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests described in subsection (b), into Federal custody.

''(f) CONTRACT AUTHORITY.—

''(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

''(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or if appropriate, the political subdivision in which the agencies are located, has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary may not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.

''(g) PROVISION OF INFORMATION TO NATIONAL CRIME INFORMATION CENTER.—

''(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

''(A) against whom a final order of removal has been issued;

''(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) or (b)(2) of section 240B or who has violated a condition of a voluntary departure agreement under section 240B;

''(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

''(D) whose visa has been revoked.

''(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

''(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180-day time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $850,000,000 for fiscal year 2008 and for each subsequent fiscal year for the detention and removal of aliens who are not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.).

(f) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

''(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or Attorney General, based upon any relevant information or evidence, including classified, sensitive, or national security information;'';

(2) in paragraph (8), by striking ''(as defined in subsection (a)(43))'' and inserting the following: ''regardless of whether the crime was defined as an aggravated felony under subsection (a)(43) at the time of the conviction, unless—

''(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and

''(B) the Secretary of Homeland Security or the Attorney General waives the application of this paragraph; or''.

(3) in the undesignated matter following paragraph (9), by striking ''a finding that for other reasons such person is or was not of good moral character.'' and inserting ''a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited to the period during which good moral character is required.''.

(g) PENDING PROCEEDINGS.—Section 204(b) of the Immigration and Nationality Act (8 U.S.C. 1154(b)) is amended by adding at the end the following: ''A petition may not be approved under this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.''.

(h) CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 216(e) of the Immigration and Nationality Act (8 U.S.C. 1186a(e)) is amended by inserting ''if the alien has had the conditional basis removed pursuant to this section'' before the period at the end.

(2) CERTAIN ALIEN ENTREPRENEURS.—Section 216A(e) of such Act (8 U.S.C. 1186b(e)) is amended by inserting ''if the alien has had the conditional basis removed pursuant to this section'' before the period at the end.

(i) JUDICIAL REVIEW OF NATURALIZATION APPLICATIONS.—Section 310(c) of the Immigration and Nationality Act (8 U.S.C. 1421(c)) is amended—

(1) by inserting '', not later than 120 days after the Secretary of Homeland Security's final determination,'' after ''may''; and

(2) by adding at the end the following: ''In any proceeding, other than a proceeding under section 340, the court shall review for substantial evidence the administrative record and findings of the Secretary of Homeland Security regarding whether an alien is a person of good moral character, understands and is attached to the principles of the Constitution of the United States, or is well disposed to the good order and happiness of the United States. The petitioner shall have the burden of showing that the Secretary's denial of the application was contrary to law.''.

(j) PERSONS ENDANGERING NATIONAL SECURITY.—Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427) is amended by adding at the end the following:

''(g) PERSONS ENDANGERING THE NATIONAL SECURITY.—A person may not be naturalized if the Secretary of Homeland Security determines, based upon any relevant information or evidence, including classified, sensitive, or national security information, that the person was once an alien described in section 212(a)(3) or 237(a)(4).''.

(k) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 of the Immigration and Nationality Act (8 U.S.C. 1429) is amended by striking ''the Attorney General if'' and all that follows and inserting ''the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or canceling the removal of an alien under this Act shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established eligibility for naturalization in accordance with this title.''.

(l) DISTRICT COURT JURISDICTION.—Section 336(b) of the Immigration and Nationality Act (8 U.S.C. 1447(b)) is amended to read as follows:

''(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews required under such section, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. The Secretary shall notify the applicant when such examinations and interviews have been completed. Such district court shall only have jurisdiction to review the basis for delay and remand the matter, with appropriate instructions, to the Secretary for the Secretary's determination on the application.''.

SEC. ___. REPORT ON Y NONIMMIGRANT VISAS.

(a) IN GENERAL.—The Secretary of Homeland Security shall constantly report to Congress on the number of Y nonimmigrant visa holders that do not report at a port of departure and return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

(b) TIMING OF REPORTS.—

(1) INITIAL REPORT.—The initial report required under subsection (a) shall be submitted to Congress not later than 26 months after the date on which the Secretary of Homeland Security makes the certification described in section 1(a).

(2) SUBSEQUENT REPORTS.—Following the submission of the initial report under paragraph (1), each subsequent report required under subsection (a) shall be submitted to Congress not later than 60 days after the end of each calendar year.

(c) REQUIRED ACTION.—Based upon the findings in the reports required under subsection (a), the Secretary, for the following calendar year, shall reduce the number of available Y nonimmigrant visas by a number which is equal to the number of Y nonimmigrant visa holders who do not return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

TITLE — ____MISCELLANEOUS

Subtitle A—Other Matters

SEC. ___. MEDICAL SERVICES IN UNDERSERVED AREAS.

(a) FEDERAL PHYSICIAN WAIVER PROGRAM.—Section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1184(l)), as amended by section 425(b), is further amended by adding at the end the following:

''(5) In administering the Federal physician waiver program authorized under paragraph (1)(C), the Secretary of Health and Human Services shall accept applications from—

''(A) primary care physicians and physicians practicing specialty medicine; and

''(B) hospitals and health care facilities of any type located in an area that the Secretary has designated as having a shortage of physicians, including—

''(i) a Health Professional Shortage Area (as defined in section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1)));

''(ii) a Mental Health Professional Shortage Area;

''(iii) a Medically Underserved Area (as defined in section 330I(a)(4) of the Public Health Service Act (42 U.S.C. 254c–14(a)(4)));

''(iv) a Medically Underserved Population (as defined in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3))); or

''(v) a Physician Scarcity Areas (as identified under section 1833(u)(4) of the Social Security Act (42 U.S.C. 13951(u)(4))).

''(6) Any employer shall be deemed to have met the requirements under paragraph (1)(D)(iii) if the facility of the employer is located in an area listed in paragraph (5)(B).''.

(b) RETAINING AMERICAN-TRAINED PHYSICIANS IN PHYSICIAN SHORTAGE COMMUNITIES.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

''(F) Alien physicians who have completed service requirements under section 214(l).''.

SEC. ___. REPORT ON PROCESSING OF VISA APPLICATIONS.

Not later than February 1, 2008, and each year thereafter through 2011, the Secretary of State shall submit a report to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives that includes the following information with respect to each visa-issuing post operated by the Department of State where, during the fiscal year preceding the report, the length of time between the submission of a request for a personal interview for a nonimmigrant visa and the date of the personal interview of the applicant exceeded, on average, 30 days:

(1) The number of visa applications submitted in each of the 3 preceding fiscal years, including information regarding each type of visa applied for.

(2) The number of visa applications that were approved in each of the 3 preceding fiscal years, including information regarding the number of each type of visa approved.

(3) The number of visa applications in each of the 3 preceding fiscal years that were subject to a Security Advisory Opinion or similar specialized review.

(4) The average length of time between the submission of a visa application and the personal interview of the applicant in each of the 3 preceding fiscal years, including information regarding the type of visa applied for.

(5) The percentage of visa applicants who were refused a visa in each of the 3 preceding fiscal years, including information regarding the type of visa applied for.

(6) The number of consular officers processing visa applications in each of the 3 preceding fiscal years.

(7) A description of each new procedure or program designed to improve the processing of visa applications that was implemented in each of the 3 preceding fiscal years.

(8) A description of construction or improvement of facilities for processing visa applications in each of the 3 preceding fiscal years.

(9) A description of particular communications initiatives or outreach undertaken to communicate the visa application process to potential or actual visa applicants.

(10) An analysis of the facilities, personnel, information systems, and other factors affecting the duration of time between the submission of a visa application and the personal interview of the applicant, and the impact of those factors on the quality of the review of the application.

(11) Specific recommendations as to any additional facilities, personnel, information systems, or other requirements that would allow the personal interview to occur not more than 30 days following the submission of a visa application.

SEC. ___. REPEAL OF SPECIAL RULE FOR ALIENS TO PROVIDE MEDICAL SERVICES.

The amendments made by paragraph (3) of section 425(h) are null and void and shall have no effect.

SEC. ___. TECHNICAL CORRECTION TO QUALIFICATIONS FOR CERTAIN IMMIGRANTS.

(a) REPEAL OF TECHNICAL AMENDMENT.—The amendment made by paragraph (6) of subsection (e) of the first section 502 (relating to increasing American competitiveness through a merit-based evaluation system for immigrants) is null and void and shall have no effect.

(b) REPEAL OF LABOR CERTIFICATION REQUIREMENT.—Paragraph (5) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

SEC. ___. TECHNICAL CORRECTIONS TO TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—

(1) REDESIGNATIONS.—Chapter 27 of title 18, United States Code, is amended by redesignating section 554 added by section 551(a) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295;

120 Stat. 1389) (relating to border tunnels and passages) as section 555.

(2) TABLE OF SECTIONS.—The table of sections for chapter 27 of title 18, United States Code, is amended by striking the item relating to section 554, ''Border tunnels and passages'', and inserting the following:

''555. Border tunnels and passages.''.

(b) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by striking ''554'' and inserting ''555''.

(c) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Section 551(d) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1390) is amended in paragraphs (1) and (2)(A) by striking ''554'' and inserting ''555''.

SEC. ___. EXPEDITED ADJUDICATION OF EMPLOYER PETITIONS FOR ATHLETES, ARTISTS, ENTERTAINERS, AND OTHER ALIENS OF EXTRAORDINARY ABILITY.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended—

(1) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(2) in paragraph (6)(D)—

(A) by striking ''Any person'' and inserting the following:

''(i) Except as provided in clause (ii), any person''; and

(B) by adding at the end the following:

''(ii) The Secretary of Homeland Security shall adjudicate each petition for an alien described in subparagraph (O) or (P) of section 101(a)(15) not later than 30 days after—

''(I) the date on which the petitioner submits the petition with a written advisory opinion, letter of no objection, or request for a waiver; or

''(II) the date on which the 15-day period described in clause (i) has expired, if the petitioner has had an appropriate opportunity to supply rebuttal evidence.

''(iii) If a petition described in clause (ii) is not adjudicated before the end of the 30-day period described in clause (ii) and the petitioner is a qualified nonprofit organization or an individual or entity petitioning primarily on behalf of a qualified nonprofit organization, the Secretary shall provide the petitioner with the premium-processing services referred to in section 286(u), without a fee.''.

SEC. ___. REPORTS ON BACKGROUND AND SECURITY CHECKS.

(a) REPEAL OF REPORT REQUIREMENT.—The requirement set out in subsection (c) of section 216 that the Director of the Federal Bureau of Investigation shall submit the report described in such subsection is null and void and shall have no effect.

(b) REPORTS ON BACKGROUND AND SECURITY CHECKS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States, in conjunction with the Director of the Federal Bureau of Investigation, shall submit to the appropriate congressional committees a report on the background and security checks conducted by the Federal Bureau of Investigation.

(2) CONTENT.—The report submitted under paragraph (1) shall include—

(A) a description of the background and security check program;

(B) an analysis of resources devoted to the name check program, including personnel and support;

(C) a statistical analysis of the background and security check delays associated with different types of name check requests, such as those requested by United States Citizenship and Immigration Services or the Office of Personnel Management, including—

(i) the number of background checks conducted on behalf of requesting agencies, by agency and type of requests (such as naturalization or adjustment of status); and

(ii) the average time spent on each type of background check described under subparagraph (A), including the time from the submission of the request to completion of the check and the time from the initiation of check processing to the completion of the check;

(D) a description of the obstacles that impede the timely completion of such background checks;

(E) a discussion of the steps that the Director of the Federal Bureau of Investigation is taking to expedite background and security checks that have been pending for more than 60 days; and

(F) a plan for the automation of all investigative records related to the name check process.

(3) ANNUAL REPORT ON DELAYED BACKGROUND CHECKS.—Not later than the end of each fiscal year, the Attorney General shall submit to the appropriate congressional committees a report containing, with respect to that fiscal year—

(A) a statistical analysis of the number of background checks processed and pending, including check requests in process at the time of the report and check requests that have been received but are not yet in process;

(B) the average time taken to complete each type of background check;

(C) a description of efforts made and progress by the Attorney General in addressing any delays in completing such background checks; and

(D) a description of the progress that has been made in automating files used in the name check process, including investigative files of the Federal Bureau of Investigation.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on the Judiciary of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on the Judiciary of the House of Representatives; and

(4) the Committee on Homeland Security of the House of Representatives.

SEC. ___. DEPLOYMENT OF TECHNOLOGY TO IMPROVE VISA PROCESSING.

Section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following:

''(i) VISA APPLICATION INTERVIEWS.—

''(1) VIDEOCONFERENCING.—For purposes of subsection (h), the term 'in person interview' includes an interview conducted by videoconference or similar technology after the date on which the Secretary of State, in consultation with the Secretary of Homeland Security, certifies to the appropriate committees of Congress that security measures and audit mechanisms have been implemented to ensure that biometrics collected for a visa applicant during an interview using videoconference or similar technology are those of the visa applicant.

''(2) MOBILE VISA INTERVIEWS.—The Secretary of State is authorized to carry out a pilot program to conduct visa interviews using mobile teams of consular officials after the date on which the Secretary of State, in consultation with Secretary of Homeland Security, certifies to the appropriate committees of Congress that such a pilot program may be carried out without jeopardizing the integrity of the visa interview process or the safety and security of consular officers.

''(3) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection the term 'appropriate committees of Congress' means—

''(A) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

''(B) the Committee on Foreign Affairs, Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.''.

SEC. ___. ADDITIONAL CUSTOMS AND BORDER PROTECTION OFFICERS FOR HIGH VOLUME PORTS.

Subject to the availability of appropriations, before the end of fiscal year 2008 the Secretary of Homeland Security shall employ not less than an additional 200 Customs and Border Protection officers to address staff shortages at the 20 United States international airports with the highest number of foreign visitors arriving annually, as determined pursuant to the most recent data collected by the United States Customs and Border Protection available on the date of the enactment of this Act.

SEC. ___. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON ENGLISH PROFICIENCY.

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

(1) the needs of citizens and lawful permanent residents of the United States whose native language is not English to obtain English language and literacy proficiency;

(2) the estimated costs to the public and private sector resulting from those residents of the United States who lack English language proficiency; and

(3) the estimated costs of operating English language acquisition programs in the public and private sector for those residents of the United States who lack English language proficiency.

(b) STUDY COMPONENTS.—The study conducted under subsection (a) shall include—

(1) an inventory of all existing Federal programs designed to improve English language and literacy acquisition for adult citizens and lawful permanent residents of the United States, including—

(A) a description of the purpose of each such program;

(B) a summary of the Federal expenditures for each such program during fiscal years 2002 through 2006;

(C) data on the participation rates of individuals within each such program and those who have expressed an interest in obtaining English instruction but have been unable to participate in existing programs;

(D) a summary of evaluations and performance reviews of the effectiveness and sustainability of each such program; and

(E) a description of the coordination of Federal programs with private and nonprofit programs;

(2) the identification of model programs at the Federal, State, and local level with demonstrated effectiveness in helping adult citizens and lawful permanent residents of the United States gain English language and literacy proficiency;

(3) a summary of funding for State and local programs that support improving the English language proficiency and literacy of citizens and lawful permanent residents of the United States;

(4) a summary of the costs incurred and benefits received by Federal, State, and local governments in serving citizens and lawful permanent residents of the United States who are not proficient in English, including—

(A) costs for foreign language translators;

(B) the production of documents in multiple languages; and

(C) compliance with Executive Order 13166;

(5) an analysis of the costs incurred by businesses that employ citizens and lawful permanent residents of the United States who are not proficient in English, including—

(A) costs for English training and foreign language translation;

(B) an estimate of lost productivity; and

(C) costs for providing English training to employees;

(6) the number of lawful permanent residents who are eligible to naturalize as citizens of the United States; and

(7) recommendations regarding the most cost-effective actions the Federal government could take to assist citizens and lawful permanent residents of the United States to quickly learn English.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report containing the findings from the study conducted under this section to—

(1) the Committee on Health, Education, Labor, and Pensions of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Education and Labor of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2008 and 2009 to carry out this section.

SEC. ___. REPEAL OF ENGLISH LEARNING PROGRAM.

The requirements of section 711 are null and void and such section shall have no effect.

SEC. ___. REPEAL OF AUTHORIZATION OF ADDITIONAL PORTS OF ENTRY.

The requirements of the first section 104 (relating to ports entry) are null and void and such section shall have no effect.

SEC. ___. LIMITATION ON SECURE COMMUNICATION REQUIREMENT.

Notwithstanding section 123, the Secretary may develop and implement the plan described in such section only subject to the availability of appropriations for such purpose.

SEC. ___. DEPOSIT OF STATE IMPACT ASSISTANCE FUNDS.

Notwithstanding clause (ii) of subsection (e)(6)(E) of the first section 601 (included in title IV relating to nonimmigrants in the United States previously in unlawful status), the fees collected under subparagraph (C) of subsection (e)(6) of such section 601 shall be deposited in the State Impact Assistance Account established under the first subsection (x) (relating to the State Impact Assistance Account) of section 286 of the Immigration and Nationality Act, as added by subsection (b) of the first section 402 (relating to admission of nonimmigrant workers), and used for the purposes described in such section 286(x).

SEC. ___. ADDITIONAL REQUIREMENTS FOR THE BORDER PATROL TRAINING CAPACITY REVIEW.

(a) ADDITIONAL COMPONENT OF REVIEW.—The review conducted under subsection (a) of section 128 shall include an evaluation of the positive and negative impacts of privatizing border patrol training, including an evaluation of the impact of privatization on the quality, morale, and consistency of border patrol agents.

(b) CONSIDERATIONS.—In conducting the review under subsection (a) of section 128, the Comptroller General of the United States shall consider—

(1) the report by the Government Accountability Office entitled ''Homeland Security: Information on Training New Border Patrol Agents'' and dated March 30, 2007;

(2) the ability of Federal providers of border patrol training, as compared to private providers of similar training, to incorporate time-sensitive changes based on the needs of an agency or changes in the law;

(3) the ability of a Federal agency, as compared to a private entity, to defend the Federal agency or private entity, as applicable, from lawsuits involving the nature, quality, and consistency of law enforcement training; and

(4) whether any other Federal training would be more appropriate and cost efficient for privatization than basic border patrol training.

(c) CONSULTATION.—In conducting the review under subsection (a) of section 128, the Comptroller General of the United States shall consult with—

(1) the Secretary of Homeland Security;

(2) the Commissioner of the Bureau of Customs and Border Protection; and

(3) the Director of the Federal Law Enforcement Training Center.

SEC. ___. Y–2B VISA ALLOCATION BETWEEN THE FIRST AND SECOND HALVES OF EACH FISCAL YEAR.

(a) NUMERICAL LIMITATIONS.—Section 214(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by section 409(1), is further amended in subparagraph (D) by striking ''101(a)(15)(Y)(ii)(II)'' and inserting ''101(a)(15)(Y)(ii)''.

(b) TECHNICAL CORRECTION.—

(1) REPEAL.—The amendment made by paragraph (3) of section 409 shall be null and void and shall have no effect.

(2) CORRECTION.—Paragraph (10)(A) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by paragraph (2) of section 409, is amended by striking ''an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007.'' and inserting ''an alien who has been present in the United States as an H–2B nonimmigrant during any 1 of 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved. Such alien shall be considered a returning worker.''.

(c) ALLOCATION.—Paragraph (11) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409(2), is amended—

(1) by inserting ''(A)'' before ''The''; and

(2) by adding at the end the following:

''(B) The numerical limitations under paragraph (1)(D) shall be allocated for each fiscal year to ensure that the total number of aliens subject to such numerical limits who enter the United States pursuant to a visa or are accorded nonimmigrant status under section 101(a)(15)(Y)(ii) during the first 6 months of such fiscal year is not greater than 50 percent of the total number of such visas available for that fiscal year.''.

SEC. ___. H–2A STATUS FOR FISH ROE PROCESSORS AND TECHNICIANS.

Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by inserting ''for employment as a fish roe processor or fish roe technician or'' before ''to perform agricultural labor or services''.

SEC. ___. AUTHORITY FOR ALIENS WITH PROBATIONARY Z NONIMMIGRANT STATUS TO SERVE IN THE ARMED FORCES.

An alien who files an application for Z nonimmigrant status shall under the first section 601 (included in title IV relating to nonimmigrants in the United States previously in unlawful status), upon submission of any evidence required under paragraphs (f) and (g) of such section 601 and after the Secretary of Homeland Security has conducted appropriate background checks, to include name and fingerprint checks, that have not by the end of the next business day produced information rendering the applicant ineligible shall be eligible to serve as a member of the Armed Forces of the United States.

SEC. ___. CONSULTATION WITH CONGRESS.

Notwithstanding subsection (a) of the first section 1 (relating to effective date triggers), the certification by the Secretary of Homeland Security under such subsection (a) shall be prepared in consultation with the Comptroller General, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives.

SEC. ___. ESTABLISHMENT OF A CITIZENSHIP AND IMMIGRATION SERVICES OFFICE IN FAIRBANKS, ALASKA.

(a) IN GENERAL.—The Secretary of Homeland Security, acting through the Director for United States Citizenship and Immigration Services, shall establish an office under the jurisdiction of the Director in Fairbanks, Alaska, to provide citizenship and immigration services.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this section.

SEC. ___. PILOT PROGRAM RELATED MEDICAL SERVICES IN UNDERSERVED AREAS.

Clause (iii) of section 214(l)(4)(C) of the Immigration and Nationality Act (8 U.S.C. 1184(l)), as amended by section 425(b)(1), is amended by striking subclause (I) and inserting the following:

''(I) with respect to a State, for the first fiscal year of the pilot program conducted under this paragraph, the greater of—

''(aa) 15; or

''(bb) the number of the waivers received by the State in the previous fiscal year;''.

SEC. ___. ESTABLISHMENT OF AN ADDITIONAL UNITED STATES ATTORNEY OFFICE AND AN ADDITIONAL IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE.

(a) ESTABLISHMENT OF A SATELLITE UNITED STATES ATTORNEY OFFICE IN ST. GEORGE, UTAH.—The Attorney General, acting through the United States Attorney for the District of Utah, shall establish a satellite office under the jurisdiction of the United States Attorney for the District of Utah in St. George, Utah. The primary function of the satellite office shall be to prosecute and deter criminal activities associated with illegal immigrants.

(b) IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE.—

(1) ESTABLISHMENT.—The Secretary of Homeland Security, acting through the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement, shall establish an office under the jurisdiction of the Assistant Secretary within the vicinity of the intersection U.S. Highway 191 and U.S. Highway 491 to reduce the flow of illegal immigrants into the interior of the United States.

(2) STAFFING.—The office established under paragraph (1) shall be staffed by 5 full-time employees, of whom—

(A) 3 shall work for the Office of Investigations; and

(B) 2 shall work for the Office of Detention and Removal Operations.

(3) OTHER RESOURCES.—The Assistant Secretary shall provide the office established

under paragraph (1) with the resources necessary to accomplish the purposes of this subsection, including office space, detention beds, and vehicles.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) $1,100,000 for fiscal year 2008; and

(B) such sums as may be necessary for each of the fiscal years 2009 through 2012.

SEC. ___. INTERNATIONAL REGISTERED TRAVELER PROGRAM.

Section 7208(k)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(3)) is amended to read as follows:

''(3) INTERNATIONAL REGISTERED TRAVELER PROGRAM.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall establish an international registered traveler program that incorporates available technologies, such as biometrics and e-passports, and security threat assessments to expedite the screening and processing of international travelers, including United States Citizens and residents, who enter and exit the United States. The program shall be coordinated with the US–VISIT program, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security.

''(B) FEES.—The Secretary may impose a fee for the program established under subparagraph (A) and may modify such fee from time to time. The fee may not exceed the aggregate costs associated with the program and shall be credited to the Department of Homeland Security for purposes of carrying out the international registered traveler program. Amounts so credited shall remain available until expended.

''(C) RULEMAKING.—Within 365 days after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary shall initiate a rulemaking to establish the program, criteria for participation, and the fee for the program.

''(D) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary shall establish a phased-implementation of a biometric-based international registered traveler program in conjunction with the US–VISIT entry and exit system, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security at United States airports with the highest volume of international travelers.

''(E) PARTICIPATION.—The Secretary shall ensure that the international registered traveler program includes as many participants as practicable by—

''(i) establishing a reasonable cost of enrollment;

''(ii) making program enrollment convenient and easily accessible; and

''(iii) providing applicants with clear and consistent eligibility guidelines.''.

SEC. ___. WORKING CONDITIONS FOR Y NONIMMIGRANTS.

Paragraph (1) of subsection (c) of section 218B of the Immigration and Nationality Act, as added by section 403, is amended—

(1) by redesignating subparagraphs (D) through (L) as subparagraphs (E) through (M), respectively; and

(2) by inserting after subparagraph (C), the following:

''(D) WORKING CONDITIONS.—Y nonimmigrants will be provided the same working conditions and benefits as similarly employed United States workers.''.

SEC. ___. MATTERS RELATED TO TRIBES.

(a) BORDER SECURITY ON CERTAIN FEDERAL LANDS.—

(1) REPEAL OF REQUIREMENTS.—Subparagraph (B) of section 122(b)(1) shall be null and void and have no effect.

(2) TRAINING REQUIREMENTS.—In addition to the requirements of subparagraphs (A) and (C) of section 122(b), to gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned (as that term is defined in section 122(a), shall provide Federal land resource, sacred sites, and Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (commonly referred to as NAGPRA) training for U.S. Customs and Border Protection agents dedicated to protected land (as that term is defined in section 122(a)).

(b) BORDER RELIEF GRANT PROGRAM.—

(1) REPEAL OF DEFINITION.—Paragraph (2) of subsection (d) of section 132 shall be null and void and have no effect.

(2) HIGH IMPACT AREA DEFINED.—For the purposes of section 132, the term ''High Impact Area'' means any county or Indian reservation designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United State border and the rise, if any, of criminal activity in that county or Indian reservation; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(c) NATIONAL LAND BORDER SECURITY PLAN.—Notwithstanding subsection (a) of section 134, the Secretary of Homeland Security shall consult with representatives of Tribal law enforcement prior to submitting to Congress the National Land Border Security Plan required by such subsection.

(d) REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.—Notwithstanding paragraph (2) of subsection (c) of section 219, the report required by such subsection shall not include the material described in such paragraph.

SEC. ___. EB–5 REGIONAL CENTER PROGRAM.

Paragraph (3) of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), as redesignated and amended by section 502(b)(3) of this Act, is further amended—

(1) by striking ''2,800'' and inserting ''10,000''; and

(2) by striking ''1,500'' and inserting ''7,500''.

Subtitle B—Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the ''Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act''.

SEC. ___2. PURPOSE.

The purpose of this subtitle is to establish a fact-finding Commission to extend the study of the Commission on Wartime Relocation and Internment of Civilians 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, if any, based on preliminary findings by the original Commission and new discoveries.

SEC. ___3. ESTABLISHMENT OF THE COMMISSION.

(a) IN GENERAL.—There is established the Commission on Wartime Relocation and Internment of Latin Americans of Japanese descent (referred to in this subtitle as the ''Commission'').

(b) COMPOSITION.—The Commission shall be composed of 9 members, who shall be appointed not later than 60 days after the date of enactment of this Act, of whom—

(1) 3 members shall be appointed by the President;

(2) 3 members shall be appointed by the Speaker of the House of Representatives, on the joint recommendation of the majority leader of the House of Representatives and the minority leader of the House of Representatives; and

(3) 3 members shall be appointed by the President pro tempore of the Senate, on the joint recommendation of the majority leader of the Senate and the minority leader of the Senate.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(d) MEETINGS.—

(1) FIRST MEETING.—The President shall call the first meeting of the Commission not later than the latter of—

(A) 60 days after the date of enactment of this Act; or

(B) 30 days after the date of enactment of legislation making appropriations to carry out this subtitle.

(2) SUBSEQUENT MEETINGS.—Except as provided in paragraph (1), the Commission shall meet at the call of the Chairperson.

(e) QUORUM.—Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(f) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a Chairperson and Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall serve for the life of the Commission.

SEC. ___4. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) extend the study of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act—

(A) to investigate and determine facts and circumstances surrounding the United States' 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

(B) in investigating those facts and circumstances, to review directives of the United States armed forces and the Department of State requiring the relocation, detention in internment camps, and deportation to Axis countries of Latin Americans of Japanese descent; and

(2) recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(b) REPORT.—Not later than 1 year after the date of the first meeting of the Commission pursuant to section ___3(d)(1), the Commission shall submit a written report to Congress, which shall contain findings resulting from the investigation conducted under subsection (a)(1) and recommendations described in subsection (a)(2).

SEC. ___5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this subtitle—

(1) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (a) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to perform its duties. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

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

SEC. ___6. PERSONNEL AND ADMINISTRATIVE PROVISIONS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

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

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate the employment of such personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) OTHER ADMINISTRATIVE MATTERS.—The Commission may—

(1) enter into agreements with the Administrator of General Services to procure necessary financial and administrative services;

(2) enter into contracts to procure supplies, services, and property; and

(3) enter into contracts with Federal, State, or local agencies, or private institutions or organizations, for the conduct of research or surveys, the preparation of reports, and other activities necessary to enable the Commission to perform its duties.

SEC. ___7. TERMINATION.

The Commission shall terminate 90 days after the date on which the Commission submits its report to Congress under section ___4(b).

SEC. ___8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

Subtitle C—Amendments Related to the AgJOBS Act of 2007

SEC. ___1. EVIDENCE OF IDENTITY AND WORK AUTHORIZATION.

Clause (iii) of section 274A(c)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(c)(1)(B)), as amended by section 302, is further amended inserting ''or Z-A visa.'' at the end.

SEC. ___2. TECHNICAL CORRECTION.

Paragraph (1) of section 218C(c) of the Immigration and Nationality Act, as added by section 404, is amended by striking ''218E, 218F, and 218G'' and inserting ''218D and 218E''.

SEC. ___3. H–2A EMPLOYMENT REQUIREMENTS.

(a) TECHNICAL CORRECTION TO REQUIREMENTS FOR MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Subsection (b) of section 218D of the Immigration and Nationality Act, as added by section 404, is amended in the matter preceding paragraph (1) by striking ''218C(b)(2)'' and inserting ''218C(a)''.

(b) LIMITATION ON REQUIRED WAGES.—Paragraph (3) of such section 218D(b) is further amended by striking subparagraph (B) and inserting the following:

''(B) LIMITATION.—Effective on the date of the enactment of section 404 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.''.

(c) RANGE PRODUCTION OF LIVESTOCK.—Section 218D of the Immigration and Nationality Act, as added by section 404, is amended by striking subsection (e) and inserting the following:

''(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218C, or section 218E shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.''.

(d) EVIDENCE OF NONIMMIGRANT STATUS.—Such section 218D is further amended by striking subsection (f).

SEC. ___4. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS.

(a) IDENTIFICATION DOCUMENT.—Paragraph (2) of subsection (g) of section 218E of the Immigration and Nationality Act, as added by section 404, is amended by striking subparagraphs (B) and (C) and inserting the following:

''(B) The document shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated.

''(C) The document shall—

''(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States;

''(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses;

''(iii) shall, during the alien's authorized period of admission as an H–2A nonimmigrant, serve as a valid entry document for the purpose of applying for admission to the United States—

''(I) instead of a passport and visa if the alien—

''(aa) is a national of a foreign territory contiguous to the United States; and

''(bb) is applying for admission at a land border port of entry; or

''(II) in conjunction with a valid passport, if the alien is applying for admission at an air or sea port of entry;

''(iv) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

''(v) shall be issued to the H–2A nonimmigrant by the Secretary promptly after such alien's admission to the United States as an H–2A nonimmigrant and reporting to the employer's worksite under or, at the discretion of the Secretary, may be issued by the Secretary of State at a consulate instead of a visa.''.

(b) SPECIAL RULES.—Such section 218E is further amended by striking subsection (i) and inserting the following:

''(i) SPECIAL RULE FOR ALIENS EMPLOYED AS SHEEPHERDER OR GOAT HERDERS.—Notwithstanding any other provision of this Act, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder or goat herder—

''(1) may be admitted for a period of up to 3 years;

''(2) shall be subject to readmission; and

''(3) shall not be subject to the requirements of subsection (h)(4).''.

''(j) SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS.—Notwithstanding any other provision of this Act, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a dairy worker—

''(1) may be admitted for a period of up to 3 years;

''(2) may not be extended beyond 3 years;

''(3) shall not be subject to the requirements of subsection (h)(4)(A); and

''(4) shall not after such 3 year period has expired be readmitted to the United States as an H–2A or Y–1 worker.''.

SEC. ___5. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

Paragraph (7) of section 218F(c) of the Immigration and Nationality Act, as added by section 404, is amended by striking subparagraph (C).

SEC. ___6. DEFINITIONS.

(a) SEASONAL.—Section 218G of the Immigration and Nationality Act, as added by section 404, is amended by striking paragraph (11) and inserting the following:

''(11) SEASONAL.—

''(A) IN GENERAL.—The term 'seasonal', with respect to the performance of labor, means that the labor—

''(i) ordinarily pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

''(ii) because of the nature of the labor, cannot be continuous or carried on throughout the year.

''(B) EXCEPTION.—Labor performed on a dairy farm or on a horse farm shall be considered to be seasonal labor.''

(b) CONFORMING AMENDMENT.—Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), as amended by subsection (c) of section 404, is further amended, by striking ''dairy farm,'' and inserting ''dairy farm or horse farm,''.

SEC. ___7. ADMISSION OF AGRICULTURAL WORKERS.

(a) LIMITATION ON ACCESS TO INFORMATION.—Subsection (d) of section 214A of the Immigration and Nationality Act, as added by section 622(b), is amended by striking paragraph (6), and insert the following:

''(6) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to section 604.''.

(b) TERMS OF EMPLOYMENT.—Subsection (h)(3)(b) of such section 214A is amended by striking clause (iv) and inserting the following:

''(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated the employment of an alien who is granted a Z–A visa without just cause, the Secretary shall credit the alien for the number of days of work not performed during such period of termination for the purpose of determining if the alien meets the qualifying employment requirement of subsection (j)(1)(A).''.

(c) RECORD OF EMPLOYMENT.—Subsection (h)(4) of such section 214A is amended by striking subparagraph (B) and inserting the following:

''(B) CIVIL PENALTIES.—

''(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted Z–A nonimmigrant status has failed to provide the record of employment required under subparagraph (A) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

''(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this subsection.

''(iii) REPORTING REQUIREMENT.—The Secretary shall promulgate regulations requiring an alien granted Z–A nonimmigrant status to file a report by the conclusion of the 4-year period beginning on the date of enactment showing that the alien is making satisfactory progress toward complying with the requirements of subsection (j)(1)(A).''.

(d) TERMINATION OF A GRANT OF Z–A VISA.—Subsection (i) of such section 214A is amended by striking paragraph (3).

(e) ADJUSTMENT TO PERMANENT RESIDENCE.—Paragraph (1) of subsection (j) of such section 214A is amended by striking subparagraphs (C) and (D) and inserting the following:

''(C) APPLICATION PERIOD.—Not later than 8 years after the date of the enactment of the AgJOBS Act of 2007, the alien must—

''(i) apply for adjustment of status; or

''(ii) change status to Z nonimmigrant status pursuant to section 601(l)(1)(B) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, provided that the alien also complies with the requirements for second renewal described in section 601(k)(2) of such Act, except for sections 601(k)(2)(B)(i) and (iii).

''(D) FINE.—The alien pays to the Secretary a fine of $400.''.

(f) ENGLISH LANGUAGE.—Paragraph (6) of such subsection (j) is amended by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—Not later than the date on which a Z–A nonimmigrant's status is adjusted or is renewed under section 601(l)(1)(B), a Z–A nonimmigrant who is 18 years of age or older must pass the naturalization test described in paragraphs (1) and (2) of section 312(a).''.

(g) ELIGIBILITY FOR LEGAL SERVICES.—Such section 214A is amended by striking subsection (m) and inserting the following:

''(m) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for a Z–A visa under subsection (d) or an adjustment of status under subsection (j).''.

SEC. ___8. EFFECTIVE DATE.

Subsection (a) of section 1 in the material preceding paragraph (1) shall be deemed to read as follows:

(a) IN GENERAL.—With the exception of the probationary benefits conferred by section 601(h) of this Act, section 214A(d) of the Immigration and Nationality Act, as added by section 622, the provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV, and the programs established by title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence, shall become effective on the date that the Secretary submits a written certification to the President and the Congress, based on analysis by and in consultation with the Comptroller General, that each of the following border security and other measures are established, funded, and operational:

SA 1935. Mr. BINGAMAN (for himself, Mrs. HUTCHISON, Mrs. BOXER, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—U.S. BORDER HEALTH

SEC. _01. SHORT TITLE.

This title may be cited as the ''Border Health Security Act of 2007''.

SEC. _02. DEFINITIONS.

In this title:

(1) BORDER AREA.—The term ''border area'' has the meaning given the term ''United States-Mexico Border Area'' in section 8 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n–6).

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

SEC. _03. BORDER HEALTH GRANTS.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a State, public institution of higher education, local government, tribal government, nonprofit health organization, trauma center, or community health center receiving assistance under section 330 of the Public Health Service Act (42 U.S.C. 254b), that is located in the border area.

(b) AUTHORIZATION.—From funds appropriated under subsection (f), the Secretary, acting through the United States members of the United States-Mexico Border Health Commission, shall award grants to eligible entities to address priorities and recommendations to improve the health of border area residents that are established by—

(1) the United States members of the United States-Mexico Border Health Commission;

(2) the State border health offices; and

(3) the Secretary.

(c) APPLICATION.—An eligible entity that desires a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USE OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds for—

(1) programs relating to—

(A) maternal and child health;

(B) primary care and preventative health;

(C) public health and public health infrastructure;

(D) health promotion;

(E) oral health;

(F) behavioral and mental health;

(G) substance abuse;

(H) health conditions that have a high prevalence in the border area;

(I) medical and health services research;

(J) workforce training and development;

(K) community health workers or promotoras;

(L) health care infrastructure problems in the border area (including planning and construction grants);

(M) health disparities in the border area;

(N) environmental health;

(O) health education;

(P) outreach and enrollment services with respect to Federal programs (including programs authorized under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 and 1397aa));

(Q) trauma care;

(R) infectious disease testing and monitoring;

(S) health research with an emphasis on infectious disease; and

(T) cross-border health surveillance; and

(2) other programs determined appropriate by the Secretary.

(e) SUPPLEMENT, NOT SUPPLANT.—Amounts provided to an eligible entity awarded a grant under subsection (b) shall be used to supplement and not supplant other funds available to the eligible entity to carry out the activities described in subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out this section such sums as may be necessary for fiscal year 2008 and each succeeding fiscal year.

SEC. __04. GRANTS FOR ALL HAZARDS PREPAREDNESS IN THE BORDER AREA INCLUDING BIOTERRORISM AND INFECTIOUS DISEASE.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a State, local government, tribal government, trauma centers, regional trauma center coordinating entity, or public health entity.

(b) AUTHORIZATION.—From funds appropriated under subsection (e), the Secretary shall award grants to eligible entities for all hazards preparedness in the border area including bioterrorism and infectious disease.

(c) APPLICATION.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USES OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds to, in coordination with State and local all hazards programs—

(1) develop and implement all hazards preparedness plans and readiness assessments and purchase items necessary for such plans;

(2) coordinate all hazard and emergency preparedness planning in the region;

(3) improve infrastructure, including surge capacity syndromic surveillance, laboratory capacity, and isolation/decontamination capacity;

(4) create a health alert network, including risk communication and information dissemination;

(5) educate and train clinicians, epidemiologists, laboratories, and emergency personnel;

(6) implement electronic data systems to coordinate the triage, transportation, and treatment of multi-casualty incident victims;

(7) provide infectious disease testing in the border area; and

(8) carry out such other activities identified by the Secretary, the United States-Mexico Border Health Commission, State and local public health offices, and border health offices.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.

SEC. __05. UNITED STATES-MEXICO BORDER HEALTH COMMISSION ACT AMENDMENTS.

The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq.) is amended by adding at the end the following:

''SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this Act $10,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.''.

SEC. __06. COORDINATION OF HEALTH SERVICES AND SURVEILLANCE.

The Secretary may coordinate with the Secretary of Homeland Security in establishing a health alert system that—

(1) alerts clinicians and public health officials of emerging disease clusters and syndromes along the border area; and

(2) is alerted to signs of health threats, disasters of mass scale, or bioterrorism along the border area.

SEC. __07. BINATIONAL HEALTH INFRASTRUCTURE AND HEALTH INSURANCE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning binational health infrastructure (including trauma and emergency care) and health insurance efforts. In conducting such study, the Institute shall solicit input from border health experts and health insurance issuers.

(b) REPORT.—Not later than 1 year after the date on which the Secretary of Health and Human Services enters into the contract under subsection (a), the Institute of Medicine shall submit to the Secretary and the appropriate committees of Congress a report concerning the study conducted under such contract. Such report shall include the recommendations of the Institute on ways to expand or improve binational health infrastructure and health insurance efforts.

SEC. __08. PROVISION OF RECOMMENDATIONS AND ADVICE TO CONGRESS.

Section 5 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n–3) is amended by adding at the end the following:

''(d) PROVIDING ADVICE AND RECOMMENDATIONS TO CONGRESS.—A member of the Commission, or an individual who is on the staff of the Commission, may at any time provide advice or recommendations to Congress concerning issues that are considered by the Commission. Such advice or recommendations may be provided whether or not a request for such is made by a member of Congress and regardless of whether the member or individual is authorized to provide such advice or recommendations by the Commission or any other Federal official.''.

SA 1936. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 454, strike line 3 and all that follows to line 16, and insert the following:

''Notwithstanding any other provision of this Act,

''(3) Annual limit on the total number of Y(ii) seasonal non-agricultural temporary workers allowed to perform labor in the U.S. during any single year—

''(a) a Y(ii) worker that returns to the United States for subsequent seasonal work periods, or an individual who previously worked in the United States as a H(ii)(b) worker that returns to the United States as a Y(ii) worker, shall count against the annual cap of 100,000 to 200,000 Y(ii) workers; and

''(b) the total number of Y(ii) workers present in the United States, at any one time shall not exceed 200,000.

''(4) Annual limit on the total number of Y(i) 2-year temporary workers allowed to perform labor in the U.S. during any single year—

''(a) a Y(i) worker returning to the United States for a second or third two-year work period shall be counted against the annual cap of 200,000 Y(i) workers; and

''(b) the total number of Y(i) workers present in the United States during any single year shall not exceed 400,000. (The number will be higher than 200,000 because, in any given year after the first fiscal year, workers will be present in both their first and second years of their first, second, or third 2-year work periods).''.

SA 1937. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place at the end of section 409, insert the following:

''Notwithstanding any other provision of this Act,

''(4) Annual limit on the total number of Y(i) 2-year temporary workers allowed to perform labor in the U.S. during any single year—

''(a) a Y(i) worker returning to the United States for a second or third two-year work period shall be counted against the annual cap of 200,000 Y(i) workers; and

''(b) the total number of Y(i) workers present in the United States during any single year shall not exceed 400,000. (The number will be higher than 200,000 because, in any given year after the first fiscal year, workers will be present in both their first and second years of their first, second, or third 2–year work periods).''.

SA 1938. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 454, strike line 3 and all that follows to line 16, and insert the following:

''Notwithstanding any other provision of this Act,

''(3) Annual limit on the total number of Y(ii) seasonal non-agricultural temporary workers allowed to perform labor in the U.S. during any single year—

''(a) a Y(ii) worker that returns to the United States for subsequent seasonal work periods, or an individual who previously worked in the United States as a H(ii)(b) worker that returns to the United States as a Y(ii) worker, shall count against the annual cap of 100,000 to 200,000 Y(ii) workers; and

''(b) the total number of Y(ii) workers present in the United States, at any one time shall not exceed 200,000.''.

SA 1939. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 595, between lines 12 and 13, insert the following:

(s) NUMERICAL LIMITATION.—Notwithstanding any other provision of this Act, not more than 13,000,000 visas authorized to be issued under this title may be issued to aliens described under section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by subsection (b).

SA 1940. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 595, between lines 12 and 13, insert the following:

(s) NUMERICAL LIMITATION.—Section 214(g) (8 U.S.C. 1184(g)), as amended by title IV, is further amended by adding at the end the following:

''(13) Notwithstanding any provision of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, not more than 13,000,000 visas authorized to be issued under title VI of such Act may be issued to aliens described under section 101(a)(15)(Z).''.

SA 1941. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 668, between lines 12 and 13, insert the following:

Subtitle D—Self-Sufficiency

SEC. 631. REQUIREMENT FOR GUARANTEE OF SELF-SUFFICIENCY.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by inserting after section 213A the following:

"SEC. 213B. REQUIREMENT FOR GUARANTEE OF SELF-SUFFICIENCY.

''(a) IN GENERAL.—In addition to the eligibility requirements under section 601(e) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, an alien applying for Z nonimmigrant status under section 601 of such Act shall submit a signed a guarantee of self-sufficiency in accordance with this section.

''(b) ENFORCEABILITY.—

''(1) IN GENERAL.—No guarantee of self-sufficiency may be accepted by the Secretary or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) unless such guarantee is executed as a contract—

''(A) which is legally enforceable against the guarantor of self-sufficiency by the alien seeking immigration benefits, the Federal Government, and by any State (or any political subdivision of such State) providing any means-tested public benefits program during the 10-year period beginning on the date on which the alien last received any such immigration benefit;

''(B) in which the guarantor of self-sufficiency agrees to financially support the alien to prevent the alien from becoming a public charge; and

''(C) in which the guarantor of self-sufficiency agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (e)(2).

''(2) SCOPE.—A contract under paragraph (1) shall be enforceable with respect to means-tested public benefits (other than the benefits described in subsection (g)) provided to the alien before the alien is naturalized as a United States citizen under chapter 2 of title III.

''(c) FORMS.—Not later than 90 days after the date of the enactment of this section, the Secretary of Homeland Security, in consultation with the Secretary of State and the Secretary of Health and Human Services, shall develop a form of guarantee of self-sufficiency that is consistent with the provisions under this section.

''(d) REMEDIES.—

''(1) IN GENERAL.—Remedies available to enforce a guarantee of self-sufficiency under this section include—

''(A) any of the remedies described in section 3201, 3203, 3204, or 3205 of title 28, United States Code;

''(B) an order for specific performance and payment of legal fees and other costs of collection; and

''(C) corresponding remedies available under State law.

''(2) COLLECTION.—A Federal agency may seek to collect amounts owed under this section in accordance with the provisions of subchapter II of chapter 37 of title 31, United States Code.

''(e) NOTIFICATION OF CHANGE OF ADDRESS.—

''(1) IN GENERAL.—The guarantor of self-sufficiency shall notify the Secretary and the State in which the guaranteed alien is a resident not later than 30 days after any change of address of the guarantor of self-sufficiency during the period specified in subsection (b)(2).

''(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall be subject to a civil penalty of—

''(A) not less than $25,000 and not more than $50,000; or

''(B) if such failure occurs with knowledge that the alien has received any means-tested public benefit, not less than $50,000 or more than $100,000.

''(f) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

''(1) REQUEST.—

''(A) IN GENERAL.—Upon notification that a guaranteed alien has received any benefit under any means-tested public benefits program, the appropriate Federal, State, or local official shall request reimbursement by the guarantor of self-sufficiency equal to the amount of assistance received by such alien.

''(B) RULEMAKING.—The Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, shall prescribe such regulations as may be necessary to carry out subparagraph (A).

''(2) CIVIL ACTION.—If the appropriate Federal, State, or local agency has not received a response from the guarantor of self-sufficiency within 45 days after requesting reimbursement, which indicates that such guarantor is willing to commence payments, an action may be brought against the guarantor of self-sufficiency to enforce the terms of the guarantee of self-sufficiency.

''(3) FAILURE TO COMPLY WITH REPAYMENT TERMS.—If the guarantor of self-sufficiency fails to comply with the repayment terms established by such agency, the agency may, not earlier than 60 days after such failure, bring an action against the guarantor of self-sufficiency pursuant to the affidavit of support.

''(4) STATUTE OF LIMITATIONS.—No cause of action may be brought under this subsection later than 50 years after the alien last received a benefit under any means-tested public benefits program.

''(5) COLLECTION AGENCIES.—If a Federal, State, or local agency requests reimbursement under this subsection from the guarantor of self-sufficiency in the amount of assistance provided, or brings an action against the guarantor of self-sufficiency pursuant to the affidavit of support, the appropriate agency may appoint or hire an individual or other person to act on behalf of such agency acting under the authority of law for purposes of collecting any moneys owed. Nothing in this subsection shall preclude any appropriate Federal, State, or local agency from directly requesting reimbursement from a guarantor of self-sufficiency for the amount of assistance provided, or from bringing an action against a guarantor of self-sufficiency pursuant to an affidavit of support.

''(g) BENEFITS NOT SUBJECT TO REIMBURSEMENT.—A guarantor shall not be liable under this section for the reimbursement of any of the following benefits provided to a guaranteed alien:

''(1) Emergency medical services under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

''(2) Short-term, non-cash, in-kind emergency disaster relief.

''(3) Assistance or benefits under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(4) Assistance or benefits under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(5) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease.

''(6) Payments for foster care and adoption assistance under part B of title IV of the Social Security Act (42 U.S.C. 621 et seq.) for a child, but only if the foster or adoptive parent or parents of such child are not otherwise ineligible pursuant to section 4403 of this Act.

''(7) Programs, services, or assistance (including soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the Attorney General, in the Attorney General's sole and unreviewable discretion after consultation with appropriate Federal agencies and departments, which—'

''(A) deliver in-kind services at the community level, including through public or private nonprofit agencies;

''(B) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and

''(C) are necessary for the protection of life or safety.

''(8) Programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

''(9) Benefits under the Head Start Act (42 U.S.C. 9831 et seq.).

''(10) Means-tested programs under the Elementary and Secondary Education Act of 1965 (Public Law 89–10).

''(11) Benefits under the Job Training Partnership Act (Public Law 97–300).

''(h) DEFINITIONS.—In this section:

''(1) GUARANTOR OF SELF-SUFFICIENCY.—The term 'guarantor' means an individual who—

''(A) seeks a benefit under title IV or VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, or under any amendment made under either such title;

''(B) is at least 18 years of age; and

''(C) is domiciled in any of the 50 States or in the District of Columbia.

''(2) MEANS-TESTED PUBLIC BENEFITS PROGRAM.—The term 'means-tested public benefits program' means a program of public benefits (including cash, medical, housing, food assistance, and social services) administered by the Federal Government, a State, or a political subdivision of a State in which the eligibility of an individual, household, or family eligibility unit for benefits under the program or the amount of such benefits is determined on the basis of income, resources, or financial need of the individual, household, or unit.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 213A the following:

''Sec. 213B. Requirement for guarantee of self-sufficiency.''.

SA 1942. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 311, strike line 17 and all that follows through page 315, line 14, and insert the following:

''(f) GROUNDS OF INADMISSIBILITY.—

''(1) WAIVED GROUNDS OF INADMISSIBILITY.—In determining an alien's admissibility as a Y nonimmigrant, such alien shall be found to be inadmissible if the alien would be subject to the grounds of inadmissibility under section 601(d)(2) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(2) WAIVER.—The Secretary may in the Secretary's discretion waive the application of any provision of section 212(a) not listed in paragraph (2) of such section on behalf of an individual alien for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed as affecting the

authority of the Secretary other than under this paragraph to waive the provisions of section 212(a).

''(g) BACKGROUND CHECKS.—The Secretary of Homeland Security shall not admit, and the Secretary of State shall not issue a visa to, an alien seeking a Y nonimmigrant visa or Y nonimmigrant status unless all appropriate background checks have been completed to the satisfaction of the Secretary of State and the Secretary of Homeland Security.

''(h) GROUNDS OF INELIGIBILITY.—

''(1) IN GENERAL.—An alien is ineligible for a Y nonimmigrant visa or Y nonimmigrant status if the alien is described in section 601(d)(1)(A), (D), (E), (F), or (G) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(2) INELIGIBILITY OF DERIVATIVE Y–3 NONIMMIGRANTS.—An alien is ineligible for Y–3 nonimmigrant status if the principal Y nonimmigrant is ineligible under paragraph (1).

''(3) APPLICABILITY TO GROUNDS OF INADMISSIBILITY.—Nothing in this subsection shall be construed to limit the applicability of any ground of inadmissibility under section 212.

''(i) PERIOD OF AUTHORIZED ADMISSION.—

''(1) IN GENERAL.—Aliens admitted to the United States as Y nonimmigrants shall be granted the following periods of admission:

''(A) Y–1 NONIMMIGRANTS.—Except as provided in paragraph (2), aliens granted admission as Y–1 nonimmigrants shall be granted an authorized period of admission of 2 years. Subject to paragraph (4), such 2-year period of admission may be extended for an indefinite number of subsequent 2-year periods if the alien remains outside the United States for the 12-month period immediately prior to each 2-year period of admission.

''(B) Y–2B NONIMMIGRANTS.—Aliens granted admission as Y–2B nonimmigrants shall be granted an authorized period of admission of 10 months.

''(2) FAMILY MEMBERS.—A Y–1 nonimmigrant—

''(A) may not be accompanied by the nonimmigrant's spouse or other dependants while in the United States under Y–1 nonimmigrant status; and

''(B) may not sponsor a family member to enter the United States through a 'parent visitor visa' authorized under section 214(s).

SA 1943. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 137, on line 25, strike ''.'' and insert the following:

'; or

'(D) knowingly violates for a period of 90 days or more the terms or conditions of the alien's admission or parole into the United States.''

SA 1944. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 663, line 7, strike ''not''.

SA 1945. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. 5-YEAR LIMITATION ON CLAIMING EARNED INCOME TAX CREDIT.

Section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613) is amended by inserting '', including the tax credit provided under section 32 of the Internal Revenue Code (relating to earned income),'' after ''means-tested public benefit''.

SA 1946. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 118, between lines 8 and 9, insert the following:

SEC. 203A. TERRORIST BARS.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

''(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or the Attorney General based upon any relevant information or evidence, including classified, sensitive, or national security information;'';

(2) in paragraph (8), by striking ''(as defined in subsection (a)(43))'' and inserting the following: '', regardless of whether the crime was defined as an aggravated felony under subsection (a)(43) at the time of the conviction, unless—

''(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and

''(B) the Secretary of Homeland Security or the Attorney General waives the application of this paragraph; or''; and

(3) in the undesignated matter following paragraph (9), by striking ''a finding that for other reasons such person is or was not of good moral character'' and inserting the following: ''a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited to the period during which good moral character is required.''.

(b) PENDING PROCEEDINGS.—Section 204(b) (8 U.S.C. 1154(b)) is amended by adding at the end the following: ''A petition may not be approved under this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.''.

(c) CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 216(e) (8 U.S.C. 1186a(e)) is amended by inserting ''if the alien has had the conditional basis removed pursuant to this section'' before the period at the end.

(2) CERTAIN ALIEN ENTREPRENEURS.—Section 216A(e) (8 U.S.C. 1186b(e)) is amended by inserting ''if the alien has had the conditional basis removed pursuant to this section'' before the period at the end.

(d) JUDICIAL REVIEW OF NATURALIZATION APPLICATIONS.—Section 310(c) (8 U.S.C. 1421(c)) is amended—

(1) by inserting '', not later than 120 days after the Secretary of Homeland Security's final determination,'' after ''may''; and

(2) by adding at the end the following: ''Except that in any proceeding, other than a proceeding under section 340, the court shall review for substantial evidence the administrative record and findings of the Secretary of Homeland Security regarding whether an alien is a person of good moral character, understands and is attached to the principles of the Constitution of the United States, or is well disposed to the good order and happiness of the United States. The petitioner shall have the burden of showing that the Secretary's denial of the application was contrary to law.''.

(e) PERSONS ENDANGERING NATIONAL SECURITY.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

''(g) PERSONS ENDANGERING THE NATIONAL SECURITY.—A person may not be naturalized if the Secretary of Homeland Security determines, based upon any relevant information or evidence, including classified, sensitive, or national security information, that the person was once an alien described in section 212(a)(3) or 237(a)(4).''.

(f) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 (8 U.S.C. 1429) is amended by striking ''the Attorney General if'' and all that follows and inserting: ''the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or canceling the removal of an alien under this Act shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established eligibility for naturalization in accordance with this title.''.

(g) DISTRICT COURT JURISDICTION.—Section 336(b) (8 U.S.C. 1447(b)) is amended to read as follows:

''(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews required under such section, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. The Secretary shall notify the applicant when such examinations and interviews have been completed. Such district court shall only have jurisdiction to review the basis for delay and remand the matter, with appropriate instructions, to the Secretary for the Secretary's determination on the application.''.

(h) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply to any act that occurred on or after such date of enactment.

SEC. 203B. FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.

(a) AUTHORITY.—Law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by Federal law.

(b) CONSTRUCTION.—Nothing in this section may be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

SEC. 203C. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided under paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is lawfully admitted to enter or remain in the United States.

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—

(A) IN GENERAL.—The Secretary, in consultation with the head of the National Crime Information Center, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien.

(B) EFFECT OF FAILURE TO RECEIVE NOTICE.—Under procedures developed under subparagraph (A), failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous.

(C) INTERIM PROVISION OF INFORMATION.—Notwithstanding the 180-day period set forth in paragraph (1), the Secretary may not provide the information required under paragraph (1) until the procedures required under this paragraph have been developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and''.

SA 1947. Mr. SALAZAR (for Mr. DODD) proposed an amendment to the bill S. 1612, to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes; as follows:

Strike subsection (b), and insert the following:

(b) EFFECTIVE DATE.—

(1) CIVIL PENALTIES.—Section 206(b) of the International Emergency Economic Powers Act, as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is pending or commenced on or after the date of the enactment of this Act.

(2) CRIMINAL PENALTIES.—Section 206(c) of the International Emergency Economic Powers Act, as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is commenced on or after the date of the enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 26, 2007, at 9:30 a.m., in closed session to receive an updated briefing from the Joint Improvised Explosive Device Defeat Organization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, June 26, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

The hearing on the Impact of Media Violence on Children hearing will focus on issues related to the impact of violent television programming on children, including issues raised by the recently released Federal Communications Commission (FCC) report, Violent Television Programming and Its Impact on Children.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, June 26, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the preparedness of Federal land management agencies for the 2007 wildfire season and to consider recent reports on the agencies' efforts to contain the costs of wildfire management activities has been rescheduled.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, June 26, 2007, at 10 a.m. to conduct a hearing to receive testimony on Smithsonian Institution governance reform and a report by the Smithsonian's Independent Review Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a markup of S. 1671 ''Entrepreneurial Development Act of 2007,'' S. 1622 ''Small Business Venture Capital Act of 2007,'' and other pending business on Tuesday, June 26, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 26, 2007 at 1:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on June 26, 2007, at 2:30 p.m., to conduct a hearing entitled ''Ending Mortgage Abuse: Safeguarding Homebuyers.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. SPECTER. Madam President, I ask unanimous consent that Ms. Kathleen Pepper, a detailee in the office of Senator KYL, be granted the privileges of the floor today and tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007

On Thursday, June 21, 2007, the Senate passed H.R. 6, as amended, which was incorrectly printed in the RECORD of Monday, June 25, 2007.

The correct version of H.R. 6, as amended, is as follows:

H.R. 6

Resolved, That the bill from the House of Representatives (H.R. 6) entitled ''An Act 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.'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Relationship to other law.

TITLE I—BIOFUELS FOR ENERGY SECURITY AND TRANSPORTATION

Sec. 101. Short title.
Sec. 102. Definitions.

Subtitle A—Renewable Fuel Standard

Sec. 111. Renewable fuel standard.
Sec. 112. Production of renewable fuel using renewable energy.
Sec. 113. Sense of Congress relating to the use of renewable resources to generate energy.

Subtitle B—Renewable Fuels Infrastructure

Sec. 121. Infrastructure pilot program for renewable fuels.
Sec. 122. Bioenergy research and development.
Sec. 123. Bioresearch centers for systems biology program.
Sec. 124. Loan guarantees for renewable fuel facilities.
Sec. 125. Grants for renewable fuel production research and development in certain States.
Sec. 126. Grants for infrastructure for transportation of biomass to local biorefineries.
Sec. 127. Biorefinery information center.
Sec. 128. Alternative fuel database and materials.
Sec. 129. Fuel tank cap labeling requirement.
Sec. 130. Biodiesel.
Sec. 131. Transitional assistance for farmers who plant dedicated energy crops for a local cellulosic refinery.
Sec. 132. Research and development in support of low-carbon fuels.

Subtitle C—Studies

Sec. 141. Study of advanced biofuels technologies.
Sec. 142. Study of increased consumption of ethanol-blended gasoline with higher levels of ethanol.
Sec. 143. Pipeline feasibility study.
Sec. 144. Study of optimization of flexible fueled vehicles to use E–85 fuel.
Sec. 145. Study of credits for use of renewable electricity in electric vehicles.
Sec. 146. Study of engine durability associated with the use of biodiesel.
Sec. 147. Study of incentives for renewable fuels.
Sec. 148. Study of streamlined lifecycle analysis tools for the evaluation of renewable carbon content of biofuels.
Sec. 149. Study of effects of ethanol-blended gasoline on off-road vehicles.
Sec. 150. Study of offshore wind resources.

Subtitle D—Environmental Safeguards

Sec. 161. Grants for production of advanced biofuels.
Sec. 162. Studies of effects of renewable fuel use.
Sec. 163. Integrated consideration of water quality in determinations on fuels and fuel additives.
Sec. 164. Anti-backsliding.

TITLE II—ENERGY EFFICIENCY PROMOTION

Sec. 201. Short title.
Sec. 202. Definition of Secretary.

Subtitle A—Promoting Advanced Lighting Technologies

Sec. 211. Accelerated procurement of energy efficient lighting.
Sec. 212. Incandescent reflector lamp efficiency standards.
Sec. 213. Bright Tomorrow Lighting Prizes.
Sec. 214. Sense of Senate concerning efficient lighting standards.
Sec. 215. Renewable energy construction grants.

Subtitle B—Expediting New Energy Efficiency Standards

Sec. 221. Definition of energy conservation standard.
Sec. 222. Regional efficiency standards for heating and cooling products.
Sec. 223. Furnace fan rulemaking.
Sec. 224. Expedited rulemakings.
Sec. 225. Periodic reviews.
Sec. 226. Energy efficiency labeling for consumer electronic products.
Sec. 227. Residential boiler efficiency standards.
Sec. 228. Technical corrections.
Sec. 229. Electric motor efficiency standards.
Sec. 230. Energy standards for home appliances.
Sec. 231. Improved energy efficiency for appliances and buildings in cold climates.
Sec. 232. Deployment of new technologies for high-efficiency consumer products.
Sec. 233. Industrial efficiency program.

Subtitle C—Promoting High Efficiency Vehicles, Advanced Batteries, and Energy Storage

Sec. 241. Lightweight materials research and development.
Sec. 242. Loan guarantees for fuel-efficient automobile parts manufacturers.
Sec. 243. Advanced technology vehicles manufacturing incentive program.
Sec. 244. Energy storage competitiveness.
Sec. 245. Advanced transportation technology program.
Sec. 246. Inclusion of electric drive in Energy Policy Act of 1992.
Sec. 247. Commercial insulation demonstration program.

Subtitle D—Setting Energy Efficiency Goals

Sec. 251. Oil savings plan and requirements.
Sec. 252. National energy efficiency improvement goals.
Sec. 253. National media campaign.
Sec. 254. Modernization of electricity grid system.
Sec. 255. Smart grid system report.
Sec. 256. Smart grid technology research, development, and demonstration.
Sec. 257. Smart grid interoperability framework.
Sec. 258. State consideration of smart grid.
Sec. 259. Support for energy independence of the United States.
Sec. 260. Energy Policy Commission.

Subtitle E—Promoting Federal Leadership in Energy Efficiency and Renewable Energy

Sec. 261. Federal fleet conservation requirements.
Sec. 262. Federal requirement to purchase electricity generated by renewable energy.
Sec. 263. Energy savings performance contracts.
Sec. 264. Energy management requirements for Federal buildings.
Sec. 265. Combined heat and power and district energy installations at Federal sites.
Sec. 266. Federal building energy efficiency performance standards.
Sec. 267. Application of International Energy Conservation Code to public and assisted housing.
Sec. 268. Energy efficient commercial buildings initiative.
Sec. 269. Clean energy corridors.
Sec. 270. Federal standby power standard.
Sec. 270A. Standard relating to solar hot water heaters.
Sec. 270B. Renewable energy innovation manufacturing partnership.
Sec. 270C. Express loans for renewable energy and energy efficiency.
Sec. 270D. Small business energy efficiency.

Subtitle F—Assisting State and Local Governments in Energy Efficiency

Sec. 271. Weatherization assistance for low-income persons.
Sec. 272. State energy conservation plans.
Sec. 273. Utility energy efficiency programs.
Sec. 274. Energy efficiency and demand response program assistance.
Sec. 275. Energy and environmental block grant.
Sec. 276. Energy sustainability and efficiency grants for institutions of higher education.
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SEC. 2. RELATIONSHIP TO OTHER LAW.

Except to the extent expressly provided in this Act or an amendment made by this Act, nothing in this Act or an amendment made by this Act supersedes, limits the authority provided or responsibility conferred by, or authorizes any violation of any provision of law (including a regulation), including any energy or environmental law or regulation.

TITLE I—BIOFUELS FOR ENERGY SECURITY AND TRANSPORTATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Biofuels for Energy Security and Transportation Act of 2007''.

SEC. 102. DEFINITIONS.

In this title:

(1) ADVANCED BIOFUEL.—

(A) IN GENERAL.—The term ''advanced biofuel'' means fuel derived from renewable biomass other than corn starch.

(B) INCLUSIONS.—The term ''advanced biofuel'' includes—

(i) ethanol derived from cellulose, hemicellulose, or lignin;

(ii) ethanol derived from sugar or starch, other than ethanol derived from corn starch;

(iii) ethanol derived from waste material, including crop residue, other vegetative waste material, animal waste, and food waste and yard waste;

(iv) diesel-equivalent fuel derived from renewable biomass, including vegetable oil and animal fat;

(v) biogas (including landfill gas and sewage waste treatment gas) produced through the conversion of organic matter from renewable biomass;

(vi) butanol or other alcohols produced through the conversion of organic matter from renewable biomass; and

(vii) other fuel derived from cellulosic biomass.

(2) CELLULOSIC BIOMASS ETHANOL.—The term ''cellulosic biomass ethanol'' means ethanol derived from any cellulose, hemicellulose, or lignin that is derived from renewable biomass.

(3) CONVENTIONAL BIOFUEL.—The term ''conventional biofuel'' means ethanol derived from corn starch.

(4) RENEWABLE BIOMASS.—The term ''renewable biomass'' means—

(A) nonmerchantable materials or precommercial thinnings that—

(i) are byproducts of preventive treatments, such as trees, wood, brush, thinnings, chips, and slash, that are removed—

(I) to reduce hazardous fuels;

(II) to reduce or contain disease or insect infestation; or

(III) to restore forest health;

(ii) would not otherwise be used for higher-value products; and

(iii) are harvested from National Forest System land or public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702))—

(I) where permitted by law; and

(II) in accordance with—

(aa) applicable land management plans; and

(bb) the requirements for old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) and the requirements for large-tree retention of subsection (f) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); or

(B) any organic matter that is available on a renewable or recurring basis from non-Federal land or from land belonging to an Indian tribe, or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

(i) renewable plant material, including—

(I) feed grains;

(II) other agricultural commodities;

(III) other plants and trees; and

(IV) algae; and

(ii) waste material, including—

(I) crop residue;

(II) other vegetative waste material (including wood waste and wood residues);

(III) animal waste and byproducts (including fats, oils, greases, and manure); and

(IV) food waste and yard waste.

(5) RENEWABLE FUEL.—

(A) IN GENERAL.—The term ''renewable fuel'' means motor vehicle fuel or home heating fuel that is—

(i) produced from renewable biomass; and

(ii) used to replace or reduce the quantity of fossil fuel present in a fuel or fuel mixture used to operate a motor vehicle or furnace.

(B) INCLUSION.—The term ''renewable fuel'' includes—

(i) conventional biofuel; and

(ii) advanced biofuel.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Energy

(7) SMALL REFINERY.—The term ''small refinery'' means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

Subtitle A—Renewable Fuel Standard

SEC. 111. RENEWABLE FUEL STANDARD.

(a) RENEWABLE FUEL PROGRAM.—

(1) REGULATIONS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to ensure that motor vehicle fuel and home heating oil sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of renewable fuel determined in accordance with paragraph (2).

(B) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under subparagraph (A)—

(i) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that—

(I) the requirements of this subsection are met; and

(II) renewable fuels produced from facilities that commence operations after the date of enactment of this Act achieve at least a 20 percent reduction in life cycle greenhouse gas emissions compared to gasoline; but

(ii) shall not—

(I) restrict geographic areas in the contiguous United States in which renewable fuel may be used; or

(II) impose any per-gallon obligation for the use of renewable fuel.

(C) RELATIONSHIP TO OTHER REGULATIONS.—Regulations promulgated under this paragraph shall, to the maximum extent practicable, incorporate the program structure, compliance, and reporting requirements established under the final regulations promulgated to implement the renewable fuel program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(2) APPLICABLE VOLUME.—

(A) CALENDAR YEARS 2008 THROUGH 2022.—

(i) RENEWABLE FUEL.—For the purpose of paragraph (1), subject to clause (ii), the applicable volume for any of calendar years 2008 through 2022 shall be determined in accordance with the following table:

Calendar year:	Applicable volume of renewable fuel (in billions of gallons):
2008	8.5
2009	10.5
2010	12.0
2011	12.6
2012	13.2
2013	13.8
2014	14.4
2015	15.0
2016	18.0
2017	21.0

Calendar year:	Applicable volume of renewable fuel (in billions of gallons):
2018	24.0
2019	27.0
2020	30.0
2021	33.0
2022	36.0.

(ii) ADVANCED BIOFUELS.—For the purpose of paragraph (1), of the volume of renewable fuel required under clause (i), the applicable volume for any of calendar years 2016 through 2022 for advanced biofuels shall be determined in accordance with the following table:

Calendar year:	Applicable volume of advanced biofuels (in billions of gallons):
2016	3.0
2017	6.0
2018	9.0
2019	12.0
2020	15.0
2021	18.0
2022	21.0.

(B) CALENDAR YEAR 2023 AND THEREAFTER.—Subject to subparagraph (C), for the purposes of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be determined by the President, in coordination with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, based on a review of the implementation of the program during calendar years 2007 through 2022, including a review of—

(i) the impact of renewable fuels on the energy security of the United States;

(ii) the expected annual rate of future production of renewable fuels, including advanced biofuels;

(iii) the impact of renewable fuels on the infrastructure of the United States, including deliverability of materials, goods, and products other than renewable fuel, and the sufficiency of infrastructure to deliver renewable fuel; and

(iv) the impact of the use of renewable fuels on other factors, including job creation, the price and supply of agricultural commodities, rural economic development, and the environment.

(C) MINIMUM APPLICABLE VOLUME.—Subject to subparagraph (D), for the purpose of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be equal to the product obtained by multiplying—

(i) the number of gallons of gasoline that the President estimates will be sold or introduced into commerce in the calendar year; and

(ii) the ratio that—

(I) 36,000,000,000 gallons of renewable fuel; bears to

(II) the number of gallons of gasoline sold or introduced into commerce in calendar year 2022.

(D) MINIMUM PERCENTAGE OF ADVANCED BIOFUEL.—For the purpose of paragraph (1) and subparagraph (C), at least 60 percent of the minimum applicable volume for calendar year 2023 and each calendar year thereafter shall be advanced biofuel.

(b) APPLICABLE PERCENTAGES.—

(1) PROVISION OF ESTIMATE OF VOLUMES OF GASOLINE SALES.—Not later than October 31 of each of calendar years 2008 through 2021, the Administrator of the Energy Information Administration shall provide to the President an estimate, with respect to the following calendar year, of the volumes of gasoline projected to be sold or introduced into commerce in the United States.

(2) DETERMINATION OF APPLICABLE PERCENTAGES.—

(A) IN GENERAL.—Not later than November 30 of each of calendar years 2008 through 2022, based on the estimate provided under paragraph (1), the President shall determine and publish in the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements of subsection (a) are met.

(B) REQUIRED ELEMENTS.—The renewable fuel obligation determined for a calendar year under subparagraph (A) shall—

(i) be applicable to refineries, blenders, and importers, as appropriate;

(ii) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce in the United States; and

(iii) subject to paragraph (3)(A), consist of a single applicable percentage that applies to all categories of persons specified in clause (i).

(3) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the President shall make adjustments—

(A) to prevent the imposition of redundant obligations on any person specified in paragraph (2)(B)(i); and

(B) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under subsection (g).

(c) VOLUME CONVERSION FACTORS FOR RENEWABLE FUELS BASED ON ENERGY CONTENT OR REQUIREMENTS.—

(1) IN GENERAL.—For the purpose of subsection (a), the President shall assign values to specific types of advanced biofuels for the purpose of satisfying the fuel volume requirements of subsection (a)(2) in accordance with this subsection.

(2) ENERGY CONTENT RELATIVE TO ETHANOL.—For advanced biofuel, 1 gallon of the advanced biofuel shall be considered to be the equivalent of 1 gallon of renewable fuel multiplied by the ratio that—

(A) the number of British thermal units of energy produced by the combustion of 1 gallon of the advanced biofuel (as measured under conditions determined by the Secretary); bears to

(B) the number of British thermal units of energy produced by the combustion of 1 gallon of pure ethanol (as measured under conditions determined by the Secretary to be comparable to conditions described in subparagraph (A)).

(3) TRANSITIONAL ENERGY-RELATED CONVERSION FACTORS FOR CELLULOSIC BIOMASS ETHANOL.—For any of calendar years 2008 through 2015, 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 2.5 gallons of renewable fuel.

(d) CREDIT PROGRAM.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall implement a credit program to manage the renewable fuel requirement of this section in a manner consistent with the credit program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(2) MARKET TRANSPARENCY.—In carrying out the credit program under this subsection, the President shall facilitate price transparency in markets for the sale and trade of credits, with due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers and agricultural producers.

(e) SEASONAL VARIATIONS IN RENEWABLE FUEL USE.—

(1) STUDY.—For each of calendar years 2008 through 2022, the Administrator of the Energy Information Administration shall conduct a study of renewable fuel blending to determine whether there are excessive seasonal variations in the use of renewable fuel.

(2) REGULATION OF EXCESSIVE SEASONAL VARIATIONS.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under paragraph (1), makes the determinations specified in paragraph (3), the President shall promulgate regulations to ensure that 25 percent or more of the quantity of renewable fuel necessary to meet the requirements of subsection (a) is used during each of the 2 periods specified in paragraph (4) of each subsequent calendar year.

(3) DETERMINATIONS.—The determinations referred to in paragraph (2) are that—

(A) less than 25 percent of the quantity of renewable fuel necessary to meet the requirements of subsection (a) has been used during 1 of the 2 periods specified in paragraph (4) of the calendar year;

(B) a pattern of excessive seasonal variation described in subparagraph (A) will continue in subsequent calendar years; and

(C) promulgating regulations or other requirements to impose a 25 percent or more seasonal use of renewable fuels will not significantly—

(i) increase the price of motor fuels to the consumer; or

(ii) prevent or interfere with the attainment of national ambient air quality standards.

(4) PERIODS.—The 2 periods referred to in this subsection are—

(A) April through September; and

(B) January through March and October through December.

(f) WAIVERS.—

(1) IN GENERAL.—The President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, may waive the requirements of subsection (a) in whole or in part on petition by one or more States by reducing the national quantity of renewable fuel required under subsection (a), based on a determination by the President (after public notice and opportunity for comment), that—

(A) implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

(B) extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically-produced renewable fuel to consumers in the United States.

(2) PETITIONS FOR WAIVERS.—The President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall approve or disapprove a State petition for a waiver of the requirements of subsection (a) within 30 days after the date on which the petition is received by the President.

(3) TERMINATION OF WAIVERS.—A waiver granted under paragraph (1) shall terminate after 1 year, but may be renewed by the President after consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency.

(g) SMALL REFINERIES.—

(1) TEMPORARY EXEMPTION.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply to—

(i) small refineries (other than a small refinery described in clause (ii)) until calendar year 2013; and

(ii) small refineries owned by a small business refiner (as defined in section 45H(c) of the Internal Revenue Code of 1986) until calendar year 2015.

(B) EXTENSION OF EXEMPTION.—

(i) STUDY BY SECRETARY.—Not later than December 31, 2008, the Secretary shall submit to the President and Congress a report describing the results of a study to determine whether compliance with the requirements of subsection (a) would impose a disproportionate economic hardship on small refineries.

(ii) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary determines under clause (i) would be subject to a disproportionate economic hardship if required to comply with subsection (a), the President shall extend the exemption under subparagraph (A) for the small refinery for a period of not less than 2 additional years.

(2) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARDSHIP.—

(A) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the President for an extension of the exemption under paragraph (1) for the reason of disproportionate economic hardship.

(B) EVALUATION OF PETITIONS.—In evaluating a petition under subparagraph (A), the President, in consultation with the Secretary, shall consider the findings of the study under paragraph (1)(B) and other economic factors.

(C) DEADLINE FOR ACTION ON PETITIONS.—The President shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

(3) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of subsection (a) if the small refinery notifies the President that the small refinery waives the exemption under paragraph (1).

(h) PENALTIES AND ENFORCEMENT.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—Any person that violates a regulation promulgated under subsection (a), or that fails to furnish any information required under such a regulation, shall be liable to the United States for a civil penalty of not more than the total of—

(i) $25,000 for each day of the violation; and

(ii) the amount of economic benefit or savings received by the person resulting from the violation, as determined by the President.

(B) COLLECTION.—Civil penalties under subparagraph (A) shall be assessed by, and collected in a civil action brought by, the Secretary or such other officer of the United States as is designated by the President.

(2) INJUNCTIVE AUTHORITY.—

(A) IN GENERAL.—The district courts of the United States shall have jurisdiction to—

(i) restrain a violation of a regulation promulgated under subsection (a);

(ii) award other appropriate relief; and

(iii) compel the furnishing of information required under the regulation.

(B) ACTIONS.—An action to restrain such violations and compel such actions shall be brought by and in the name of the United States.

(C) SUBPOENAS.—In the action, a subpoena for a witness who is required to attend a district court in any district may apply in any other district.

(i) VOLUNTARY LABELING PROGRAM.—

(1) IN GENERAL.—The President shall establish criteria for a system of voluntary labeling of renewable fuels based on life cycle greenhouse gas emissions.

(2) CONSUMER EDUCATION.—The President shall ensure that the labeling system under this subsection provides useful information to consumers making fuel purchases.

(3) FLEXIBILITY.—In carrying out this subsection, the President may establish more than 1 label, as appropriate.

(j) STUDY OF IMPACT OF RENEWABLE FUEL STANDARD.—

(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to assess the impact of the requirements described in subsection (a)(2) on each industry relating to the production of feed grains, livestock, food, and energy.

(2) PARTICIPATION.—In conducting the study under paragraph (1), the National Academy of Sciences shall seek the participation, and consider the input, of—

(A) producers of feed grains;

(B) producers of livestock, poultry, and pork products;

(C) producers of food and food products;

(D) producers of energy;

(E) individuals and entities interested in issues relating to conservation, the environment, and nutrition; and

(F) users of renewable fuels.

(3) CONSIDERATIONS.—In conducting the study, the National Academy of Sciences shall consider—

(A) the likely impact on domestic animal agriculture feedstocks that, in any crop year, are significantly below current projections; and

(B) policy options to alleviate the impact on domestic animal agriculture feedstocks that are significantly below current projections.

(4) COMPONENTS.—The study shall include—

(A) a description of the conditions under which the requirements described in subsection (a)(2) should be suspended or reduced to prevent adverse impacts to domestic animal agriculture feedstocks described in paragraph (3)(B); and

(B) recommendations for the means by which the Federal Government could prevent or minimize adverse economic hardships and impacts.

(5) DEADLINE FOR COMPLETION OF STUDY.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study.

(6) PERIODIC REVIEWS.—

(A) IN GENERAL.—To allow for the appropriate adjustment of the requirements described in subsection (a)(2), the Secretary shall conduct periodic reviews of—

(i) existing technologies;

(ii) the feasibility of achieving compliance with the requirements; and

(iii) the impacts of the requirements described in subsection (a)(2) on each individual and entity described in paragraph (2).

(k) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on the date on which the National Academies of Science completes the study under subsection (j).

SEC. 112. PRODUCTION OF RENEWABLE FUEL USING RENEWABLE ENERGY.

(a) DEFINITIONS.—In this section:

(1) FACILITY.—The term ''facility'' means a facility used for the production of renewable fuel.

(2) RENEWABLE ENERGY.—

(A) IN GENERAL.—The term ''renewable energy'' has the meaning given the term in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)).

(B) INCLUSION.—The term ''renewable energy'' includes biogas produced through the conversion of organic matter from renewable biomass.

(b) ADDITIONAL CREDIT.—

(1) IN GENERAL.—The President shall provide a credit under the program established under section 111(d) to the owner of a facility that uses renewable energy to displace more than 90 percent of the fossil fuel normally used in the production of renewable fuel.

(2) CREDIT AMOUNT.—The President may provide the credit in a quantity that is not more than the equivalent of 1.5 gallons of renewable fuel for each gallon of renewable fuel produced in a facility described in paragraph (1).

SEC. 113. SENSE OF CONGRESS RELATING TO THE USE OF RENEWABLE RESOURCES TO GENERATE ENERGY.

(a) FINDINGS.—Congress finds that—

(1) the United States has a quantity of renewable energy resources that is sufficient to supply a significant portion of the energy needs of the United States;

(2) the agricultural, forestry, and working land of the United States can help ensure a sustainable domestic energy system;

(3) accelerated development and use of renewable energy technologies provide numerous benefits to the United States, including improved national security, improved balance of payments, healthier rural economies, improved environmental quality, and abundant, reliable, and affordable energy for all citizens of the United States;

(4) the production of transportation fuels from renewable energy would help the United States meet rapidly growing domestic and global energy demands, reduce the dependence of the United States on energy imported from volatile regions of the world that are politically unstable, stabilize the cost and availability of energy, and safeguard the economy and security of the United States;

(5) increased energy production from domestic renewable resources would attract substantial new investments in energy infrastructure, create economic growth, develop new jobs for the citizens of the United States, and increase the income for farm, ranch, and forestry jobs in the rural regions of the United States;

(6) increased use of renewable energy is practical and can be cost effective with the implementation of supportive policies and proper incentives to stimulate markets and infrastructure; and

(7) public policies aimed at enhancing renewable energy production and accelerating technological improvements will further reduce energy costs over time and increase market demand.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should—

(1) provide from renewable resources not less than 25 percent of the total energy consumed in the United States; and

(2) continue to produce safe, abundant, and affordable food, feed, and fiber.

Subtitle B—Renewable Fuels Infrastructure

SEC. 121. INFRASTRUCTURE PILOT PROGRAM FOR RENEWABLE FUELS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall establish a competitive grant pilot program (referred to in this section as the ''pilot program''), to be administered through the Vehicle Technology Deployment Program of the Department of Energy, to provide not more than 10 geographically-dispersed project grants to State governments, Indian tribal governments, local governments, metropolitan transportation authorities, or partnerships of those entities to carry out 1 or more projects for the purposes described in subsection (b).

(b) GRANT PURPOSES.—A grant under this section shall be used for the establishment of refueling infrastructure corridors, as designated by the Secretary, for gasoline blends that contain not less than 11 percent, and not more than 85 percent, renewable fuel or diesel fuel that contains at least 10 percent renewable fuel, including—

(1) installation of infrastructure and equipment necessary to ensure adequate distribution of renewable fuels within the corridor;

(2) installation of infrastructure and equipment necessary to directly support vehicles powered by renewable fuels; and

(3) operation and maintenance of infrastructure and equipment installed as part of a project funded by the grant.

(c) APPLICATIONS.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), not later than 90 days after the date of enactment of this Act, the Secretary shall issue requirements for use in applying for grants under the pilot program.

(B) MINIMUM REQUIREMENTS.—At a minimum, the Secretary shall require that an application for a grant under this section—

(i) be submitted by—

(I) the head of a State, tribal, or local government or a metropolitan transportation authority, or any combination of those entities; and

(II) a registered participant in the Vehicle Technology Deployment Program of the Department of Energy; and

(ii) include—

(I) a description of the project proposed in the application, including the ways in which the project meets the requirements of this section;

(II) an estimate of the degree of use of the project, including the estimated size of fleet of vehicles operated with renewable fuel available within the geographic region of the corridor, measured as a total quantity and a percentage;

(III) an estimate of the potential petroleum displaced as a result of the project (measured as a total quantity and a percentage), and a plan

to collect and disseminate petroleum displacement and other relevant data relating to the project to be funded under the grant, over the expected life of the project;

(IV) a description of the means by which the project will be sustainable without Federal assistance after the completion of the term of the grant;

(V) a complete description of the costs of the project, including acquisition, construction, operation, and maintenance costs over the expected life of the project; and

(VI) a description of which costs of the project will be supported by Federal assistance under this subsection.

(2) PARTNERS.—An applicant under paragraph (1) may carry out a project under the pilot program in partnership with public and private entities.

(d) SELECTION CRITERIA.—In evaluating applications under the pilot program, the Secretary shall—

(1) consider the experience of each applicant with previous, similar projects; and

(2) give priority consideration to applications that—

(A) are most likely to maximize displacement of petroleum consumption, measured as a total quantity and a percentage;

(B) are best able to incorporate existing infrastructure while maximizing, to the extent practicable, the use of advanced biofuels;

(C) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this subsection is completed;

(D) represent a partnership of public and private entities; and

(E) exceed the minimum requirements of subsection (c)(1)(B).

(e) PILOT PROJECT REQUIREMENTS.—

(1) MAXIMUM AMOUNT.—The Secretary shall provide not more than $20,000,000 in Federal assistance under the pilot program to any applicant.

(2) COST SHARING.—The non-Federal share of the cost of any activity relating to renewable fuel infrastructure development carried out using funds from a grant under this section shall be not less than 20 percent.

(3) MAXIMUM PERIOD OF GRANTS.—The Secretary shall not provide funds to any applicant under the pilot program for more than 2 years.

(4) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of project sites funded by grants under this section.

(5) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(f) SCHEDULE.—

(1) INITIAL GRANTS.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for applications to carry out projects under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal up to 5 applications for projects to be awarded a grant under the pilot program.

(2) ADDITIONAL GRANTS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for additional applications to carry out projects under the pilot program that incorporate the information and knowledge obtained through the implementation of the first round of projects authorized under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal such additional applications for projects to be awarded a grant under the pilot program as the Secretary determines to be appropriate.

(g) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 60 days after the date on which grants are awarded under this section, the Secretary shall submit to Congress a report containing—

(A) an identification of the grant recipients and a description of the projects to be funded under the pilot program;

(B) an identification of other applicants that submitted applications for the pilot program but to which funding was not provided; and

(C) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(2) EVALUATION.—Not later than 2 years after the date of enactment of this Act, and annually thereafter until the termination of the pilot program, the Secretary shall submit to Congress a report containing an evaluation of the effectiveness of the pilot program, including an assessment of the petroleum displacement and benefits to the environment derived from the projects included in the pilot program.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $200,000,000, to remain available until expended.

SEC. 122. BIOENERGY RESEARCH AND DEVELOPMENT.

Section 931(c) of the Energy Policy Act of 2005 (42 U.S.C. 16231(c)) is amended—

(1) in paragraph (2), by striking ''$251,000,000'' and inserting ''$377,000,000''; and

(2) in paragraph (3), by striking ''$274,000,000'' and inserting ''$398,000,000''.

SEC. 123. BIORESEARCH CENTERS FOR SYSTEMS BIOLOGY PROGRAM.

Section 977(a)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16317(a)(1)) is amended by inserting before the period at the end the following: '', including the establishment of at least 11 bioresearch centers of varying sizes, as appropriate, that focus on biofuels, of which at least 2 centers shall be located in each of the 4 Petroleum Administration for Defense Districts with no subdistricts and 1 center shall be located in each of the subdistricts of the Petroleum Administration for Defense District with subdistricts''.

SEC. 124. LOAN GUARANTEES FOR RENEWABLE FUEL FACILITIES.

(a) IN GENERAL.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended by adding at the end the following:

''(f) RENEWABLE FUEL FACILITIES.—

''(1) IN GENERAL.—The Secretary may make guarantees under this title for projects that produce advanced biofuel (as defined in section 102 of the Biofuels for Energy Security and Transportation Act of 2007).

''(2) REQUIREMENTS.—A project under this subsection shall employ new or significantly improved technologies for the production of renewable fuels as compared to commercial technologies in service in the United States at the time that the guarantee is issued.

''(3) ISSUANCE OF FIRST LOAN GUARANTEES.—The requirement of section 20320(b) of division B of the Continuing Appropriations Resolution, 2007 (Public Law 109–289, Public Law 110–5), relating to the issuance of final regulations, shall not apply to the first 6 guarantees issued under this subsection.

''(4) PROJECT DESIGN.—A project for which a guarantee is made under this subsection shall have a project design that has been validated through the operation of a continuous process pilot facility with an annual output of at least 50,000 gallons of ethanol or the energy equivalent volume of other advanced biofuels.

''(5) MAXIMUM GUARANTEED PRINCIPAL.—The total principal amount of a loan guaranteed under this subsection may not exceed $250,000,000 for a single facility.

''(6) AMOUNT OF GUARANTEE.—The Secretary shall guarantee 100 percent of the principal and interest due on 1 or more loans made for a facility that is the subject of the guarantee under paragraph (3).

''(7) DEADLINE.—The Secretary shall approve or disapprove an application for a guarantee under this subsection not later than 90 days after the date of receipt of the application.

''(8) REPORT.—Not later than 30 days after approving or disapproving an application under paragraph (7), the Secretary shall submit to Congress a report on the approval or disapproval (including the reasons for the action).''.

(b) IMPROVEMENTS TO UNDERLYING LOAN GUARANTEE AUTHORITY.—

(1) DEFINITION OF COMMERCIAL TECHNOLOGY.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by striking subparagraph (B) and inserting the following:

''(B) EXCLUSION.—The term 'commercial technology' does not include a technology if the sole use of the technology is in connection with—

''(i) a demonstration plant; or

''(ii) a project for which the Secretary approved a loan guarantee.''.

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) an appropriation for the cost has been made; or

''(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

''(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

''(3) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with paragraph (1)(B).''.

(3) AMOUNT.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (c) and inserting the following:

''(c) AMOUNT.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall guarantee up to 100 percent of the principal and interest due on 1 or more loans for a facility that are the subject of the guarantee.

''(2) LIMITATION.—The total amount of loans guaranteed for a facility by the Secretary shall

not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.''.

(4) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(5) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

''(2) AVAILABILITY.—Fees collected under this subsection shall—

''(A) be deposited by the Secretary into a special fund in the Treasury to be known as the 'Incentives For Innovative Technologies Fund'; and

''(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.''.

SEC. 125. GRANTS FOR RENEWABLE FUEL PRODUCTION RESEARCH AND DEVELOPMENT IN CERTAIN STATES.

(a) IN GENERAL.—The Secretary shall provide grants to eligible entities to conduct research into, and develop and implement, renewable fuel production technologies in States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol, as determined by the Secretary.

(b) ELIGIBILITY.—To be eligible to receive a grant under the section, an entity shall—

(1)(A) be an institution of higher education (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) located in a State described in subsection (a);

(B) be an institution—

(i) referred to in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note);

(ii) that is eligible for a grant under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.), including Diné College; or

(iii) that is eligible for a grant under the Navajo Community College Act (25 U.S.C. 640a et seq.); or

(C) be a consortium of such institutions of higher education, industry, State agencies, Indian tribal agencies, or local government agencies located in the State; and

(2) have proven experience and capabilities with relevant technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2008 through 2010.

SEC. 126. GRANTS FOR INFRASTRUCTURE FOR TRANSPORTATION OF BIOMASS TO LOCAL BIOREFINERIES.

(a) IN GENERAL.—The Secretary shall conduct a program under which the Secretary shall provide grants to Indian tribal and local governments and other eligible entities (as determined by the Secretary) (referred to in this section as ''eligible entities'') to promote the development of infrastructure to support the separation, production, processing, and transportation of biomass to local biorefineries, including by portable processing equipment.

(b) PHASES.—The Secretary shall conduct the program in the following phases:

(1) DEVELOPMENT.—In the first phase of the program, the Secretary shall make grants to eligible entities to assist the eligible entities in the development of local projects to promote the development of infrastructure to support the separation, production, processing, and transportation of biomass to local biorefineries, including by portable processing equipment.

(2) IMPLEMENTATION.—In the second phase of the program, the Secretary shall make competitive grants to eligible entities to implement projects developed under paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 127. BIOREFINERY INFORMATION CENTER.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a biorefinery information center to make available to interested parties information on—

(1) renewable fuel resources, including information on programs and incentives for renewable fuels;

(2) renewable fuel producers;

(3) renewable fuel users; and

(4) potential renewable fuel users.

(b) ADMINISTRATION.—In administering the biorefinery information center, the Secretary shall—

(1) continually update information provided by the center;

(2) make information available to interested parties on the process for establishing a biorefinery; and

(3) make information and assistance provided by the center available through a toll-free telephone number and website.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 128. ALTERNATIVE FUEL DATABASE AND MATERIALS.

The Secretary and the Director of the National Institute of Standards and Technology shall jointly establish and make available to the public—

(1) a database that describes the physical properties of different types of alternative fuel; and

(2) standard reference materials for different types of alternative fuel.

SEC. 129. FUEL TANK CAP LABELING REQUIREMENT.

Section 406(a) of the Energy Policy Act of 1992 (42 U.S.C. 13232(a)) is amended—

(1) by striking ''The Federal Trade Commission'' and inserting the following:

''(1) IN GENERAL.—The Federal Trade Commission''; and

(2) by adding at the end the following:

''(2) FUEL TANK CAP LABELING REQUIREMENT.—Beginning with model year 2010, the fuel tank cap of each alternative fueled vehicle manufactured for sale in the United States shall be clearly labeled to inform consumers that such vehicle can operate on alternative fuel.''.

SEC. 130. BIODIESEL.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on any research and development challenges inherent in increasing to 5 percent the proportion of diesel fuel sold in the United States that is biodiesel (as defined in section 757 of the Energy Policy Act of 2005 (42 U.S.C. 16105)).

(b) REGULATIONS.—The President shall promulgate regulations providing for the uniform labeling of biodiesel blends that are certified to meet applicable standards published by the American Society for Testing and Materials.

(c) NATIONAL BIODIESEL FUEL QUALITY STANDARD.—

(1) QUALITY REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the President shall promulgate regulations to ensure that each diesel-equivalent fuel derived from renewable biomass and introduced into interstate commerce is tested and certified to comply with applicable standards of the American Society for Testing and Materials.

(2) ENFORCEMENT.—The President shall ensure that all biodiesel entering interstate commerce meets the requirements of paragraph (1).

(3) FUNDING.—There are authorized to be appropriated to the President to carry out this section:

(A) $3,000,000 for fiscal year 2008.

(B) $3,000,000 for fiscal year 2009.

(C) $3,000,000 for fiscal year 2010.

SEC. 131. TRANSITIONAL ASSISTANCE FOR FARMERS WHO PLANT DEDICATED ENERGY CROPS FOR A LOCAL CELLULOSIC REFINERY.

(a) DEFINITIONS.—In this section:

(1) CELLULOSIC CROP.—The term ''cellulosic crop'' means a tree or grass that is grown specifically—

(A) to provide raw materials (including feedstocks) for conversion to liquid transportation fuels or chemicals through biochemical or thermochemical processes; or

(B) for energy generation through combustion, pyrolysis, or cofiring.

(2) CELLULOSIC REFINER.—The term ''cellulosic refiner'' means the owner or operator of a cellulosic refinery.

(3) CELLULOSIC REFINERY.—The term ''cellulosic refinery'' means a refinery that processes a cellulosic crop.

(4) QUALIFIED CELLULOSIC CROP.—The term ''qualified cellulosic crop'' means, with respect to an agricultural producer, a cellulosic crop that is—

(A) the subject of a contract or memorandum of understanding between the producer and a cellulosic refiner, under which the producer is obligated to sell the crop to the cellulosic refiner by a certain date; and

(B) produced not more than 70 miles from a cellulosic refinery owned or operated by the cellulosic refiner.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) TRANSITIONAL ASSISTANCE PAYMENTS.—The Secretary shall make transitional assistance payments to an agricultural producer during the first year in which the producer devotes land to the production of a qualified cellulosic crop.

(c) AMOUNT OF PAYMENT.—

(1) DETERMINED BY FORMULA.—Subject to paragraph (2), the Secretary shall devise a formula to be used to calculate the amount of a payment to be made to an agricultural producer under this section, based on the opportunity cost (as determined in accordance with such standard as the Secretary may establish, taking into consideration land rental rates and other applicable costs) incurred by the producer during the first year in which the producer devotes land to the production of the qualified cellulosic crop.

(2) LIMITATION.—The total of the amount paid to a producer under this section shall not exceed an amount equal to 25 percent of the amounts made available under subsection (e) for the applicable fiscal year.

(d) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,088,000 for each of fiscal years 2008 through 2012, to remain available until expended.

SEC. 132. RESEARCH AND DEVELOPMENT IN SUPPORT OF LOW-CARBON FUELS.

(a) DECLARATION OF POLICY.—Congress declares that, in order to achieve maximum reductions in greenhouse gas emissions, enhance national security, and ensure the protection of wildlife habitat, biodiversity, water quality, air quality, and rural and regional economies throughout the lifecycle of each low-carbon fuel, it is necessary and desirable to undertake a combination of basic and applied research, as well as technology development and demonstration, involving the colleges and universities of the United States, in partnership with the Federal Government, State governments, and the private sector.

(b) PURPOSE.—The purpose of this section is to provide for research support to facilitate the development of sustainable markets and technologies to produce and use woody biomass and other low-carbon fuels for the production of thermal and electric energy, biofuels, and bioproducts.

(c) DEFINITION OF FUEL EMISSION BASELINE.—In this section, the term ''fuel emission baseline'' means the average lifecycle greenhouse gas emissions per unit of energy of the fossil fuel

component of conventional transportation fuels in commerce in the United States in calendar year 2008, as determined by the President.

(d) GRANT PROGRAM.—The President shall establish a program to provide to eligible entities (as identified by the President) grants for use in—

(1) providing financial support for not more than 4 nor less than 6 demonstration facilities that—

(A) use woody biomass to deploy advanced technologies for production of thermal and electric energy, biofuels, and bioproducts; and

(B) are targeted at regional feedstocks and markets;

(2) conducting targeted research for the development of cellulosic ethanol and other liquid fuels from woody or other biomass that may be used in transportation or stationary applications, such as industrial processes or industrial, commercial, and residential heating;

(3) conducting research into the best scientifically-based and periodically-updated methods of assessing and certifying the impacts of each low-carbon fuel with respect to—

(A) the reduction in lifecycle greenhouse gas emissions of each fuel as compared to—

(i) the fuel emission baseline; and

(ii) the greenhouse gas emissions of other sectors, such as the agricultural, industrial, and manufacturing sectors;

(B) the contribution of the fuel toward enhancing the energy security of the United States by displacing imported petroleum and petroleum products;

(C) any impacts of the fuel on wildlife habitat, biodiversity, water quality, and air quality; and

(D) any effect of the fuel with respect to rural and regional economies;

(4) conducting research to determine to what extent the use of low-carbon fuels in the transportation sector would impact greenhouse gas emissions in other sectors, such as the agricultural, industrial, and manufacturing sectors;

(5) conducting research for the development of the supply infrastructure that may provide renewable biomass feedstocks in a consistent, predictable, and environmentally-sustainable manner;

(6) conducting research for the development of supply infrastructure that may provide renewable low-carbon fuels in a consistent, predictable, and environmentally-sustainable manner; and

(7) conducting policy research on the global movement of low-carbon fuels in a consistent, predictable, and environmentally-sustainable manner.

(e) AUTHORIZATION OF APPROPRIATIONS.—Of the funding authorized under section 122, there are authorized to be appropriated to carry out this section—

(1) $45,000,000 for fiscal year 2009;

(2) $50,000,000 for fiscal year 2010;

(3) $55,000,000 for fiscal year 2011;

(4) $60,000,000 for fiscal year 2012; and

(5) $65,000,000 for fiscal year 2013.

Subtitle C—Studies

SEC. 141. STUDY OF ADVANCED BIOFUELS TECHNOLOGIES.

(a) IN GENERAL.—Not later than October 1, 2012, the Secretary shall offer to enter into a contract with the National Academy of Sciences under which the Academy shall conduct a study of technologies relating to the production, transportation, and distribution of advanced biofuels.

(b) SCOPE.—In conducting the study, the Academy shall—

(1) include an assessment of the maturity of advanced biofuels technologies;

(2) consider whether the rate of development of those technologies will be sufficient to meet the advanced biofuel standards required under section 111;

(3) consider the effectiveness of the research and development programs and activities of the Department of Energy relating to advanced biofuel technologies; and

(4) make policy recommendations to accelerate the development of those technologies to commercial viability, as appropriate.

(c) REPORT.—Not later than November 30, 2014, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study conducted under this section.

SEC. 142. STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation, and after providing notice and an opportunity for public comment, shall conduct a study of the feasibility of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol that are not less than 10 percent and not more than 40 percent.

(b) STUDY.—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing consumption of ethanol;

(2) an evaluation of the economic, market, and energy-related impacts of State and regional differences in ethanol blends;

(3) an evaluation of the economic, market, and energy-related impacts on gasoline retailers and consumers of separate and distinctly labeled fuel storage facilities and dispensers;

(4) an evaluation of the environmental impacts of mid-level ethanol blends on evaporative and exhaust emissions from on-road, off-road, and marine engines, recreational boats, vehicles, and equipment;

(5) an evaluation of the impacts of mid-level ethanol blends on the operation, durability, and performance of on-road, off-road, and marine engines, recreational boats, vehicles, and equipment; and

(6) an evaluation of the safety impacts of mid-level ethanol blends on consumers that own and operate off-road and marine engines, recreational boats, vehicles, or equipment.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 143. PIPELINE FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Transportation, shall conduct a study of the feasibility of the construction of dedicated ethanol pipelines.

(b) FACTORS.—In conducting the study, the Secretary shall consider—

(1) the quantity of ethanol production that would make dedicated pipelines economically viable;

(2) existing or potential barriers to dedicated ethanol pipelines, including technical, siting, financing, and regulatory barriers;

(3) market risk (including throughput risk) and means of mitigating the risk;

(4) regulatory, financing, and siting options that would mitigate risk in those areas and help ensure the construction of 1 or more dedicated ethanol pipelines;

(5) financial incentives that may be necessary for the construction of dedicated ethanol pipelines, including the return on equity that sponsors of the initial dedicated ethanol pipelines will require to invest in the pipelines;

(6) technical factors that may compromise the safe transportation of ethanol in pipelines, identifying remedial and preventative measures to ensure pipeline integrity; and

(7) such other factors as the Secretary considers appropriate.

(c) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 144. STUDY OF OPTIMIZATION OF FLEXIBLE FUELED VEHICLES TO USE E–85 FUEL.

(a) IN GENERAL.—The Secretary shall conduct a study of methods of increasing the fuel efficiency of flexible fueled vehicles by optimizing flexible fueled vehicles to operate using E–85 fuel.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the study, including any recommendations of the Secretary.

SEC. 145. STUDY OF CREDITS FOR USE OF RENEWABLE ELECTRICITY IN ELECTRIC VEHICLES.

(a) DEFINITION OF ELECTRIC VEHICLE.—In this section, the term ''electric vehicle'' means an electric motor vehicle (as defined in section 601 of the Energy Policy Act of 1992 (42 U.S.C. 13271)) for which the rechargeable storage battery—

(1) receives a charge directly from a source of electric current that is external to the vehicle; and

(2) provides a minimum of 80 percent of the motive power of the vehicle.

(b) STUDY.—The Secretary shall conduct a study on the feasibility of issuing credits under the program established under section 111(d) to electric vehicles powered by electricity produced from renewable energy sources.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study, including a description of—

(1) existing programs and studies on the use of renewable electricity as a means of powering electric vehicles; and

(2) alternatives for—

(A) designing a pilot program to determine the feasibility of using renewable electricity to power electric vehicles as an adjunct to a renewable fuels mandate;

(B) allowing the use, under the pilot program designed under subparagraph (A), of electricity generated from nuclear energy as an additional source of supply;

(C) identifying the source of electricity used to power electric vehicles; and

(D) equating specific quantities of electricity to quantities of renewable fuel under section 111(d).

SEC. 146. STUDY OF ENGINE DURABILITY ASSOCIATED WITH THE USE OF BIODIESEL.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall initiate a study on the effects of the use of biodiesel on engine durability.

(b) COMPONENTS.—The study under this section shall include—

(1) an assessment of whether the use of biodiesel in conventional diesel engines lessens engine durability; and

(2) an assessment of the effects referred to in subsection (a) with respect to biodiesel blends at varying concentrations, including—

(A) B5;

(B) B10;

(C) B20; and

(D) B30.

SEC. 147. STUDY OF INCENTIVES FOR RENEWABLE FUELS.

(a) STUDY.—The President shall conduct a study of the renewable fuels industry and markets in the United States, including—

(1) the costs to produce conventional and advanced biofuels;

(2) the factors affecting the future market prices for those biofuels, including world oil prices; and

(3) the financial incentives necessary to enhance, to the maximum extent practicable, the biofuels industry of the United States to reduce the dependence of the United States on foreign oil during calendar years 2011 through 2030.

(b) GOALS.—The study shall include an analysis of the options for financial incentives and the advantage and disadvantages of each option.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the President shall submit to Congress a report that describes the results of the study.

SEC. 148. STUDY OF STREAMLINED LIFECYCLE ANALYSIS TOOLS FOR THE EVALUATION OF RENEWABLE CARBON CONTENT OF BIOFUELS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall conduct a study of—

(1) published methods for evaluating the lifecycle fossil and renewable carbon content of fuels, including conventional and advanced biofuels; and

(2) methods for performing simplified, streamlined lifecycle analyses of the fossil and renewable carbon content of biofuels.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study under subsection (a), including recommendations for a method for performing a simplified, streamlined lifecycle analysis of the fossil and renewable carbon content of biofuels that includes—

(1) carbon inputs to feedstock production; and

(2) carbon inputs to the biofuel production process, including the carbon associated with electrical and thermal energy inputs.

SEC. 149. STUDY OF EFFECTS OF ETHANOL-BLENDED GASOLINE ON OFF-ROAD VEHICLES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall conduct a study to determine the effects of ethanol-blended gasoline on off-road vehicles and recreational boats.

(2) EVALUATION.—The study shall include an evaluation of the operational, safety, durability, and environmental impacts of ethanol-blended gasoline on off-road and marine engines, recreational boats, and related equipment.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study.

SEC. 150. STUDY OF OFFSHORE WIND RESOURCES.

(a) DEFINITIONS.—In this section:

(1) 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 Secretary.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Minerals Management Service.

(b) STUDY.—The Secretary, in cooperation with an eligible institution, as selected by the Secretary, 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 Secretary 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 Secretary;

(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) INCORPORATION OF STUDY.—Effective beginning on the date on which the Secretary completes the study under subsection (b), the Secretary shall incorporate the findings included in the report under subsection (c) into the planning process documents for any wind energy lease sale—

(1) relating to any offshore wind resource located in any appropriate area of the outer Continental Shelf, as determined by the Secretary; and

(2) that is completed on or after the date of enactment of this Act.

(e) EFFECT.—Nothing in this section—

(1) delays any final regulation to be promulgated by the Secretary of the Interior to carry out section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)); or

(2) limits the authority of the Secretary to lease any offshore wind resource located in any appropriate area of the outer Continental Shelf, as determined by the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

Subtitle D—Environmental Safeguards

SEC. 161. GRANTS FOR PRODUCTION OF ADVANCED BIOFUELS.

(a) IN GENERAL.—The Secretary shall establish a grant program to encourage the production of advanced biofuels.

(b) REQUIREMENTS AND PRIORITY.—In making grants under this section, the Secretary—

(1) shall make awards to the proposals for advanced biofuels with the greatest reduction in lifecycle greenhouse gas emissions compared to the comparable motor vehicle fuel lifecycle emissions during calendar year 2007; and

(2) shall not make an award to a project that does not achieve at least a 50-percent reduction in such lifecycle greenhouse gas emissions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for the period of fiscal years 2008 through 2015.

SEC. 162. STUDIES OF EFFECTS OF RENEWABLE FUEL USE.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by adding at the end the following:

''(t) STUDIES OF EFFECTS OF RENEWABLE FUEL USE.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall offer to enter into appropriate arrangements with the National Academy of Sciences and any other independent research institute determined to be appropriate by the Administrator, in consultation with appropriate Federal agencies, to conduct 2 studies on the effects of increased domestic use of renewable fuels under the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.

''(2) MATTERS TO BE STUDIED.—

''(A) IN GENERAL.—The studies under this subsection shall assess, quantify, and recommend analytical methodologies in relation to environmental changes associated with the increased domestic use of renewable fuels under the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, including production, handling, transportation, and use of the fuels.

''(B) SPECIFIC MATTERS.—The studies shall include an assessment and quantification, to the maximum extent practicable, of significant changes—

''(i) in air and water quality and the quality of other natural resources;

''(ii) in land use patterns;

''(iii) in the rate of deforestation in the United States and globally;

''(iv) to greenhouse gas emissions;

''(v) to significant geographic areas and habitats with high biodiversity values (including species richness, the presence of species that are exclusively native to a place, or the presence of endangered species); or

''(vi) in the long-term capacity of the United States to produce biomass feedstocks.

''(C) BASELINE COMPARISON.—In making an assessment or quantifying effects of increased use of renewable fuels, the studies shall use an appropriate baseline involving increased use of the conventional transportation fuels, if displacement by use of renewable fuels had not occurred.

''(3) REPORTS TO CONGRESS.—The Administrator shall submit to Congress a report summarizing the assessments and findings of—

''(A) the first study, along with any recommendations by the Administrator to mitigate adverse effects identified by the study, not later than 3 years after the date of enactment of this subsection; and

''(B) the second study, along with any recommendations by the Administrator to mitigate adverse effects identified by the study, not later December 31, 2015.''.

SEC. 163. INTEGRATED CONSIDERATION OF WATER QUALITY IN DETERMINATIONS ON FUELS AND FUEL ADDITIVES.

Section 211(c)(1) of the Clean Air Act (42 U.S.C. 7545(c)(1)) is amended—

(1) by striking ''nonroad vehicle (A) if in the judgment of the Administrator'' and inserting ''nonroad vehicle—

''(A) if, in the judgment of the Administrator, any fuel or fuel additive or'';

(2) in subparagraph (A), by striking ''air pollution which'' and inserting ''air pollution or water pollution (including any degradation in the quality of groundwater) that''; and

(3) by striking '', or (B) if'' and inserting the following: ''; or

''(B) if''.

SEC. 164. ANTI-BACKSLIDING.

Section 211 of the Clean Air Act (42 U.S.C. 7545) (as amended by section 162) is amended by adding at the end the following:

''(u) PREVENTION OF AIR QUALITY DETERIORATION.—

''(1) STUDY.—

''(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, the Administrator shall complete a study to determine whether the renewable fuel volumes required by that Act will adversely impact air quality as a result of changes in vehicle and engine emissions of air pollutants regulated under this Act.

''(B) CONSIDERATIONS.—The study shall include consideration of—

''(i) different blend levels, types of renewable fuels, and available vehicle technologies; and

''(ii) appropriate national, regional, and local air quality control measures.

''(2) REGULATIONS.—Not later than 3 years after the date of enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, the Administrator shall—

''(A) promulgate regulations to implement appropriate measures to mitigate, to the greatest extent achievable, considering the results of the study under paragraph (1), any adverse impacts on air quality, as the result of the renewable volumes required by that Act; or

''(B) make a determination that no such measures are necessary.

''(3) OTHER REQUIREMENTS.—Nothing in title I of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007 supersedes or otherwise affects any Federal or State requirement under any other provision of law that is more stringent than any requirement of this title.''.

TITLE II—ENERGY EFFICIENCY PROMOTION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Energy Efficiency Promotion Act of 2007''.

SEC. 202. DEFINITION OF SECRETARY.

In this title, the term ''Secretary'' means the Secretary of Energy.

Subtitle A—Promoting Advanced Lighting Technologies

SEC. 211. ACCELERATED PROCUREMENT OF ENERGY EFFICIENT LIGHTING.

Section 553 of the National Energy Conservation Policy Act (42 U.S.C. 8259b) is amended by adding the following:

''(f) ACCELERATED PROCUREMENT OF ENERGY EFFICIENT LIGHTING.—

''(1) IN GENERAL.—Not later than October 1, 2013, in accordance with guidelines issued by the Secretary, all general purpose lighting in Federal buildings shall be Energy Star products or products designated under the Federal Energy Management Program.

''(2) GUIDELINES.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall issue guidelines to carry out this subsection.

''(B) REPLACEMENT COSTS.—The guidelines shall take into consideration the costs of replacing all general service lighting and the reduced cost of operation and maintenance expected to result from such replacement.''.

SEC. 212. INCANDESCENT REFLECTOR LAMP EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) in paragraph (30)(C)(ii)—

(A) in the matter preceding subclause (I)—

(i) by striking ''or similar bulb shapes (excluding ER or BR)'' and inserting ''ER, BR, BPAR, or similar bulb shapes''; and

(ii) by striking ''2.75'' and inserting ''2.25''; and

(B) by striking ''is either—'' and all that follows through subclause (II) and inserting ''has a rated wattage that is 40 watts or higher''; and

(2) by adding at the end the following:

''(52) BPAR INCANDESCENT REFLECTOR LAMP.—The term 'BPAR incandescent reflector lamp' means a reflector lamp as shown in figure C78.21–278 on page 32 of ANSI C78.21–2003.

''(53) BR INCANDESCENT REFLECTOR LAMP; BR30; BR40.—

''(A) BR INCANDESCENT REFLECTOR LAMP.—The term 'BR incandescent reflector lamp' means a reflector lamp that has—

''(i) a bulged section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RB) on page 7 of ANSI C79.1–1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

''(ii) a finished size and shape shown in ANSI C78.21–1989, including the referenced reflective characteristics in part 7 of ANSI C78.21–1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

''(B) BR30.—The term 'BR30' means a BR incandescent reflector lamp with a diameter of 30/8ths of an inch.

''(C) BR40.—The term 'BR40' means a BR incandescent reflector lamp with a diameter of 40/8ths of an inch.

''(54) ER INCANDESCENT REFLECTOR LAMP; ER30; ER40.—

''(A) ER INCANDESCENT REFLECTOR LAMP.—The term 'ER incandescent reflector lamp' means a reflector lamp that has—

''(i) an elliptical section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RE) on page 7 of ANSI C79.1–1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

''(ii) a finished size and shape shown in ANSI C78.21–1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

''(B) ER30.—The term 'ER30' means an ER incandescent reflector lamp with a diameter of 30/8ths of an inch.

''(C) ER40.—The term 'ER40' means an ER incandescent reflector lamp with a diameter of 40/8ths of an inch.

''(55) R20 INCANDESCENT REFLECTOR LAMP.—The term 'R20 incandescent reflector lamp' means a reflector lamp that has a face diameter of approximately 2.5 inches, as shown in figure 1(R) on page 7 of ANSI C79.1–1994.''.

(b) STANDARDS FOR FLUORESCENT LAMPS AND INCANDESCENT REFLECTOR LAMPS.—Section 325(i) of the Energy Policy and Conservation Act (42 U.S.C. 6925(i)) is amended by striking paragraph (1) and inserting the following:

''(1) STANDARDS.—

''(A) DEFINITION OF EFFECTIVE DATE.—In this paragraph (other than subparagraph (D)), the term 'effective date' means, with respect to each type of lamp specified in a table contained in subparagraph (B), the last day of the period of months corresponding to that type of lamp (as specified in the table) that follows October 24, 1992.

''(B) MINIMUM STANDARDS.—Each of the following general service fluorescent lamps and incandescent reflector lamps manufactured after the effective date specified in the tables contained in this paragraph shall meet or exceed the following lamp efficacy and CRI standards:

''FLUORESCENT LAMPS

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
4-foot medium bi-pin	>35 W	69	75.0	36
	≤35 W	45	75.0	36
2-foot U-shaped	>35 W	69	68.0	36
	≤35 W	45	64.0	36
8-foot slimline	65 W	69	80.0	18
	≤65 W	45	80.0	18
8-foot high output	>100 W	69	80.0	18
	≤100 W	45	80.0	18

''INCANDESCENT REFLECTOR LAMPS

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
40–50	10.5	36
51–66	11.0	36
67–85	12.5	36
86–115	14.0	36
116–155	14.5	36
156–205	15.0	36

''(C) EXEMPTIONS.—The standards specified in subparagraph (B) shall not apply to the following types of incandescent reflector lamps:

''(i) Lamps rated at 50 watts or less that are ER30, BR30, BR40, or ER40 lamps.

''(ii) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps.

''(iii) R20 incandescent reflector lamps rated 45 watts or less.

''(D) EFFECTIVE DATES.—

''(i) ER, BR, AND BPAR LAMPS.—The standards specified in subparagraph (B) shall apply with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, BPAR incandescent reflector lamps, and similar bulb shapes on and after January 1, 2008.

''(ii) LAMPS BETWEEN 2.25–2.75 INCHES IN DIAMETER.—The standards specified in subparagraph (B) shall apply with respect to incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches, on and after January 1, 2008.''.

SEC. 213. BRIGHT TOMORROW LIGHTING PRIZES.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, as part of the program carried out under section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396), the Secretary shall establish and award Bright Tomorrow Lighting Prizes for solid state lighting in accordance with this section.

(b) PRIZE SPECIFICATIONS.—

(1) 60-WATT INCANDESCENT REPLACEMENT LAMP PRIZE.—The Secretary shall award a 60-Watt Incandescent Replacement Lamp Prize to an entrant that produces a solid-state light package simultaneously capable of—

(A) producing a luminous flux greater than 900 lumens;

(B) consuming less than or equal to 10 watts;

(C) having an efficiency greater than 90 lumens per watt;

(D) having a color rendering index greater than 90;

(E) having a correlated color temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours

under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a soft 60-watt incandescent A19 bulb;

(H) having a size and shape that fits within the maximum dimensions of an A19 bulb in accordance with American National Standards Institute standard C78.20–2003, figure C78.20–211;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by the submission of 10,000 such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(2) PAR TYPE 38 HALOGEN REPLACEMENT LAMP PRIZE.—The Secretary shall award a Parabolic Aluminized Reflector Type 38 Halogen Replacement Lamp Prize (referred to in this section as the ''PAR Type 38 Halogen Replacement Lamp Prize'') to an entrant that produces a solid-state-light package simultaneously capable of—

(A) producing a luminous flux greater than or equal to 1,350 lumens;

(B) consuming less than or equal to 11 watts;

(C) having an efficiency greater than 123 lumens per watt;

(D) having a color rendering index greater than or equal to 90;

(E) having a correlated color coordinate temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a PAR 38 halogen lamp;

(H) having a size and shape that fits within the maximum dimensions of a PAR 38 halogen lamp in accordance with American National Standards Institute standard C78–21–2003, figure C78.21–238;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by the submission of 10,000 such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(3) TWENTY-FIRST CENTURY LAMP PRIZE.—The Secretary shall award a Twenty-First Century Lamp Prize to an entrant that produces a solid-state-light-light capable of—

(A) producing a light output greater than 1,200 lumens;

(B) having an efficiency greater than 150 lumens per watt;

(C) having a color rendering index greater than 90;

(D) having a color coordinate temperature between 2,800 and 3,000 degrees Kelvin; and

(E) having a lifetime exceeding 25,000 hours.

(c) PRIVATE FUNDS.—The Secretary may accept and use funding from private sources as part of the prizes awarded under this section.

(d) TECHNICAL REVIEW.—The Secretary shall establish a technical review committee composed of non-Federal officers to review entrant data submitted under this section to determine whether the data meets the prize specifications described in subsection (b).

(e) THIRD PARTY ADMINISTRATION.—The Secretary may competitively select a third party to administer awards under this section.

(f) AWARD AMOUNTS.—Subject to the availability of funds to carry out this section, the amount of—

(1) the 60-Watt Incandescent Replacement Lamp Prize described in subsection (b)(1) shall be $10,000,000;

(2) the PAR Type 38 Halogen Replacement Lamp Prize described in subsection (b)(2) shall be $5,000,000; and

(3) the Twenty-First Century Lamp Prize described in subsection (b)(3) shall be $5,000,000.

(g) FEDERAL PROCUREMENT OF SOLID-STATE-LIGHTS.—

(1) 60-WATT INCANDESCENT REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the 60-Watt Incandescent Replacement Lamp Prize under subsection (b)(1), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with a goal of replacing the use of 60-watt incandescent lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(1) by not later than the date that is 5 years after the date the award is made.

(2) PAR 38 HALOGEN REPLACEMENT LAMP REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the PAR Type 38 Halogen Replacement Lamp Prize under subsection (b)(2), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with the goal of replacing the use of PAR 38 halogen lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(2) by not later than the date that is 5 years after the date the award is made.

(3) WAIVERS.—

(A) IN GENERAL.—The Secretary or the Administrator of General Services may waive the application of paragraph (1) or (2) if the Secretary or Administrator determines that the return on investment from the purchase of a solid-state-light package described in paragraph (1) or (2) of subsection (b), respectively, is cost prohibitive.

(B) REPORT OF WAIVER.—If the Secretary or Administrator waives the application of paragraph (1) or (2), the Secretary or Administrator, respectively, shall submit to Congress an annual report that describes the waiver and provides a detailed justification for the waiver.

(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.

(i) BRIGHT LIGHT TOMORROW AWARD FUND.—

(1) ESTABLISHMENT.—There is established in the United States Treasury a Bright Light Tomorrow permanent fund without fiscal year limitation to award prizes under paragraphs (1), (2), and (3) of subsection (b).

(2) SOURCES OF FUNDING.—The fund established under paragraph (1) shall accept—

(A) fiscal year appropriations; and

(B) private contributions authorized under subsection (c).

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 214. SENSE OF SENATE CONCERNING EFFICIENT LIGHTING STANDARDS.

(a) FINDINGS.—The Senate finds that—

(1) there are approximately 4,000,000,000 screw-based sockets in the United States that contain traditional, energy-inefficient, incandescent light bulbs;

(2) incandescent light bulbs are based on technology that is more than 125 years old;

(3) there are radically more efficient lighting alternatives in the market, with the promise of even more choices over the next several years;

(4) national policy can support a rapid substitution of new, energy-efficient light bulbs for the less efficient products in widespread use; and,

(5) transforming the United States market to use of more efficient lighting technologies can—

(A) reduce electric costs in the United States by more than $18,000,000,000 annually;

(B) save the equivalent electricity that is produced by 80 base load coal-fired power plants; and

(C) reduce fossil fuel related emissions by approximately 158,000,000 tons each year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should—

(1) pass a set of mandatory, technology-neutral standards to establish firm energy efficiency performance targets for lighting products;

(2) ensure that the standards become effective within the next 10 years; and

(3) in developing the standards—

(A) establish the efficiency requirements to ensure that replacement lamps will provide consumers with the same quantity of light while using significantly less energy;

(B) ensure that consumers will continue to have multiple product choices, including energy-saving halogen, incandescent, compact fluorescent, and LED light bulbs; and

(C) work with industry and key stakeholders on measures that can assist consumers and businesses in making the important transition to more efficient lighting.

SEC. 215. RENEWABLE ENERGY CONSTRUCTION GRANTS.

(a) DEFINITIONS.—In this section:

(1) ALASKA SMALL HYDROELECTRIC POWER.—The term ''Alaska small hydroelectric power'' means power that—

(A) is generated—

(i) in the State of Alaska;

(ii) without the use of a dam or impoundment of water; and

(iii) through the use of—

(I) a lake tap (but not a perched alpine lake); or

(II) a run-of-river screened at the point of diversion; and

(B) has a nameplate capacity rating of a wattage that is not more than 15 megawatts.

(2) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means any—

(A) governmental entity;

(B) private utility;

(C) public utility;

(D) municipal utility;

(E) cooperative utility;

(F) Indian tribes; and

(G) Regional Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(3) OCEAN ENERGY.—

(A) INCLUSIONS.—The term ''ocean energy'' includes current, wave, and tidal energy.

(B) EXCLUSION.—The term ''ocean energy'' excludes thermal energy.

(4) RENEWABLE ENERGY PROJECT.—The term ''renewable energy project'' means a project—

(A) for the commercial generation of electricity; and

(B) that generates electricity 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) Alaska small hydroelectric power.

(b) RENEWABLE ENERGY CONSTRUCTION GRANTS.—

(1) IN GENERAL.—The Secretary shall use amounts appropriated under this section to make grants for use in carrying out renewable energy projects.

(2) CRITERIA.—Not later than 180 days after the date of enactment of this Act, the Secretary shall set forth criteria for use in awarding grants under this section.

(3) APPLICATION.—To receive a grant from the Secretary under paragraph (1), an eligible applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a written assurance that—

(A) all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair that is financed, in whole or in part, by a grant under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141–3144, 3146, and 3147 of title 40, United States Code; and

(B) the Secretary of Labor shall, with respect to the labor standards described in this paragraph, have the authority and functions set

forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

(4) NON-FEDERAL SHARE.—Each eligible applicant that receives a grant under this subsection shall contribute to the total cost of the renewable energy project constructed by the eligible applicant an amount not less than 50 percent of the total cost of the project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this section.

Subtitle B—Expediting New Energy Efficiency Standards

SEC. 221. DEFINITION OF ENERGY CONSERVATION STANDARD.

Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by striking paragraph (6) and inserting the following:

''(6) ENERGY CONSERVATION STANDARD.—

''(A) IN GENERAL.—The term 'energy conservation standard' means 1 or more performance standards that—

''(i) for covered products (excluding clothes washers, dishwashers, showerheads, faucets, water closets, and urinals), prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323;

''(ii) for showerheads, faucets, water closets, and urinals, prescribe a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with test procedures prescribed under section 323; and

''(iii) for clothes washers and dishwashers—

''(I) prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323; and

''(II) may include a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with those test procedures.

''(B) INCLUSIONS.—The term 'energy conservation standard' includes—

''(i) 1 or more design requirements, if the requirements were established—

''(I) on or before the date of enactment of this subclause; or

''(II) as part of a consensus agreement under section 325(hh); and

''(ii) any other requirements that the Secretary may prescribe under section 325(r).

''(C) EXCLUSION.—The term 'energy conservation standard' does not include a performance standard for a component of a finished covered product, unless regulation of the component is authorized or established pursuant to this title.''.

SEC. 222. REGIONAL EFFICIENCY STANDARDS FOR HEATING AND COOLING PRODUCTS.

(a) IN GENERAL.—Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following:

''(e) REGIONAL EFFICIENCY STANDARDS FOR HEATING AND COOLING PRODUCTS.—

''(1) IN GENERAL.—

''(A) DETERMINATION.—The Secretary may determine, after notice and comment, that more stringent Federal energy conservation standards are appropriate for furnaces, boilers, or central air conditioning equipment than applicable Federal energy conservation standards.

''(B) FINDING.—The Secretary may determine that more stringent standards are appropriate for up to 2 different regions only after finding that the regional standards—

''(i) would contribute to energy savings that are substantially greater than that of a single national energy standard; and

''(ii) are economically justified.

''(C) REGIONS.—On making a determination described in subparagraph (B), the Secretary shall establish the regions so that the more stringent standards would achieve the maximum level of energy savings that is technologically feasible and economically justified.

''(D) FACTORS.—In determining the appropriateness of 1 or more regional standards for furnaces, boilers, and central and commercial air conditioning equipment, the Secretary shall consider all of the factors described in paragraphs (1) through (4) of section 325(o).

''(2) STATE PETITION.—After a determination made by the Secretary under paragraph (1), a State may petition the Secretary requesting a rule that a State regulation that establishes a standard for furnaces, boilers, or central air conditioners become effective at a level determined by the Secretary to be appropriate for the region that includes the State.

''(3) RULE.—Subject to paragraphs (4) through (7), the Secretary may issue the rule during the period described in paragraph (4) and after consideration of the petition and the comments of interested persons.

''(4) PROCEDURE.—

''(A) NOTICE.—The Secretary shall provide notice of any petition filed under paragraph (2) and afford interested persons a reasonable opportunity to make written comments, including rebuttal comments, on the petition.

''(B) DECISION.—Except as provided in subparagraph (C), during the 180-day period beginning on the date on which the petition is filed, the Secretary shall issue the requested rule or deny the petition.

''(C) EXTENSION.—The Secretary may publish in the Federal Register a notice—

''(i) extending the period to a specified date, but not longer than 1 year after the date on which the petition is filed; and

''(ii) describing the reasons for the delay.

''(D) DENIALS.—If the Secretary denies a petition under this subsection, the Secretary shall publish in the Federal Register notice of, and the reasons for, the denial.

''(5) FINDING OF SIGNIFICANT BURDEN ON MANUFACTURING, MARKETING, DISTRIBUTION, SALE, OR SERVICING OF COVERED PRODUCT ON NATIONAL BASIS.—

''(A) IN GENERAL.—The Secretary may not issue a rule under this subsection if the Secretary finds (and publishes the finding) that interested persons have established, by a preponderance of the evidence, that the State regulation will significantly burden manufacturing, marketing, distribution, sale, or servicing of a covered product on a national basis.

''(B) FACTORS.—In determining whether to make a finding described in subparagraph (A), the Secretary shall evaluate all relevant factors, including—

''(i) the extent to which the State regulation will increase manufacturing or distribution costs of manufacturers, distributors, and others;

''(ii) the extent to which the State regulation will disadvantage smaller manufacturers, distributors, or dealers or lessen competition in the sale of the covered product in the State; and

''(iii) the extent to which the State regulation would cause a burden to manufacturers to redesign and produce the covered product type (or class), taking into consideration the extent to which the regulation would result in a reduction—

''(I) in the current models, or in the projected availability of models, that could be shipped on the effective date of the regulation to the State and within the United States; or

''(II) in the current or projected sales volume of the covered product type (or class) in the State and the United States.

''(6) APPLICATION.—No State regulation shall become effective under this subsection with respect to any covered product manufactured before the date specified in the determination made by the Secretary under paragraph (1).

''(7) PETITION TO WITHDRAW FEDERAL RULE FOLLOWING AMENDMENT OF FEDERAL STANDARD.—

''(A) IN GENERAL.—If a State has issued a rule under paragraph (3) with respect to a covered product and subsequently a Federal energy conservation standard concerning the product is amended pursuant to section 325, any person subject to the State regulation may file a petition with the Secretary requesting the Secretary to withdraw the rule issued under paragraph (3) with respect to the product in the State.

''(B) BURDEN OF PROOF.—The Secretary shall consider the petition in accordance with paragraph (5) and the burden shall be on the petitioner to show by a preponderance of the evidence that the rule received by the State under paragraph (3) should be withdrawn as a result of the amendment to the Federal standard.

''(C) WITHDRAWAL.—If the Secretary determines that the petitioner has shown that the rule issued by the Secretary under paragraph (3) should be withdrawn in accordance with subparagraph (B), the Secretary shall withdraw the rule.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended—

(A) in subsection (b)—

(i) in paragraph (2), by striking ''subsection (e)'' and inserting ''subsection (f)''; and

(ii) in paragraph (3)—

(I) by striking ''subsection (f)(1)'' and inserting ''subsection (g)(1)''; and

(II) by striking ''subsection (f)(2)'' and inserting ''subsection (g)(2)''; and

(B) in subsection (c)(3), by striking ''subsection (f)(3)'' and inserting ''subsection (g)(3)''.

(2) Section 345(b)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(2)) is amended by adding at the end the following:

''(E) RELATIONSHIP TO CERTAIN STATE REGULATIONS.—Notwithstanding subparagraph (A), a standard prescribed or established under section 342(a) with respect to the equipment specified in subparagraphs (B), (C), (D), (H), (I), and (J) of section 340 shall not supersede a State regulation that is effective under the terms, conditions, criteria, procedures, and other requirements of section 327(e).''.

SEC. 223. FURNACE FAN RULEMAKING.

Section 325(f)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)(3)) is amended by adding at the end the following:

''(E) FINAL RULE.—

''(i) IN GENERAL.—The Secretary shall publish a final rule to carry out this subsection not later than December 31, 2014.

''(ii) CRITERIA.—The standards shall meet the criteria established under subsection (o).''.

SEC. 224. EXPEDITED RULEMAKINGS.

(a) PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6295(p)) is amended by adding at the end the following:

''(5) DIRECT FINAL RULES.—

''(A) IN GENERAL.—On receipt of a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary, and contains recommendations with respect to an energy or water conservation standard—

''(i) if the Secretary determines that the recommended standard contained in the statement is in accordance with subsection (o) or section 342(a)(6)(B), as applicable, the Secretary may issue a final rule that establishes an energy or water conservation standard and is published simultaneously with a notice of proposed rulemaking that proposes a new or amended energy or water conservation standard that is identical to the standard established in the final rule to establish the recommended standard (referred to in this paragraph as a 'direct final rule'); or

''(ii) if the Secretary determines that a direct final rule cannot be issued based on the statement, the Secretary shall publish a notice of the determination, together with an explanation of the reasons for the determination.

''(B) PUBLIC COMMENT.—The Secretary shall—

''(i) solicit public comment with respect to each direct final rule issued by the Secretary under subparagraph (A)(i); and

''(ii) publish a response to each comment so received.

''(C) WITHDRAWAL OF DIRECT FINAL RULES.—

''(i) IN GENERAL.—Not later than 120 days after the date on which a direct final rule issued under subparagraph (A)(i) is published in the Federal Register, the Secretary shall withdraw the direct final rule if—

''(I) the Secretary receives 1 or more adverse public comments relating to the direct final rule under subparagraph (B)(i); and

''(II) based on the complete rulemaking record relating to the direct final rule, the Secretary tentatively determines that the adverse public comments are relevant under subsection (o), section 342(a)(6)(B), or any other applicable law.

''(ii) ACTION ON WITHDRAWAL.—On withdrawal of a direct final rule under clause (i), the Secretary shall—

''(I) proceed with the notice of proposed rulemaking published simultaneously with the direct final rule as described in subparagraph (A)(i); and

''(II) publish in the Federal Register the reasons why the direct final rule was withdrawn.

''(iii) TREATMENT OF WITHDRAWN DIRECT FINAL RULES.—A direct final rule that is withdrawn under clause (i) shall not be considered to be a final rule for purposes of subsection (o).

''(D) EFFECT OF PARAGRAPH.—Nothing in this paragraph authorizes the Secretary to issue a direct final rule based solely on receipt of more than 1 statement containing recommended standards relating to the direct final rule.''.

(b) CONFORMING AMENDMENT.—Section 345(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(1)) is amended in the first sentence by inserting ''section 325(p)(5),'' after ''The provisions of''.

SEC. 225. PERIODIC REVIEWS.

(a) TEST PROCEDURES.—Section 323(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)) is amended by striking ''(1)'' and all that follows through the end of the paragraph and inserting the following:

''(1) TEST PROCEDURES.—

''(A) AMENDMENT.—At least once every 7 years, the Secretary shall review test procedures for all covered products and—

''(i) amend test procedures with respect to any covered product, if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraph (3); or

''(ii) publish notice in the Federal Register of any determination not to amend a test procedure.''.

(b) ENERGY CONSERVATION STANDARDS.—Section 325(m) of the Energy Policy and Conservation Act (42 U.S.C. 6295(m)) is amended—

(1) by designating the first and second sentences as paragraphs (1) and (4), respectively;

(2) by striking paragraph (1) (as so designated) and inserting the following:

''(1) IN GENERAL.—After issuance of the last final rules required for a product under this part, the Secretary shall, not later than 5 years after the date of issuance of a final rule establishing or amending a standard or determining not to amend a standard, publish a final rule to determine whether standards for the product should or should not be amended based on the criteria in subsection (n)(2).

''(2) ANALYSIS.—Prior to publication of the determination, the Secretary shall publish a notice of availability describing the analysis of the Department and provide opportunity for written comment.

''(3) FINAL RULE.—Not later than 3 years after a positive determination under paragraph (1), the Secretary shall publish a final rule amending the standard for the product.''; and

(3) in paragraph (4) (as so designated), by striking ''(4) An'' and inserting the following:

''(4) APPLICATION OF AMENDMENT.—An''.

(c) STANDARDS.—Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) is amended by striking ''(6)(A)(i)'' and all that follows through the end of subparagraph (A) and inserting the following:

''(6) AMENDED ENERGY EFFICIENCY STANDARDS.—

''(A) IN GENERAL.—

''(i) ANALYSIS OF POTENTIAL ENERGY SAVINGS.—If ASHRAE/IES Standard 90.1 is amended with respect to any small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, very large commercial package air conditioning and heating equipment, packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks, not later than 180 days after the amendment of the standard, the Secretary shall publish in the Federal Register for public comment an analysis of the energy savings potential of amended energy efficiency standards.

''(ii) AMENDED UNIFORM NATIONAL STANDARD FOR PRODUCTS.—

''(I) IN GENERAL.—Except as provided in subclause (II), not later than 18 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for a product described in clause (i), the Secretary shall establish an amended uniform national standard for the product at the minimum level specified in the amended ASHRAE/IES Standard 90.1.

''(II) MORE STRINGENT STANDARD.—Subclause (I) shall not apply if the Secretary determines, by rule published in the Federal Register, and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than the amended ASHRAE/IES Standard 90.1 for the product would result in significant additional conservation of energy and is technologically feasible and economically justified.

''(iii) RULE.—If the Secretary makes a determination described in clause (ii)(II) for a product described in clause (i), not later than 30 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for the product, the Secretary shall issue the rule establishing the amended standard.''.

(d) TEST PROCEDURES.—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by striking ''(a)'' and all that follows through the end of paragraph (1) and inserting the following:

''(a) PRESCRIPTION BY SECRETARY; REQUIREMENTS.—

''(1) TEST PROCEDURES.—

''(A) AMENDMENT.—At least once every 7 years, the Secretary shall conduct an evaluation of each class of covered equipment and—

''(i) if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraphs (2) and (3), shall prescribe test procedures for the class in accordance with this section; or

''(ii) shall publish notice in the Federal Register of any determination not to amend a test procedure.''.

(e) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) take effect on January 1, 2012.

SEC. 226. ENERGY EFFICIENCY LABELING FOR CONSUMER ELECTRONIC PRODUCTS.

(a) IN GENERAL.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) is amended—

(1) in paragraph (2), by adding at the end the following:

''(H) LABELING REQUIREMENTS.—

''(i) IN GENERAL.—Subject to clauses (ii) through (iv), not later than 18 months after the date of issuance of applicable Department of Energy testing procedures, the Commission, in consultation with the Secretary and the Administrator of the Environmental Protection Agency (acting through the Energy Star program), shall, by regulation, promulgate labeling or other disclosure requirements for the energy use of—

''(I) televisions;

''(II) personal computers;

''(III) cable or satellite set-top boxes;

''(IV) stand-alone digital video recorder boxes; and

''(V) personal computer monitors.

''(ii) ALTERNATE TESTING PROCEDURES.—In the absence of applicable testing procedures described in clause (i) for products described in subclauses (I) through (V) of that clause, the Commission may by regulation promulgate labeling requirements for a consumer product category described in clause (i) if the Commission—

''(I) identifies adequate non-Department of Energy testing procedures for those products; and

''(II) determines that labeling of those products is likely to assist consumers in making purchasing decisions.

''(iii) DEADLINE AND REQUIREMENTS FOR LABELING.—

''(I) DEADLINE.—Not later than 18 months after the date of promulgation of any requirements under clause (i) or (ii), the Commission shall require labeling of electronic products described in clause (i).

''(II) REQUIREMENTS.—The requirements promulgated under clause (i) or (ii) may include specific requirements for each electronic product to be labeled with respect to the placement, size, and content of Energy Guide labels.

''(iv) DETERMINATION OF FEASIBILITY.—Clause (i) or (ii) shall not apply in any case in which the Commission determines that labeling in accordance with this subsection—

''(I) is not technologically or economically feasible; or

''(II) is not likely to assist consumers in making purchasing decisions.''; and

(2) by adding at the end the following:

''(6) AUTHORITY TO INCLUDE ADDITIONAL PRODUCT CATEGORIES.—The Commission may require labeling in accordance with this subsection for any consumer product not specified in this subsection or section 322 if the Commission determines that labeling for the product is likely to assist consumers in making purchasing decisions.''.

(b) CONTENT OF LABEL.—Section 324(c) of the Energy Policy and Conservation Act (42 U.S.C. 6924(c)) is amended by adding at the end the following:

''(9) DISCRETIONARY APPLICATION.—The Commission may apply paragraphs (1), (2), (3), (5), and (6) of this subsection to the labeling of any product covered by paragraph (2)(H) or (6) of subsection (a).''.

SEC. 227. RESIDENTIAL BOILER EFFICIENCY STANDARDS.

Section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) BOILERS.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), boilers manufactured on or after September 1, 2012, shall meet the following requirements:

Boiler Type	Minimum Annual Fuel Utilization Efficiency	Design Requirements
Gas Hot Water	82%	No Constant Burning Pilot, Automatic Means for Adjusting Water Temperature
Gas Steam	80%	No Constant Burning Pilot
Oil Hot Water	84%	Automatic Means for Adjusting Temperature
Oil Steam	82%	None
Electric Hot Water	None	Automatic Means for Adjusting Temperature
Electric Steam	None	None

''(B) PILOTS.—The manufacturer shall not equip gas hot water or steam boilers with constant-burning pilot lights.

''(C) AUTOMATIC MEANS FOR ADJUSTING WATER TEMPERATURE.—

''(i) IN GENERAL.—The manufacturer shall equip each gas, oil, and electric hot water boiler (other than a boiler equipped with tankless domestic water heating coils) with an automatic means for adjusting the temperature of the water supplied by the boiler to ensure that an incremental change in inferred heat load produces a corresponding incremental change in the temperature of water supplied.

''(ii) CERTAIN BOILERS.—For a boiler that fires at 1 input rate, the requirements of this subparagraph may be satisfied by providing an automatic means that allows the burner or heating element to fire only when the means has determined that the inferred heat load cannot be met by the residual heat of the water in the system.

''(iii) NO INFERRED HEAT LOAD.—When there is no inferred heat load with respect to a hot water boiler, the automatic means described in clauses (i) and (ii) shall limit the temperature of the water in the boiler to not more than 140 degrees Fahrenheit.

''(iv) OPERATION.—A boiler described in clause (i) or (ii) shall be operable only when the automatic means described in clauses (i), (ii), and (iii) is installed.''.

SEC. 228. TECHNICAL CORRECTIONS.

(a) DEFINITION OF FLUORESCENT LAMP.—Section 321(30)(B)(viii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(B)(viii)) is amended by striking ''82'' and inserting ''87''.

(b) STANDARDS FOR COMMERCIAL PACKAGE AIR CONDITIONING AND HEATING EQUIPMENT.—Section 342(a)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(1)) is amended in the matter preceding subparagraph (A) by striking ''but before January 1, 2010,''.

(c) MERCURY VAPOR LAMP BALLASTS.—

(1) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 212(a)(2)) is amended—

(A) in paragraph (46)(A)—

(i) in clause (i), by striking ''bulb'' and inserting ''the arc tube''; and

(ii) in clause (ii), by striking ''has a bulb'' and inserting ''wall loading is'';

(B) in paragraph (47)(A), by striking ''operating at a partial'' and inserting ''typically operating at a partial vapor'';

(C) in paragraph (48), by inserting ''intended for general illumination'' after ''lamps''; and

(D) by adding at the end the following:

''(56) The term 'specialty application mercury vapor lamp ballast' means a mercury vapor lamp ballast that—

''(A) is designed and marketed for medical use, optical comparators, quality inspection, industrial processing, or scientific use, including fluorescent microscopy, ultraviolet curing, and the manufacture of microchips, liquid crystal displays, and printed circuit boards; and

''(B) in the case of a specialty application mercury vapor lamp ballast, is labeled as a specialty application mercury vapor lamp ballast.''.

(2) STANDARD SETTING AUTHORITY.—Section 325(ee) of the Energy Policy and Conservation Act (42 U.S.C. 6295(ee)) is amended by inserting ''(other than specialty application mercury vapor lamp ballasts)'' after ''ballasts''.

SEC. 229. ELECTRIC MOTOR EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 340(13) of the Energy Policy and Conservation Act (42 U.S.C. 6311(13)) is amended by striking subparagraph (A) and inserting the following:

''(A)(i) The term 'electric motor' means—

''(I) a general purpose electric motor—subtype I; and

''(II) a general purpose electric motor—subtype II.

''(ii) The term 'general purpose electric motor—subtype I' means any motor that is considered a general purpose motor under section 431.12 of title 10, Code of Federal Regulations (or successor regulations).

''(iii) The term 'general purpose electric motor—subtype II' means a motor that, in addition to the design elements for a general purpose electric motor—subtype I, incorporates the design elements (as established in National Electrical Manufacturers Association MG–1 (2006)) for any of the following:

''(I) A U–Frame Motor.

''(II) A Design C Motor.

''(III) A close-coupled pump motor.

''(IV) A footless motor.

''(V) A vertical solid shaft normal thrust (tested in a horizontal configuration).

''(VI) An 8-pole motor.

''(VII) A poly-phase motor with voltage of not more than 600 volts (other than 230 or 460 volts).''.

(b) STANDARDS.—Section 342(b) of the Energy Policy and Conservation Act (42 U.S.C. 6313(13)) is amended by striking paragraph (1) and inserting the following:

''(1) STANDARDS.—

''(A) GENERAL PURPOSE ELECTRIC MOTORS—SUBTYPE I.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, a general purpose electric motor—subtype I with a power rating of not less than 1, and not more than 200, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of this subparagraph, shall have a nominal full load efficiency established in Table 12–12 of National Electrical Manufacturers Association (referred to in this paragraph as 'NEMA') MG–1 (2006).

''(ii) FIRE PUMP MOTORS.—A fire pump motor shall have a nominal full load efficiency established in Table 12–11 of NEMA MG–1 (2006).

''(B) GENERAL PURPOSE ELECTRIC MOTORS—SUBTYPE II.—A general purpose electric motor—subtype II with a power rating of not less than 1, and not more than 200, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of this subparagraph, shall have a nominal full load efficiency established in Table 12–11 of NEMA MG–1 (2006).

''(C) DESIGN B, GENERAL PURPOSE ELECTRIC MOTORS.—A NEMA Design B, general purpose electric motor with a power rating of not less than 201, and not more than 500, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of the enactment of this subparagraph shall have a nominal full load efficiency established in Table 12–11 of NEMA MG–1 (2006).''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 3 years after the date of enactment of this Act.

SEC. 230. ENERGY STANDARDS FOR HOME APPLIANCES.

(a) DEFINITION OF ENERGY CONSERVATION STANDARD.—Section 321(6)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6291(6)(A)) is amended by striking ''or, in the case of'' and inserting ''and, in the case of residential clothes washers, residential dishwashers,''.

(b) REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS.—Section 325(b) of the Energy Policy and Conservation Act (42 U.S.C. 6295(b)) is amended by adding at the end the following:

''(4) REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS MANUFACTURED ON OR AFTER JANUARY 1, 2014.—Not later than December 31, 2010, the Secretary shall publish a final rule determining whether to amend the standards in effect for refrigerators, refrigerator-freezers, and freezers manufactured on or after January 1, 2014, and including any amended standards.''.

(c) RESIDENTIAL CLOTHES WASHERS AND DISHWASHERS.—Section 325(g)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(4)) is amended by adding at the end the following:

''(D) CLOTHES WASHERS.—

''(i) CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2011.—A residential clothes washer manufactured on or after January 1, 2011, shall have—

''(I) a modified energy factor of at least 1.26; and

''(II) a water factor of not more than 9.5.

''(ii) CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2015.—Not later than January 1, 2015, the Secretary shall publish a final rule determining whether to amend the standards in effect for residential clothes washers manufactured on or after January 1, 2015, and including any amended standards.

''(E) DISHWASHERS.—

''(i) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2010.—A dishwasher manufactured on or after January 1, 2010, shall use not more than—

''(I) in the case of a standard-size dishwasher, 355 kWh per year or 6.5 gallons of water per cycle; and

''(II) in the case of a compact-size dishwasher, 260 kWh per year or 4.5 gallons of water per cycle.

''(ii) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2018.—Not later than January 1, 2015, the Secretary shall publish a final rule determining whether to amend the standards for dishwashers manufactured on or after January 1, 2018, and including any amended standards.''.

(d) DEHUMIDIFIERS.—Section 325(cc) of the Energy Policy and Conservation Act (42 U.S.C. 6295(cc)) is amended—

(1) in paragraph (1), by inserting ''and before October 1, 2012,'' after ''2007,''; and

(2) by striking paragraph (2) and inserting the following:

''(2) DEHUMIDIFIERS MANUFACTURED ON OR AFTER OCTOBER 1, 2012.—Dehumidifiers manufactured on or after October 1, 2012, shall have an Energy Factor that meets or exceeds the following values:

Product Capacity (pints/day):	Minimum Energy Factor liters/kWh
Up to 35.00	1.35
35.01–45.00	1.50
45.01–54.00	1.60
54.01–75.00	1.70
Greater than 75.00	2.5.''.

(e) ENERGY STAR PROGRAM.—Section 324A(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294a(d)(2)) is amended by striking ''2010'' and inserting ''2009''.

SEC. 231. IMPROVED ENERGY EFFICIENCY FOR APPLIANCES AND BUILDINGS IN COLD CLIMATES.

(a) RESEARCH.—Section 911(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16191(a)(2)) is amended—

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

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

(3) by adding at the end the following:

''(E) technologies to improve the energy efficiency of appliances and mechanical systems for buildings in cold climates, including combined heat and power units and increased use of renewable resources, including fuel.''.

(b) REBATES.—Section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) is amended—

(1) in subsection (b)(1), by inserting '', or products with improved energy efficiency in cold climates,'' after ''residential Energy Star products''; and

(2) in subsection (e), by inserting ''or product with improved energy efficiency in a cold climate'' after ''residential Energy Star product'' each place it appears.

SEC. 232. DEPLOYMENT OF NEW TECHNOLOGIES FOR HIGH-EFFICIENCY CONSUMER PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) ENERGY SAVINGS.—The term ''energy savings'' means megawatt-hours of electricity or million British thermal units of natural gas saved by a product, in comparison to projected energy consumption under the energy efficiency standard applicable to the product.

(2) HIGH-EFFICIENCY CONSUMER PRODUCT.—The term ''high-efficiency consumer product'' means a product that exceeds the energy efficiency of comparable products available in the market by a percentage determined by the Secretary to be an appropriate benchmark for the consumer product category competing for an award under this section.

(b) FINANCIAL INCENTIVES PROGRAM.—Effective beginning October 1, 2007, the Secretary shall competitively award financial incentives under this section for the manufacture of high-efficiency consumer products.

(c) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary shall make awards under this section to manufacturers of high-efficiency consumer products, based on the bid of each manufacturer in terms of dollars per megawatt-hour or million British thermal units saved.

(2) ACCEPTANCE OF BIDS.—In making awards under this section, the Secretary shall—

(A) solicit bids for reverse auction from appropriate manufacturers, as determined by the Secretary; and

(B) award financial incentives to the manufacturers that submit the lowest bids that meet the requirements established by the Secretary.

(d) FORMS OF AWARDS.—An award for a high-efficiency consumer product under this section shall be in the form of a lump sum payment in an amount equal to the product obtained by multiplying—

(1) the amount of the bid by the manufacturer of the high-efficiency consumer product; and

(2) the energy savings during the projected useful life of the high-efficiency consumer product, not to exceed 10 years, as determined under regulations issued by the Secretary.

SEC. 233. INDUSTRIAL EFFICIENCY PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term eligible entity means—

(A) an institution of higher education under contract or in partnership with a nonprofit or for-profit private entity acting on behalf of an industrial or commercial sector or subsector;

(B) a nonprofit or for-profit private entity acting on behalf on an industrial or commercial sector or subsector; or

(C) a consortia of entities acting on behalf of an industrial or commercial sector or subsector.

(2) ENERGY-INTENSIVE COMMERCIAL APPLICATIONS.—The term ''energy-intensive commercial applications'' means processes and facilities that use significant quantities of energy as part of the primary economic activities of the processes and facilities, including—

(A) information technology data centers;

(B) product manufacturing; and

(C) food processing.

(3) FEEDSTOCK.—The term ''feedstock'' means the raw material supplied for use in manufacturing, chemical, and biological processes.

(4) MATERIALS MANUFACTURERS.—The term ''materials manufacturers'' means the energy-intensive primary manufacturing industries, including the aluminum, chemicals, forest and paper products, glass, metal casting, and steel industries.

(5) PARTNERSHIP.—The term ''partnership'' means an energy efficiency and utilization partnership established under subsection (c)(1)(A).

(6) PROGRAM.—The term ''program'' means the industrial efficiency program established under subsection (b).

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which the Secretary, in cooperation with materials manufacturers, companies engaged in energy-intensive commercial applications, and national industry trade associations representing the manufactures and companies, shall support, develop, and promote the use of new materials manufacturing and industrial and commercial processes, technologies, and techniques to optimize energy efficiency and the economic competitiveness of the United States.

(c) PARTNERSHIPS.—

(1) IN GENERAL.—As part of the program, the Secretary shall—

(A) establish energy efficiency and utilization partnerships between the Secretary and eligible entities to conduct research on, develop, and demonstrate new processes, technologies, and operating practices and techniques to significantly improve energy efficiency and utilization by materials manufacturers and in energy-intensive commercial applications, including the conduct of activities to—

(i) increase the energy efficiency of industrial and commercial processes and facilities in energy-intensive commercial application sectors;

(ii) research, develop, and demonstrate advanced technologies capable of energy intensity reductions and increased environmental performance in energy-intensive commercial application sectors; and

(iii) promote the use of the processes, technologies, and techniques described in clauses (i) and (ii); and

(B) pay the Federal share of the cost of any eligible partnership activities for which a proposal has been submitted and approved in accordance with paragraph (3)(B).

(2) ELIGIBLE ACTIVITIES.—Partnership activities eligible for financial assistance under this subsection include—

(A) feedstock and recycling research, development, and demonstration activities to identify and promote—

(i) opportunities for meeting manufacturing feedstock requirements with more energy efficient and flexible sources of feedstock or energy supply;

(ii) strategies to develop and deploy technologies that improve the quality and quantity of feedstocks recovered from process and waste streams; and

(iii) other methods using recycling, reuse, and improved industrial materials;

(B) industrial and commercial energy efficiency and sustainability assessments to—

(i) assist individual industrial and commercial sectors in developing tools, techniques, and methodologies to assess—

(I) the unique processes and facilities of the sectors;

(II) the energy utilization requirements of the sectors; and

(III) the application of new, more energy efficient technologies; and

(ii) conduct energy savings assessments;

(C) the incorporation of technologies and innovations that would significantly improve the energy efficiency and utilization of energy-intensive commercial applications; and

(D) any other activities that the Secretary determines to be appropriate.

(3) PROPOSALS.—

(A) IN GENERAL.—To be eligible for financial assistance under this subsection, a partnership shall submit to the Secretary a proposal that describes the proposed research, development, or demonstration activity to be conducted by the partnership.

(B) REVIEW.—After reviewing the scientific, technical, and commercial merit of a proposals submitted under subparagraph (A), the Secretary shall approve or disapprove the proposal.

(C) COMPETITIVE AWARDS.—The provision of financial assistance under this subsection shall be on a competitive basis.

(4) COST-SHARING REQUIREMENT.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section—

(A) $184,000,000 for fiscal year 2008;

(B) $190,000,000 for fiscal year 2009;

(C) $196,000,000 for fiscal year 2010;

(D) $202,000,000 for fiscal year 2011;

(E) $208,000,000 for fiscal year 2012; and

(F) such sums as are necessary for fiscal year 2013 and each fiscal year thereafter.

(2) PARTNERSHIP ACTIVITIES.—Of the amounts made available under paragraph (1), not less than 50 percent shall be used to pay the Federal share of partnership activities under subsection (c).

Subtitle C—Promoting High Efficiency Vehicles, Advanced Batteries, and Energy Storage

SEC. 241. LIGHTWEIGHT MATERIALS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a research and development program to determine ways in which—

(1) the weight of vehicles may be reduced to improve fuel efficiency without compromising passenger safety; and

(2) the cost of lightweight materials (such as steel alloys, fiberglass, and carbon composites) required for the construction of lighter-weight vehicles may be reduced.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2007 through 2012.

SEC. 242. LOAN GUARANTEES FOR FUEL-EFFICIENT AUTOMOBILE PARTS MANUFACTURERS.

(a) IN GENERAL.—Section 712(a) of the Energy Policy Act of 2005 (42 U.S.C. 16062(a)) is amended in the second sentence by striking ''grants to automobile manufacturers'' and inserting ''grants and loan guarantees under section 1703 to automobile manufacturers and suppliers''.

(b) CONFORMING AMENDMENT.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C.

16513(b)) is amended by striking paragraph (8) and inserting the following:

''(8) Production facilities for the manufacture of fuel efficient vehicles or parts of those vehicles, including electric drive vehicles and advanced diesel vehicles.''.

SEC. 243. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADJUSTED AVERAGE FUEL ECONOMY.—The term ''adjusted average fuel economy'' means the average fuel economy of a manufacturer for all light duty vehicles produced by the manufacturer, adjusted such that the fuel economy of each vehicle that qualifies for an award shall be considered to be equal to the average fuel economy for vehicles of a similar footprint for model year 2005.

(2) ADVANCED TECHNOLOGY VEHICLE.—The term ''advanced technology vehicle'' means a light duty vehicle that meets—

(A) the Bin 5 Tier II emission standard established in regulations issued by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower-numbered Bin emission standard;

(B) any new emission standard for fine particulate matter prescribed by the Administrator under that Act (42 U.S.C. 7401 et seq.); and

(C) at least 125 percent of the average base year combined fuel economy, calculated on an energy-equivalent basis, for vehicles of a substantially similar footprint.

(3) COMBINED FUEL ECONOMY.—The term ''combined fuel economy'' means—

(A) the combined city/highway miles per gallon values, as reported in accordance with section 32908 of title 49, United States Code; and

(B) in the case of an electric drive vehicle with the ability to recharge from an off-board source, the reported mileage, as determined in a manner consistent with the Society of Automotive Engineers recommended practice for that configuration or a similar practice recommended by the Secretary, using a petroleum equivalence factor for the off-board electricity (as defined in section 474 of title 10, Code of Federal Regulations).

(4) ENGINEERING INTEGRATION COSTS.—The term ''engineering integration costs'' includes the cost of engineering tasks relating to—

(A) incorporating qualifying components into the design of advanced technology vehicles; and

(B) designing new tooling and equipment and developing new manufacturing processes and material suppliers for production facilities that produce qualifying components or advanced technology vehicles.

(5) QUALIFYING COMPONENTS.—The term ''qualifying components'' means components that the Secretary determines to be—

(A) specially designed for advanced technology vehicles; and

(B) installed for the purpose of meeting the performance requirements of advanced technology vehicles.

(b) ADVANCED VEHICLES MANUFACTURING FACILITY.—The Secretary shall provide facility funding awards under this section to automobile manufacturers and component suppliers to pay not more than 30 percent of the cost of—

(1) reequipping, expanding, or establishing a manufacturing facility in the United States to produce—

(A) qualifying advanced technology vehicles; or

(B) qualifying components; and

(2) engineering integration performed in the United States of qualifying vehicles and qualifying components.

(c) PERIOD OF AVAILABILITY.—An award under subsection (b) shall apply to—

(1) facilities and equipment placed in service before December 30, 2017; and

(2) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2017.

(d) IMPROVEMENT.—The Secretary shall issue regulations that require that, in order for an automobile manufacturer to be eligible for an award under this section during a particular year, the adjusted average fuel economy of the manufacturer for light duty vehicles produced by the manufacturer during the most recent year for which data are available shall be not less than the average fuel economy for all light duty vehicles of the manufacturer for model year 2005.

(e) SET ASIDE FOR SMALL AUTOMOBILE MANUFACTURERS AND COMPONENT SUPPLIERS.—

(1) DEFINITION OF COVERED FIRM.—In this subsection, the term ''covered firm'' means a firm that—

(A) employs less than 500 individuals; and

(B) manufactures automobiles or components of automobiles.

(2) SET ASIDE.—Of the amount of funds that are used to provide awards for each fiscal year under this section, the Secretary shall use not less than 30 percent of the amount to provide awards to covered firms or consortia led by a covered firm.

SEC. 244. ENERGY STORAGE COMPETITIVENESS.

(a) SHORT TITLE.—This section may be cited as the ''United States Energy Storage Competitiveness Act of 2007''.

(b) ENERGY STORAGE SYSTEMS FOR MOTOR TRANSPORTATION AND ELECTRICITY TRANSMISSION AND DISTRIBUTION.—

(1) DEFINITIONS.—In this subsection:

(A) COUNCIL.—The term ''Council'' means the Energy Storage Advisory Council established under paragraph (3).

(B) COMPRESSED AIR ENERGY STORAGE.—The term ''compressed air energy storage'' means, in the case of an electricity grid application, the storage of energy through the compression of air.

(C) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(D) FLYWHEEL.—The term ''flywheel'' means, in the case of an electricity grid application, a device used to store rotational kinetic energy.

(E) ULTRACAPACITOR.—The term ''ultracapacitor'' means an energy storage device that has a power density comparable to conventional capacitors but capable of exceeding the energy density of conventional capacitors by several orders of magnitude.

(2) PROGRAM.—The Secretary shall carry out a research, development, and demonstration program to support the ability of the United States to remain globally competitive in energy storage systems for motor transportation and electricity transmission and distribution.

(3) ENERGY STORAGE ADVISORY COUNCIL.—

(A) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish an Energy Storage Advisory Council.

(B) COMPOSITION.—

(i) IN GENERAL.—Subject to clause (ii), the Council shall consist of not less than 15 individuals appointed by the Secretary, based on recommendations of the National Academy of Sciences.

(ii) ENERGY STORAGE INDUSTRY.—The Council shall consist primarily of representatives of the energy storage industry of the United States.

(iii) CHAIRPERSON.—The Secretary shall select a Chairperson for the Council from among the members appointed under clause (i).

(C) MEETINGS.—

(i) IN GENERAL.—The Council shall meet not less than once a year.

(ii) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall apply to a meeting of the Council.

(D) PLANS.—No later than 1 year after the date of enactment of this Act, in conjunction with the Secretary, the Council shall develop 5-year plans for integrating basic and applied research so that the United States retains a globally competitive domestic energy storage industry for motor transportation and electricity transmission and distribution.

(E) REVIEW.—The Council shall—

(i) assess the performance of the Department in meeting the goals of the plans developed under subparagraph (D); and

(ii) make specific recommendations to the Secretary on programs or activities that should be established or terminated to meet those goals.

(4) BASIC RESEARCH PROGRAM.—

(A) BASIC RESEARCH.—The Secretary shall conduct a basic research program on energy storage systems to support motor transportation and electricity transmission and distribution, including—

(i) materials design;

(ii) materials synthesis and characterization;

(iii) electrode-active materials, including electrolytes and bioelectrolytes;

(iv) surface and interface dynamics;

(v) modeling and simulation; and

(vi) thermal behavior and life degradation mechanisms; and

(vii) thermal behavior and life degradation mechanisms.

(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.

(5) APPLIED RESEARCH PROGRAM.—The Secretary shall conduct an applied research program on energy storage systems to support motor transportation and electricity transmission and distribution technologies, including—

(A) ultracapacitors;

(B) flywheels;

(C) batteries and battery systems (including flow batteries);

(D) compressed air energy systems;

(E) power conditioning electronics;

(F) manufacturing technologies for energy storage systems; and

(G) thermal management systems.

(6) ENERGY STORAGE RESEARCH CENTERS.—

(A) IN GENERAL.—The Secretary shall establish, through competitive bids, not more than 4 energy storage research centers to translate basic research into applied technologies to advance the capability of the United States to maintain a globally competitive posture in energy storage systems for motor transportation and electricity transmission and distribution.

(B) PROGRAM MANAGEMENT.—The centers shall be jointly managed by the Under Secretary for Science of the Department.

(C) PARTICIPATION AGREEMENTS.—As a condition of participating in a center, a participant shall enter into a participation agreement with the center that requires that activities conducted by the participant for the center promote the goal of enabling the United States to compete successfully in global energy storage markets.

(D) PLANS.—A center shall conduct activities that promote the achievement of the goals of the plans of the Council under paragraph (3)(D).

(E) COST SHARING.—In carrying out this paragraph, the Secretary shall require cost-sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(F) NATIONAL LABORATORIES.—A national laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) may participate in a center established under this paragraph, including a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))).

(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.

(9) REVIEW BY NATIONAL ACADEMY OF SCIENCES.—Not later than 3 years after the date of enactment of this Act, the Secretary shall offer to enter into an arrangement with the National Academy of Sciences to assess the performance of the Department in carrying out this section.

(10) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out—

(A) the basic research program under paragraph (4) $50,000,000 for each of fiscal years 2008 through 2017;

(B) the applied research program under paragraph (5) $80,000,000 for each of fiscal years 2008 through 2017; and;

(C) the energy storage research center program under paragraph (6) $100,000,000 for each of fiscal years 2008 through 2017.

SEC. 245. ADVANCED TRANSPORTATION TECHNOLOGY PROGRAM.

(a) ELECTRIC DRIVE VEHICLE DEMONSTRATION PROGRAM.—

(1) DEFINITIONS.—In this subsection—

(A) BATTERY.—The term ''battery'' means an electrochemical energy storage device powered directly by electrical current.

(B) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term ''plug-in electric drive vehicle'' means a precommercial vehicle that—

(i) draws motive power from a battery with a capacity of at least 4 kilowatt-hours;

(ii) can be recharged from an external source of electricity for motive power; and

(iii) is a light-, medium-, or heavy-duty onroad or nonroad vehicle.

(2) PROGRAM.—The Secretary shall establish a competitive program to provide grants for demonstrations of plug-in electric drive vehicles.

(3) ELIGIBILITY.—

(A) IN GENERAL.—A State government, local government, metropolitan transportation authority, air pollution control district, private entity, and nonprofit entity shall be eligible to receive a grant under this subsection.

(B) CERTAIN APPLICANTS.—A battery manufacturer that proposes to supply to an applicant for a grant under this section a battery with a capacity of greater than 1 kilowatt-hour for use in a plug-in electric drive vehicle shall—

(i) ensure that the applicant includes in the application a description of the price of the battery per kilowatt-hour;

(ii) on approval by the Secretary of the application, publish, or permit the Secretary to publish, the price described in clause (i); and

(iii) for any order received by the battery manufacturer for at least 1,000 batteries, offer the batteries at that price.

(4) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to proposals that—

(A) are likely to contribute to the commercialization and production of plug-in electric drive vehicles in the United States; and

(B) reduce petroleum usage.

(5) SCOPE OF DEMONSTRATIONS.—The Secretary shall ensure, to the extent practicable, that the program established under this subsection includes a variety of applications, manufacturers, and end-uses.

(6) REPORTING.—The Secretary shall require a grant recipient under this subsection to submit to the Secretary, on an annual basis, data relating to vehicle, performance, life cycle costs, and emissions of vehicles demonstrated under the grant, including emissions of greenhouse gases.

(7) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this subsection.

(8) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $60,000,000 for each of fiscal years 2008 through 2012, of which not less than $20,000,000 shall be available each fiscal year only to make grants local and municipal governments.

(b) NEAR-TERM ELECTRIC DRIVE TRANSPORTATION DEPLOYMENT PROGRAM.—

(1) DEFINITION OF QUALIFIED ELECTRIC TRANSPORTATION PROJECT.—

(A) IN GENERAL.—In this subsection, the term ''qualified electric transportation project'' means a project that would simultaneously reduce emissions of criteria pollutants, greenhouse gas emissions, and petroleum usage by at least 40 percent as compared to commercially available, petroleum-based technologies.

(B) INCLUSIONS.—In this subsection, the term ''qualified electric transportation project'' includes a project relating to—

(i) shipside or shoreside electrification for vessels;

(ii) truck-stop electrification;

(iii) electric truck refrigeration units;

(iv) battery powered auxiliary power units for trucks;

(v) electric airport ground support equipment;

(vi) electric material and cargo handling equipment;

(vii) electric or dual-mode electric freight rail;

(viii) any distribution upgrades needed to supply electricity to the project; and

(ix) any ancillary infrastructure, including panel upgrades, battery chargers, in-situ transformers, and trenching.

(2) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall establish a program to provide grants and loans to eligible entities for the conduct of qualified electric transportation projects.

(3) GRANTS.—

(A) IN GENERAL.—Of the amounts made available for grants under paragraph (2)—

(i) ⅔ shall be made available by the Secretary on a competitive basis for qualified electric transportation projects based on the overall cost-effectiveness of a qualified electric transportation project in reducing emissions of criteria pollutants, emissions of greenhouse gases, and petroleum usage; and

(ii) ⅓ shall be made available by the Secretary for qualified electric transportation projects in the order that the grant applications are received, if the qualified electric transportation projects meet the minimum standard for the reduction of emissions of criteria pollutants, emissions of greenhouse gases, and petroleum usage described in paragraph (1)(A).

(B) PRIORITY.—In providing grants under this paragraph, the Secretary shall give priority to large-scale projects and large-scale aggregators of projects.

(C) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this paragraph.

(4) REVOLVING LOAN PROGRAM.—

(A) IN GENERAL.—The Secretary shall establish a revolving loan program to provide loans to eligible entities for the conduct of qualified electric transportation projects under paragraph (2).

(B) CRITERIA.—The Secretary shall establish criteria for the provision of loans under this paragraph.

(C) FUNDING.—Of amounts made available to carry out this subsection, the Secretary shall use any amounts not used to provide grants under paragraph (3) to carry out the revolving loan program under this paragraph.

(c) MARKET ASSESSMENT PROGRAM.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary and private industry, shall carry out a program—

(1) to inventory and analyze existing electric drive transportation technologies and hybrid technologies and markets; and

(2) to identify and implement methods of removing barriers for existing and emerging applications of electric drive transportation technologies and hybrid transportation technologies.

(d) ELECTRICITY USAGE PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and private industry, shall carry out a program—

(A) to work with utilities to develop low-cost, simple methods of—

(i) using off-peak electricity; or

(ii) managing on-peak electricity use;

(B) to develop systems and processes—

(i) to enable plug-in electric vehicles to enhance the availability of emergency back-up power for consumers;

(ii) to study and demonstrate the potential value to the electric grid to use the energy stored in the on-board storage systems to improve the efficiency and reliability of the grid generation system; and

(iii) to work with utilities and other interested stakeholders to study and demonstrate the implications of the introduction of plug-in electric vehicles and other types of electric transportation on the production of electricity from renewable resources.

(2) OFF-PEAK ELECTRICITY USAGE GRANTS.—In carrying out the program under paragraph (1), the Secretary shall provide grants to assist eligible public and private electric utilities for the conduct of programs or activities to encourage owners of electric drive transportation technologies—

(A) to use off-peak electricity; or

(B) to have the load managed by the utility.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsections (b), (c), and (d) $125,000,000 for each of fiscal years 2008 through 2013.

(f) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGIES.—

(1) DEFINITIONS.—In this subsection:

(A) BATTERY.—The term ''battery'' means an electrochemical energy storage device powered directly by electrical current.

(B) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term ''electric drive transportation technology'' means—

(i) technology used in vehicles that use an electric motor for all or part of the motive power of the vehicles, including battery electric, hybrid electric, plug-in hybrid electric, fuel cell, and plug-in fuel cell vehicles, or rail transportation; or

(ii) equipment relating to transportation or mobile sources of air pollution that use an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including—

(I) corded electric equipment linked to transportation or mobile sources of air pollution; and

(II) electrification technologies at airports, ports, truck stops, and material-handling facilities.

(C) ENERGY STORAGE DEVICE.—

(i) IN GENERAL.—The term ''energy storage device'' means the onboard device used in an on-road or nonroad vehicle to store energy, or a battery, ultracapacitor, compressed air energy storage system, or flywheel used to store energy in a stationary application.

(ii) INCLUSIONS.—The term ''energy storage device'' includes—

(I) in the case of an electric or hybrid electric or fuel cell vehicle, a battery, ultracapacitor, or similar device; and

(II) in the case of a hybrid hydraulic vehicle, an accumulator or similar device.

(D) ENGINE DOMINANT HYBRID VEHICLE.—The term ''engine dominant hybrid vehicle'' means an on-road or nonroad vehicle that—

(i) is propelled by an internal combustion engine or heat engine using—

(I) any combustible fuel; and

(II) an on-board, rechargeable energy storage device; and

(ii) has no means of using an off-board source of energy.

(E) NONROAD VEHICLE.—The term ''nonroad vehicle'' means a vehicle—

(i) powered by—

(I) a nonroad engine, as that term is defined in section 216 of the Clean Air Act (42 U.S.C. 7550); or

(II) fully or partially by an electric motor powered by a fuel cell, a battery, or an off-board source of electricity; and

(ii) that is not a motor vehicle or a vehicle used solely for competition.

(F) PLUG-IN ELECTRIC DRIVE VEHICLE.—In this section, the term ''plug-in electric drive vehicle'' means a precommercial vehicle that—

(i) draws motive power from a battery with a capacity of at least 4 kilowatt-hours;

(ii) can be recharged from an external source of electricity for motive power; and

(iii) is a light-, medium-, or heavy-duty onroad or nonroad vehicle.

(2) EVALUATION OF PLUG-IN ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY BENEFITS.—

(A) IN GENERAL.—The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, the heads of other appropriate Federal agencies, and appropriate interested stakeholders, shall evaluate and, as appropriate, modify existing test protocols for fuel economy and emissions to ensure that any protocols for electric drive transportation technologies, including plug-in electric drive vehicles, accurately measure the fuel economy and emissions performance of the electric drive transportation technologies.

(B) REQUIREMENTS.—Test protocols (including any modifications to test protocols) for electric drive transportation technologies under subparagraph (A) shall—

(i) be designed to assess the full potential of benefits in terms of reduction of emissions of criteria pollutants, reduction of energy use, and petroleum reduction; and

(ii) consider—

(I) the vehicle and fuel as a system, not just an engine;

(II) nightly off-board charging, as applicable; and

(III) different engine-turn on speed control strategies.

(3) PLUG-IN ELECTRIC DRIVE VEHICLE RESEARCH AND DEVELOPMENT.—The Secretary shall conduct an applied research program for plug-in electric drive vehicle technology and engine dominant hybrid vehicle technology, including—

(A) high-capacity, high-efficiency energy storage devices that, as compared to existing technologies that are in commercial service, have improved life, energy storage capacity, and power delivery capacity;

(B) high-efficiency on-board and off-board charging components;

(C) high-power and energy-efficient drivetrain systems for passenger and commercial vehicles and for nonroad vehicles;

(D) development and integration of control systems and power trains for plug-in electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid vehicles, including—

(i) development of efficient cooling systems;

(ii) analysis and development of control systems that minimize the emissions profile in cases in which clean diesel engines are part of a plug-in hybrid drive system; and

(iii) development of different control systems that optimize for different goals, including—

(I) prolonging energy storage device life;

(II) reduction of petroleum consumption; and

(III) reduction of greenhouse gas emissions;

(E) application of nanomaterial technology to energy storage devices and fuel cell systems; and

(F) use of smart vehicle and grid interconnection devices and software that enable communications between the grid of the future and electric drive transportation technology vehicles.

(4) EDUCATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a nationwide electric drive transportation technology education program under which the Secretary shall provide—

(i) teaching materials to secondary schools and high schools; and

(ii) assistance for programs relating to electric drive system and component engineering to institutions of higher education.

(B) ELECTRIC VEHICLE COMPETITION.—The program established under subparagraph (A) shall include a plug-in hybrid electric vehicle competition for institutions of higher education, which shall be known as the ''Dr. Andrew Frank Plug-In Electric Vehicle Competition''.

(C) ENGINEERS.—In carrying out the program established under subparagraph (A), the Secretary shall provide financial assistance to institutions of higher education to create new, or support existing, degree programs to ensure the availability of trained electrical and mechanical engineers with the skills necessary for the advancement of—

(i) plug-in electric drive vehicles; and

(ii) other forms of electric drive transportation technology vehicles.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2008 through 2013—

(A) to carry out paragraph (3) $200,000,000; and

(B) to carry out paragraph (4) $5,000,000.

(g) COLLABORATION AND MERIT REVIEW.—

(1) COLLABORATION WITH NATIONAL LABORATORIES.—To the maximum extent practicable, National Laboratories shall collaborate with the public, private, and academic sectors and with other National Laboratories in the design, conduct, and dissemination of the results of programs and activities authorized under this section.

(2) COLLABORATION WITH MOBILE ENERGY STORAGE PROGRAM.—To the maximum extent practicable, the Secretary shall seek to coordinate the stationary and mobile energy storage programs of the Department of the Energy with the programs and activities authorized under this section

(3) MERIT REVIEW.—Notwithstanding section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353), of the amounts made available to carry out this section, not more than 30 percent shall be provided to National Laboratories.

SEC. 246. INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended—

(1) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(2) by inserting before subsection (b) the following:

''(a) DEFINITIONS.—In this section:

''(1) FUEL CELL ELECTRIC VEHICLE.—The term 'fuel cell electric vehicle' means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Spark M. Matsunaga Hydrogen Act of 2005 (42 U.S.C. 16152)).

''(2) HYBRID ELECTRIC VEHICLE.—The term 'hybrid electric vehicle' means a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of the Internal Revenue Code of 1986).

''(3) MEDIUM- OR HEAVY-DUTY ELECTRIC VEHICLE.—The term 'medium- or heavy-duty electric vehicle' means an electric, hybrid electric, or plug-in hybrid electric vehicle with a gross vehicle weight of more than 8,501 pounds.

''(4) NEIGHBORHOOD ELECTRIC VEHICLE.—The term 'neighborhood electric vehicle' means a 4-wheeled on-road or nonroad vehicle that—

''(A) has a top attainable speed in 1 mile of more than 20 mph and not more than 25 mph on a paved level surface; and

''(B) is propelled by an electric motor and on-board, rechargeable energy storage system that is rechargeable using an off-board source of electricity.

''(5) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term 'plug-in hybrid electric vehicle' means a light-duty, medium-duty, or heavy-duty on-road or nonroad vehicle that is propelled by any combination of—

''(A) an electric motor and on-board, rechargeable energy storage system capable of operating the vehicle in intermittent or continuous all-electric mode and which is rechargeable using an off-board source of electricity; and

''(B) an internal combustion engine or heat engine using any combustible fuel.'';

(3) in subsection (b) (as redesignated by paragraph (1))—

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

''(1) ALLOCATION.—The Secretary''; and

(B) by adding at the end the following:

''(2) ELECTRIC VEHICLES.—Not later than January 31, 2009, the Secretary shall—

''(A) allocate credit in an amount to be determined by the Secretary for—

''(i) acquisition of—

''(I) a hybrid electric vehicle;

''(II) a plug-in hybrid electric vehicle;

''(III) a fuel cell electric vehicle;

''(IV) a neighborhood electric vehicle; or

''(V) a medium- or heavy-duty electric vehicle; and

''(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

''(B) allocate more than 1, but not to exceed 5, credits for investment in an emerging technology relating to any vehicle described in subparagraph (A) to encourage—

''(i) a reduction in petroleum demand;

''(ii) technological advancement; and

''(iii) a reduction in vehicle emissions.'';

(4) in subsection (c) (as redesignated by paragraph (1)), by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(5) by adding at the end the following:

''(e) 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.''.

SEC. 247. COMMERCIAL INSULATION DEMONSTRATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED INSULATION.—The term ''advanced insulation'' means insulation that has an R value of not less than R35 per inch.

(2) COVERED REFRIGERATION UNIT.—The term ''covered refrigeration unit'' means any—

(A) commercial refrigerated truck;

(B) commercial refrigerated trailer; and

(C) commercial refrigerator, freezer, or refrigerator-freezer described in section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)).

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes an evaluation of—

(1) the state of technological advancement of advanced insulation; and

(2) the projected amount of cost savings that would be generated by implementing advanced insulation into covered refrigeration units.

(c) DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—If the Secretary determines in the report described in subsection (b) that the implementation of advanced insulation into covered refrigeration units would generate an economically justifiable amount of cost savings, the Secretary, in cooperation with manufacturers of covered refrigeration units, shall establish a demonstration program under which the Secretary shall demonstrate the cost-effectiveness of advanced insulation.

(2) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) may apply to any project carried out under this subsection.

(3) COST-SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to any project carried out under this subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the funds authorized under section 911(b) of Public Law 109–58, the Energy Policy Act of 2005, such sums shall be allocated to carry out this program.

Subtitle D—Setting Energy Efficiency Goals

SEC. 251. OIL SAVINGS PLAN AND REQUIREMENTS.

(a) OIL SAVINGS TARGET AND ACTION PLAN.—Not later than 270 days after the date of enactment of this Act, the Director of the Office of Management and Budget (referred to in this section as the ''Director'') shall publish in the Federal Register an action plan consisting of—

(1) a list of requirements proposed or to be proposed pursuant to subsection (b) that are authorized to be issued under law in effect on the date of enactment of this Act, and this Act, that will be sufficient, when taken together, to save from the baseline determined under subsection (e)—

(A) 2,500,000 barrels of oil per day on average during calendar year 2016;

(B) 7,000,000 barrels of oil per day on average during calendar year 2026; and

(C) 10,000,000 barrels per day on average during calendar year 2031; and

(2) a Federal Government-wide analysis demonstrating—

(A) the expected oil savings from the baseline to be accomplished by each requirement; and

(B) that all such requirements, taken together, will achieve the oil savings specified in this subsection.

(b) STANDARDS AND REQUIREMENTS.—

(1) IN GENERAL.—On or before the date of publication of the action plan under subsection (a), the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Secretary of the Treasury, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines appropriate shall each propose, or issue a notice of intent to propose, regulations establishing each standard or other requirement listed in the action plan that is under the jurisdiction of the respective agency using authorities described in paragraph (2).

(2) AUTHORITIES.—The head of each agency described in paragraph (1) shall use to carry out this subsection—

(A) any authority in existence on the date of enactment of this Act (including regulations); and

(B) any new authority provided under this Act (including an amendment made by this Act).

(3) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the head of each agency described in paragraph (1) shall promulgate final versions of the regulations required under this subsection.

(4) CONTENT OF REGULATIONS.—Each proposed and final regulation promulgated under this subsection shall—

(A) be sufficient to achieve at least the oil savings resulting from the regulation under the action plan published under subsection (a); and

(B) be accompanied by an analysis by the applicable agency demonstrating that the regulation will achieve the oil savings from the baseline determined under subsection (e).

(c) INITIAL EVALUATION.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director shall—

(A) publish in the Federal Register a Federal Government-wide analysis of—

(i) the oil savings achieved from the baseline established under subsection (e); and

(ii) the expected oil savings under the standards and requirements of this Act (and amendments made by this Act); and

(B) determine whether oil savings will meet the targets established under subsection (a).

(2) INSUFFICIENT OIL SAVINGS.—If the oil savings are less than the targets established under subsection (a), simultaneously with the analysis required under paragraph (1)—

(A) the Director shall publish a revised action plan that is sufficient to achieve the targets; and

(B) the head of each agency referred to in subsection (b)(1) shall propose new or revised regulations that are sufficient to achieve the targets under paragraphs (1), (2), and (3), respectively, of subsection (b).

(3) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under paragraph (2)(B), the head of each agency referred to in subsection (b)(1) shall promulgate final versions of those regulations that comply with subsection (b)(1).

(d) REVIEW AND UPDATE OF ACTION PLAN.—

(1) REVIEW.—Not later than January 1, 2011, and every 3 years thereafter, the Director shall submit to Congress, and publish, a report that—

(A) evaluates the progress achieved in implementing the oil savings targets established under subsection (a);

(B) analyzes the expected oil savings under the standards and requirements established under this Act and the amendments made by this Act; and

(C)(i) analyzes the potential to achieve oil savings that are in addition to the savings required by subsection (a); and

(ii) if the President determines that it is in the national interest, establishes a higher oil savings target for calendar year 2017 or any subsequent calendar year.

(2) INSUFFICIENT OIL SAVINGS.—If the oil savings are less than the targets established under subsection (a), simultaneously with the report required under paragraph (1)—

(A) the Director shall publish a revised action plan that is sufficient to achieve the targets; and

(B) the head of each agency referred to in subsection (b)(1) shall propose new or revised regulations that are sufficient to achieve the targets under paragraphs (1), (2), and (3), respectively, of subsection (b).

(3) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under paragraph (2)(B), the head of each agency referred to in subsection (b)(1) shall promulgate final versions of those regulations that comply with subsection (b)(1).

(e) BASELINE AND ANALYSIS REQUIREMENTS.—In performing the analyses and promulgating proposed or final regulations to establish standards and other requirements necessary to achieve the oil savings required by this section, the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines to be appropriate shall—

(1) determine oil savings as the projected reduction in oil consumption from the baseline established by the reference case contained in the report of the Energy Information Administration entitled ''Annual Energy Outlook 2005'';

(2) determine the oil savings projections required on an annual basis for each of calendar years 2009 through 2026; and

(3) account for any overlap among the standards and other requirements to ensure that the projected oil savings from all the promulgated standards and requirements, taken together, are as accurate as practicable.

(f) NONREGULATORY MEASURES.—The action plan required under subsection (a) and the revised action plans required under subsections (c) and (d) shall include—

(1) a projection of the barrels of oil displaced by efficiency and sources of energy other than oil, including biofuels, electricity, and hydrogen; and

(2) a projection of the barrels of oil saved through enactment of this Act and the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.).

SEC. 252. NATIONAL ENERGY EFFICIENCY IMPROVEMENT GOALS.

(a) GOALS.—The goals of the United States are—

(1) to achieve an improvement in the overall energy productivity of the United States (measured in gross domestic product per unit of energy input) of at least 2.5 percent per year by the year 2012; and

(2) to maintain that annual rate of improvement each year through 2030.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Administrator of the Environmental Protection Agency and the heads of other appropriate Federal agencies, shall develop a strategic plan to achieve the national goals for improvement in energy productivity established under subsection (a).

(2) PUBLIC INPUT AND COMMENT.—The Secretary shall develop the plan in a manner that provides appropriate opportunities for public input and comment.

(c) PLAN CONTENTS.—The strategic plan shall—

(1) establish future regulatory, funding, and policy priorities to ensure compliance with the national goals;

(2) include energy savings estimates for each sector; and

(3) include data collection methodologies and compilations used to establish baseline and energy savings data.

(d) PLAN UPDATES.—

(1) IN GENERAL.—The Secretary shall—

(A) update the strategic plan biennially; and

(B) include the updated strategic plan in the national energy policy plan required by section 801 of the Department of Energy Organization Act (42 U.S.C. 7321).

(2) CONTENTS.—In updating the plan, the Secretary shall—

(A) report on progress made toward implementing efficiency policies to achieve the national goals established under subsection (a); and

(B) verify, to the maximum extent practicable, energy savings resulting from the policies.

(e) REPORT TO CONGRESS AND PUBLIC.—The Secretary shall submit to Congress, and make available to the public, the initial strategic plan developed under subsection (b) and each updated plan.

SEC. 253. NATIONAL MEDIA CAMPAIGN.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy (referred to in this section as the ''Secretary''), shall develop and conduct a national media campaign—

(1) to increase energy efficiency throughout the economy of the United States over the next decade;

(2) to promote the national security benefits associated with increased energy efficiency; and

(3) to decrease oil consumption in the United States over the next decade.

(b) CONTRACT WITH ENTITY.—The Secretary shall carry out subsection (a) directly or through—

(1) competitively bid contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television,

radio, and newspaper public service announcements; or

(2) collective agreements with 1 or more nationally recognized institutes, businesses, or nonprofit organizations for the funding, development, and distribution of monthly television, radio, and newspaper public service announcements.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts made available to carry out this section shall be used for the following:

(A) ADVERTISING COSTS.—

(i) The purchase of media time and space.

(ii) Creative and talent costs.

(iii) Testing and evaluation of advertising.

(iv) Evaluation of the effectiveness of the media campaign.

(B) ADMINISTRATIVE COSTS.—Operational and management expenses.

(2) LIMITATIONS.—In carrying out this section, the Secretary shall allocate not less than 85 percent of funds made available under subsection (e) for each fiscal year for the advertising functions specified under paragraph (1)(A).

(d) REPORTS.—The Secretary shall annually submit to Congress a report that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished, including—

(A) determinations concerning the rate of change of energy consumption, in both absolute and per capita terms; and

(B) an evaluation that enables consideration whether the media campaign contributed to reduction of energy consumption;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts or cooperative agreements entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

(2) DECREASED OIL CONSUMPTION.—The Secretary shall use not less than 50 percent of the amount that is made available under this section for each fiscal year to develop and conduct a national media campaign to decrease oil consumption in the United States over the next decade.

SEC. 254. MODERNIZATION OF ELECTRICITY GRID SYSTEM.

(a) STATEMENT OF POLICY.—It is the policy of the United States that developing and deploying advanced technology to modernize and increase the efficiency of the electricity grid system of the United States is essential to maintain a reliable and secure electricity transmission and distribution infrastructure that can meet future demand growth.

(b) PROGRAMS.—The Secretary, the Federal Energy Regulatory Commission, and other Federal agencies, as appropriate, shall carry out programs to support the use, development, and demonstration of advanced transmission and distribution technologies, including real-time monitoring and analytical software—

(1) to maximize the capacity and efficiency of electricity networks;

(2) to enhance grid reliability;

(3) to reduce line losses;

(4) to facilitate the transition to real-time electricity pricing;

(5) to allow grid incorporation of more onsite renewable energy generators;

(6) to enable electricity to displace a portion of the petroleum used to power the national transportation system of the United States; and

(7) to enable broad deployment of distributed generation and demand side management technology.

SEC. 255. SMART GRID SYSTEM REPORT.

(a) IN GENERAL.—The Secretary, acting through the Director of the Office of Electricity Delivery and Energy Reliability (referred to in this section as the ''Secretary''), shall, after consulting with any interested individual or entity as appropriate, no later than one year after enactment, report to Congress concerning the status of smart grid deployments nationwide and any regulatory or government barriers to continued deployment.

SEC. 256. SMART GRID TECHNOLOGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) POWER GRID DIGITAL INFORMATION TECHNOLOGY.—The Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate agencies, electric utilities, the States, and other stakeholders, shall carry out a program—

(1) to develop advanced techniques for measuring peak load reductions and energy-efficiency savings from smart metering, demand response, distributed generation, and electricity storage systems;

(2) to investigate means for demand response, distributed generation, and storage to provide ancillary services;

(3) to conduct research to advance the use of wide-area measurement and control networks, including data mining, visualization, advanced computing, and secure and dependable communications in a highly-distributed environment;

(4) to test new reliability technologies in a grid control room environment against a representative set of local outage and wide area blackout scenarios;

(5) to investigate the feasibility of a transition to time-of-use and real-time electricity pricing;

(6) to develop algorithms for use in electric transmission system software applications;

(7) to promote the use of underutilized electricity generation capacity in any substitution of electricity for liquid fuels in the transportation system of the United States; and

(8) in consultation with the Federal Energy Regulatory Commission, to propose interconnection protocols to enable electric utilities to access electricity stored in vehicles to help meet peak demand loads.

(b) SMART GRID REGIONAL DEMONSTRATION INITIATIVE.—

(1) IN GENERAL.—The Secretary shall establish a smart grid regional demonstration initiative (referred to in this subsection as the ''Initiative'') composed of demonstration projects specifically focused on advanced technologies for use in power grid sensing, communications, analysis, and power flow control. The Secretary shall seek to leverage existing smart grid deployments.

(2) GOALS.—The goals of the Initiative shall be—

(A) to demonstrate the potential benefits of concentrated investments in advanced grid technologies on a regional grid;

(B) to facilitate the commercial transition from the current power transmission and distribution system technologies to advanced technologies;

(C) to facilitate the integration of advanced technologies in existing electric networks to improve system performance, power flow control, and reliability;

(D) to demonstrate protocols and standards that allow for the measurement and validation of the energy savings and fossil fuel emission reductions associated with the installation and use of energy efficiency and demand response technologies and practices; and

(E) to investigate differences in each region and regulatory environment regarding best practices in implementing smart grid technologies.

(3) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—In carrying out the initiative, the Secretary shall carry out smart grid demonstration projects in up to 5 electricity control areas, including rural areas and at least 1 area in which the majority of generation and transmission assets are controlled by a tax-exempt entity.

(B) COOPERATION.—A demonstration project under subparagraph (A) shall be carried out in cooperation with the electric utility that owns the grid facilities in the electricity control area in which the demonstration project is carried out.

(C) FEDERAL SHARE OF COST OF TECHNOLOGY INVESTMENTS.—The Secretary shall provide to an electric utility described in subparagraph (B) financial assistance for use in paying an amount equal to not more than 50 percent of the cost of qualifying advanced grid technology investments made by the electric utility to carry out a demonstration project.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(A) to carry out subsection (a), such sums as are necessary for each of fiscal years 2008 through 2012; and

(B) to carry out subsection (b), $100,000,000 for each of fiscal years 2008 through 2012.

SEC. 257. SMART GRID INTEROPERABILITY FRAMEWORK.

(a) INTEROPERABILITY FRAMEWORK.—The Federal Energy Regulatory Commission (referred to in this section as the ''Commission''), in cooperation with other relevant federal agencies, shall coordinate with smart grid stakeholders to develop protocols for the establishment of a flexible framework for the connection of smart grid devices and systems that would align policy, business, and technology approaches in a manner that would enable all electric resources, including demand-side resources, to contribute to an efficient, reliable electricity network.

(c) SCOPE OF FRAMEWORK.—The framework developed under subsection (b) shall be designed—

(1) to accommodate traditional, centralized generation and transmission resources and consumer distributed resources, including distributed generation, renewable generation, energy storage, energy efficiency, and demand response and enabling devices and systems;

(2) to be flexible to incorporate—

(A) regional and organizational differences; and

(B) technological innovations; and

(3) to consider include voluntary uniform standards for certain classes of mass-produced electric appliances and equipment for homes and businesses that enable customers, at their election and consistent with applicable State and federal laws, and are manufactured with the ability to respond to electric grid emergencies and demand response signals by curtailing all, or a portion of, the electrical power consumed by the appliances or equipment in response to an emergency or demand response signal, including through—

(A) load reduction to reduce total electrical demand;

(B) adjustment of load to provide grid ancillary services; and

(C) in the event of a reliability crisis that threatens an outage, short-term load shedding to help preserve the stability of the grid.

(4) Such voluntary standards should incorporate appropriate manufacturer lead time.

SEC. 258. STATE CONSIDERATION OF SMART GRID.

Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(16) CONSIDERATION OF SMART GRID INVESTMENTS.—Each State shall consider requiring that, prior to undertaking investments in non-advanced grid technologies, an electric utility of

the State demonstrate to the State that the electric utility considered an investment in a qualified smart grid system based on appropriate factors, including—

''(i) total costs;

''(ii) cost-effectiveness;

''(iii) improved reliability;

''(iv) security;

''(v) system performance; and

''(vi) societal benefit.

''(B) RATE RECOVERY.—Each State shall consider authorizing each electric utility of the State to recover from ratepayers any capital, operating expenditure, or other costs of the electric utility relating to the deployment of a qualified smart grid system, including a reasonable rate of return on the capital expenditures of the electric utility for the deployment of the qualified smart grid system.

''(C) OBSOLETE EQUIPMENT.—Each State shall consider authorizing any electric utility or other party of the State to deploy a qualified smart grid system to recover in a timely manner the remaining book-value costs of any equipment rendered obsolete by the deployment of the qualified smart grid system, based on the remaining depreciable life of the obsolete equipment.''.

SEC. 259. SUPPORT FOR ENERGY INDEPENDENCE OF THE UNITED STATES.

It is the policy of the United States to provide support for projects and activities to facilitate the energy independence of the United States so as to ensure that all but 10 percent of the energy needs of the United States are supplied by domestic energy sources.

SEC. 260. ENERGY POLICY COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission, to be known as the ''National Commission on Energy Independence'' (referred to in this section as the ''Commission'').

(2) MEMBERSHIP.—The Commission shall be composed of 15 members, of whom—

(A) 3 shall be appointed by the President;

(B) 3 shall be appointed by the majority leader of the Senate;

(C) 3 shall be appointed by the minority leader of the Senate;

(D) 3 shall be appointed by the Speaker of the House of Representatives; and

(E) 3 shall be appointed by the minority leader of the House of Representatives.

(3) CO-CHAIRPERSONS.—

(A) IN GENERAL.—The President shall designate 2 co-chairpersons from among the members of the Commission appointed.

(B) POLITICAL AFFILIATION.—The co-chairpersons designated under subparagraph (A) shall not both be affiliated with the same political party.

(4) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed not later than 90 days after the date of enactment of this Act.

(5) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—Any vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(b) PURPOSE.—The Commission shall conduct a comprehensive review of the energy policy of the United States by—

(1) reviewing relevant analyses of the current and long-term energy policy of, and conditions in, the United States;

(2) identifying problems that may threaten the achievement by the United States of long-term energy policy goals, including energy independence;

(3) analyzing potential solutions to problems that threaten the long-term ability of the United States to achieve those energy policy goals; and

(4) providing recommendations that will ensure, to the maximum extent practicable, that the energy policy goals of the United States are achieved.

(c) REPORT AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than December 31 of each of calendar years 2009, 2011, 2013, and 2015, the Commission shall submit to Congress and the President a report on the progress of United States in meeting the long-term energy policy goal of energy independence, including a detailed statement of the consensus findings, conclusions, and recommendations of the Commission.

(2) LEGISLATIVE LANGUAGE.—If a recommendation submitted under paragraph (1) involves legislative action, the report shall include proposed legislative language to carry out the action.

(d) COMMISSION PERSONNEL MATTERS.—

(1) STAFF AND DIRECTOR.—The Commission shall have a staff headed by an Executive Director.

(2) STAFF APPOINTMENT.—The Executive Director may appoint such personnel as the Executive Director and the Commission determine to be appropriate.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) FEDERAL AGENCIES.—

(A) DETAIL OF GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of the Federal agency to the Commission to assist in carrying out the duties of the Commission.

(ii) NATURE OF DETAIL.—Any detail of a Federal employee under clause (i) shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(B) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out the duties of the Commission.

(e) RESOURCES.—

(1) IN GENERAL.—The Commission shall have reasonable access to materials, resources, statistical data, and such other information from Executive agencies as the Commission determines to be necessary to carry out the duties of the Commission.

(2) FORM OF REQUESTS.—The co-chairpersons of the Commission shall make requests for access described in paragraph (1) in writing, as necessary.

Subtitle E—Promoting Federal Leadership in Energy Efficiency and Renewable Energy

SEC. 261. FEDERAL FLEET CONSERVATION REQUIREMENTS.

(a) FEDERAL FLEET CONSERVATION REQUIREMENTS.—

(1) IN GENERAL.—Part J of title III of the Energy Policy and Conservation Act (42 U.S.C. 6374 et seq.) is amended by adding at the end the following:

''SEC. 400FF. FEDERAL FLEET CONSERVATION REQUIREMENTS.

''(a) MANDATORY REDUCTION IN PETROLEUM CONSUMPTION.—

''(1) IN GENERAL.—The Secretary shall issue regulations (including provisions for waivers from the requirements of this section) for Federal fleets subject to section 400AA requiring that not later than October 1, 2015, each Federal agency achieve at least a 20 percent reduction in petroleum consumption, and that each Federal agency increase alternative fuel consumption by 10 percent annually, as calculated from the baseline established by the Secretary for fiscal year 2005.

''(2) PLAN.—

''(A) REQUIREMENT.—The regulations shall require each Federal agency to develop a plan to meet the required petroleum reduction levels and the alternative fuel consumption increases.

''(B) MEASURES.—The plan may allow an agency to meet the required petroleum reduction level through—

''(i) the use of alternative fuels;

''(ii) the acquisition of vehicles with higher fuel economy, including hybrid vehicles, neighborhood electric vehicles, electric vehicles, and plug–in hybrid vehicles if the vehicles are commercially available;

''(iii) the substitution of cars for light trucks;

''(iv) an increase in vehicle load factors;

''(v) a decrease in vehicle miles traveled;

''(vi) a decrease in fleet size; and

''(vii) other measures.

''(b) FEDERAL EMPLOYEE INCENTIVE PROGRAMS FOR REDUCING PETROLEUM CONSUMPTION.—

''(1) IN GENERAL.—Each Federal agency shall actively promote incentive programs that encourage Federal employees and contractors to reduce petroleum usage through the use of practices such as—

''(A) telecommuting;

''(B) public transit;

''(C) carpooling; and

''(D) bicycling and the use of 2-wheeled electric drive devices.

''(2) MONITORING AND SUPPORT FOR INCENTIVE PROGRAMS.—The Administrator of General Services, the Director of the Office of Personnel Management, and the Secretary of Energy shall monitor and provide appropriate support to agency programs described in paragraph (1).

''(3) RECOGNITION.—The Secretary may establish a program under which the Secretary recognizes private sector employers and State and local governments for outstanding programs to reduce petroleum usage through practices described in paragraph (1).

''(c) REPLACEMENT TIRES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the regulations issued under subsection (a)(1) shall include a requirement that, to the maximum extent practicable, each Federal agency purchase energy-efficient replacement tires for the respective fleet vehicles of the agency.

''(2) EXCEPTIONS.—This section does not apply to—

''(A) law enforcement motor vehicles;

''(B) emergency motor vehicles; or

''(C) motor vehicles acquired and used for military purposes that the Secretary of Defense has certified to the Secretary must be exempt for national security reasons.

''(d) ANNUAL REPORTS ON COMPLIANCE.—The Secretary shall submit to Congress an annual report that summarizes actions taken by Federal agencies to comply with this section.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part J of title III the following:

''Sec. 400FF. Federal fleet conservation requirements.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the amendment made by this section $10,000,000 for the period of fiscal years 2008 through 2013.

SEC. 262. FEDERAL REQUIREMENT TO PURCHASE ELECTRICITY GENERATED BY RENEWABLE ENERGY.

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) REQUIREMENT.—

''(1) IN GENERAL.—The President, acting through the Secretary, shall require that, to the extent economically feasible and technically practicable, of the total quantity of domestic electric energy the Federal Government consumes during any fiscal year, the following percentages shall be renewable energy from facilities placed in service after January 1, 1999:

''(A) Not less than 10 percent in fiscal year 2010.

''(B) Not less than 15 percent in fiscal year 2015.

''(2) CAPITOL COMPLEX.—The Architect of the Capitol, in consultation with the Secretary, shall ensure that, of the total quantity of electric energy the Capitol complex consumes during any fiscal year, the percentages prescribed in paragraph (1) shall be renewable energy.

''(3) WAIVER AUTHORITY.—The President may reduce or waive the requirement under paragraph (1) on a fiscal-year basis if the President determines that complying with paragraph (1) for a fiscal year would result in—

''(A) a negative impact on military training or readiness activities conducted by the Department of Defense;

''(B) a negative impact on domestic preparedness activities conducted by the Department of Homeland Security; or

''(C) a requirement that a Federal agency provide emergency response services in the event of a natural disaster or terrorist attack.''; and

(2) by adding at the end the following:

''(e) CONTRACTS FOR RENEWABLE ENERGY FROM PUBLIC UTILITY SERVICES.—Notwithstanding section 501(b)(1)(B) of title 40, United States Code, a contract for renewable energy may be made for a period of not more than 50 years.''.

SEC. 263. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) RETENTION OF SAVINGS.—Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended by striking paragraph (5).

(b) SUNSET AND REPORTING REQUIREMENTS.—Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended by striking subsection (c).

(c) DEFINITION OF ENERGY SAVINGS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting appropriately;

(2) by striking ''means a reduction'' and inserting ''means—

''(A) a reduction'';

(3) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(B) the increased efficient use of an existing energy source by cogeneration or heat recovery, and installation of renewable energy systems;

''(C) if otherwise authorized by Federal or State law (including regulations), the sale or transfer of electrical or thermal energy generated on-site from renewable energy sources or cogeneration, but in excess of Federal needs, to utilities or non-Federal energy users; and

''(D) the increased efficient use of existing water sources in interior or exterior applications.''.

(d) NOTIFICATION.—

(1) AUTHORITY TO ENTER INTO CONTRACTS.—Section 801(a)(2)(D) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)) is amended—

(A) in clause (ii), by inserting ''and'' after the semicolon at the end;

(B) by striking clause (iii); and

(C) by redesignating clause (iv) as clause (iii).

(2) REPORTS.—Section 548(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)(2)) is amended by inserting ''and any termination penalty exposure'' after ''the energy and cost savings that have resulted from such contracts''.

(3) CONFORMING AMENDMENT.—Section 2913 of title 10, United States Code, is amended by striking subsection (e).

(e) ENERGY AND COST SAVINGS IN NONBUILDING APPLICATIONS.—

(1) DEFINITIONS.—In this subsection:

(A) NONBUILDING APPLICATION.—The term ''nonbuilding application'' means—

(i) any class of vehicles, devices, or equipment that is transportable under the power of the applicable vehicle, device, or equipment by land, sea, or air and that consumes energy from any fuel source for the purpose of—

(I) that transportation; or

(II) maintaining a controlled environment within the vehicle, device, or equipment; and

(ii) any federally-owned equipment used to generate electricity or transport water.

(B) SECONDARY SAVINGS.—

(i) IN GENERAL.—The term ''secondary savings'' means additional energy or cost savings that are a direct consequence of the energy savings that result from the energy efficiency improvements that were financed and implemented pursuant to an energy savings performance contract.

(ii) INCLUSIONS.—The term ''secondary savings'' includes—

(I) energy and cost savings that result from a reduction in the need for fuel delivery and logistical support;

(II) personnel cost savings and environmental benefits; and

(III) in the case of electric generation equipment, the benefits of increased efficiency in the production of electricity, including revenues received by the Federal Government from the sale of electricity so produced.

(2) STUDY.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of Defense shall jointly conduct, and submit to Congress and the President a report of, a study of the potential for the use of energy savings performance contracts to reduce energy consumption and provide energy and cost savings in nonbuilding applications.

(B) REQUIREMENTS.—The study under this subsection shall include—

(i) an estimate of the potential energy and cost savings to the Federal Government, including secondary savings and benefits, from increased efficiency in nonbuilding applications;

(ii) an assessment of the feasibility of extending the use of energy savings performance contracts to nonbuilding applications, including an identification of any regulatory or statutory barriers to such use; and

(iii) such recommendations as the Secretary and Secretary of Defense determine to be appropriate.

SEC. 264. ENERGY MANAGEMENT REQUIREMENTS FOR FEDERAL BUILDINGS.

Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended by striking the table and inserting the following:

"Fiscal Year	Percentage reduction
2006	2
2007	4
2008	9
2009	12
2010	15
2011	18
2012	21
2013	24
2014	27
2015	30.''.

SEC. 265. COMBINED HEAT AND POWER AND DISTRICT ENERGY INSTALLATIONS AT FEDERAL SITES.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

''(f) COMBINED HEAT AND POWER AND DISTRICT ENERGY INSTALLATIONS AT FEDERAL SITES.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Secretary, in consultation with the Administrator of General Services and the Secretary of Defense, shall identify Federal sites that could achieve significant cost-effective energy savings through the use of combined heat and power or district energy installations.

''(2) INFORMATION AND TECHNICAL ASSISTANCE.—The Secretary shall provide agencies with information and technical assistance that will enable the agencies to take advantage of the energy savings described in paragraph (1).

''(3) ENERGY PERFORMANCE REQUIREMENTS.—Any energy savings from the installations described in paragraph (1) may be applied to meet the energy performance requirements for an agency under subsection (a)(1).''.

SEC. 266. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.

Section 305(a)(3)(A) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''this paragraph'' and by inserting ''the Energy Efficiency Promotion Act of 2007''; and

(2) in clause (i)—

(A) in subclause (I), by striking ''and'' at the end;

(B) by redesignating subclause (II) as subclause (III); and

(C) by inserting after subclause (I) the following:

''(II) the buildings be designed, to the extent economically feasible and technically practicable, so that the fossil fuel-generated energy consumption of the buildings is reduced, as compared with the fossil fuel-generated energy consumption by a similar Federal building in fiscal year 2003 (as measured by Commercial Buildings Energy Consumption Survey or Residential Energy Consumption Survey data from the Energy Information Agency), by the percentage specified in the following table:

"Fiscal Year	Percentage reduction
2007	50
2010	60
2015	70
2020	80
2025	90
2030	100;

and''.

SEC. 267. APPLICATION OF INTERNATIONAL ENERGY CONSERVATION CODE TO PUBLIC AND ASSISTED HOUSING.

Section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709) is amended—

(1) in subsection (a)(1)(C), by striking, '', where such standards are determined to be cost effective by the Secretary of Housing and Urban Development'';

(2) in subsection (a)(2)—

(A) by striking ''the Council of American Building Officials Model Energy Code, 1992'' and inserting ''2006 International Energy Conservation Code''; and

(B) by striking '', and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code'';

(3) in subsection (b)—

(A) in the heading, by striking ''MODEL ENERGY CODE.—'' and inserting ''INTERNATIONAL ENERGY CONSERVATION CODE.—'';

(B) after ''all new construction'' in the first sentence insert ''and rehabilitation''; and

(C) by striking '', and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code'';

(4) in subsection (c)—

(A) in the heading, by striking ''MODEL ENERGY CODE AND''; and

(B) by striking '', or, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code'';

(5) by adding at the end the following:

''(d) FAILURE TO AMEND THE STANDARDS.—If the Secretaries have not, within 1 year after the requirements of the 2006 IECC or the ASHRAE Standard 90.1–2004 are revised, amended the standards or made a determination under subsection (c) of this section, the Secretary of Housing and Urban Development or the Secretary of Agriculture make a determination that the revised codes do not negatively affect the availability or affordability of new construction of assisted housing and single family and multifamily residential housing (other than manufactured homes) subject to mortgages insured under the National Housing Act (12 U.S.C. 1701 et seq.) or insured, guaranteed, or made by the Secretary of Agriculture under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.), respectively, and the Secretary of Energy has made a determination under section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) that the revised code or standard would improve energy efficiency, all new construction and rehabilitation of housing specified in subsection (a) shall meet the requirements of the revised code or standard.'';

(6) by striking ''CABO Model Energy Code, 1992'' each place it appears and inserting ''the 2006 IECC''; and

(7) by striking ''1989'' each place it appears and inserting ''2004''.

SEC. 268. ENERGY EFFICIENT COMMERCIAL BUILDINGS INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) CONSORTIUM.—The term ''consortium'' means a working group that is comprised of—

(A) individuals representing—

(i) 1 or more businesses engaged in—

(I) commercial building development;

(II) construction; or

(III) real estate;

(ii) financial institutions;

(iii) academic or research institutions;

(iv) State or utility energy efficiency programs;

(v) nongovernmental energy efficiency organizations; and

(vi) the Federal Government;

(B) 1 or more building designers; and

(C) 1 or more individuals who own or operate 1 or more buildings.

(2) ENERGY EFFICIENT COMMERCIAL BUILDING.—The term ''energy efficient commercial building'' means a commercial building that is designed, constructed, and operated—

(A) to require a greatly reduced quantity of energy;

(B) to meet, on an annual basis, the balance of energy needs of the commercial building from renewable sources of energy; and

(C) to be economically viable.

(3) INITIATIVE.—The term ''initiative'' means the Energy Efficient Commercial Buildings Initiative.

(b) INITIATIVE.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the consortium to develop and carry out the initiative—

(A) to reduce the quantity of energy consumed by commercial buildings located in the United States; and

(B) to achieve the development of energy efficient commercial buildings in the United States.

(2) GOAL OF INITIATIVE.—The goal of the initiative shall be to develop technologies and practices and implement policies that lead to energy efficient commercial buildings for—

(A) any commercial building newly constructed in the United States by 2030;

(B) 50 percent of the commercial building stock of the United States by 2040; and

(C) all commercial buildings in the United States by 2050.

(3) COMPONENTS.—In carrying out the initiative, the Secretary, in collaboration with the consortium, may—

(A) conduct research and development on building design, materials, equipment and controls, operation and other practices, integration, energy use measurement and benchmarking, and policies;

(B) conduct demonstration projects to evaluate replicable approaches to achieving energy efficient commercial buildings for a variety of building types in a variety of climate zones;

(C) conduct deployment activities to disseminate information on, and encourage widespread adoption of, technologies, practices, and policies to achieve energy efficient commercial buildings; and

(D) conduct any other activity necessary to achieve any goal of the initiative, as determined by the Secretary, in collaboration with the consortium.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(2) ADDITIONAL FUNDING.—In addition to amounts authorized to be appropriated under paragraph (1), the Secretary may allocate funds from other appropriations to the initiative without changing the purpose for which the funds are appropriated.

SEC. 269. CLEAN ENERGY CORRIDORS.

Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended—

(1) in subsection (a)—

(A) by striking ''(1) Not later than'' and inserting the following:

''(1) IN GENERAL.—Not later than'';

(B) by striking paragraph (2) and inserting the following:

''(2) REPORT AND DESIGNATIONS.—

''(A) IN GENERAL.—After considering alternatives and recommendations from interested parties (including an opportunity for comment from affected States), the Secretary shall issue a report, based on the study conducted under paragraph (1), in which the Secretary may designate as a national interest electric transmission corridor any geographic area experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers, including constraints or congestion that—

''(i) increases costs to consumers;

''(ii) limits resource options to serve load growth; or

''(iii) limits access to sources of clean energy, such as wind, solar energy, geothermal energy, and biomass.

''(B) ADDITIONAL DESIGNATIONS.—In addition to the corridor designations made under subparagraph (A), the Secretary may designate additional corridors in accordance with that subparagraph upon the application by an interested person, on the condition that the Secretary provides for an opportunity for notice and comment by interested persons and affected States on the application.'';

(C) in paragraph (3), the striking ''(3) The Secretary'' and inserting the following:

''(3) CONSULTATION.—The Secretary''; and

(D) in paragraph (4)—

(i) by striking ''(4) In determining'' and inserting the following:

''(4) BASIS FOR DETERMINATION.—In determining''; and

(ii) by striking subparagraphs (A) through (E) and inserting the following:

''(A) the economic vitality and development of the corridor, or the end markets served by the corridor, may be constrained by lack of adequate or reasonably priced electricity;

''(B)(i) economic growth in the corridor, or the end markets served by the corridor, may be jeopardized by reliance on limited sources of energy; and

''(ii) a diversification of supply is warranted;

''(C) the energy independence of the United States would be served by the designation;

''(D) the designation would be in the interest of national energy policy; and

''(E) the designation would enhance national defense and homeland security.''; and

(2) by adding at the end the following:

''(l) RATES AND RECOVERY OF COSTS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Commission shall promulgate regulations providing for the allocation and recovery of costs prudently incurred by public utilities in building and operating facilities authorized under this section for transmission of electric energy generated from clean sources (such as wind, solar energy, geothermal energy, and biomass).

''(2) APPLICABLE PROVISIONS.—All rates approved under the regulations promulgated under paragraph (1), including any revisions to the regulations, shall be subject to the requirements under sections 205 and 206 that all rates, charges, terms, and conditions be just and reasonable and not unduly discriminatory or preferential.''.

SEC. 270. 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, the Administrator of the Environmental Protection Agency, 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).

SEC. 270A. STANDARD RELATING TO SOLAR HOT WATER HEATERS.

Section 305(a)(3)(A) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(A)) (as amended by section 266) is amended—

(1) in clause (i)(III), by striking ''and'' at the end;

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

(3) by adding at the end the following:

''(iii) if life-cycle cost-effective, as compared to other reasonably available technologies, not less than 30 percent of the hot water demand for each new or substantially modified Federal building be met through the installation and use of solar hot water heaters.''.

SEC. 270B. RENEWABLE ENERGY INNOVATION MANUFACTURING PARTNERSHIP.

(a) ESTABLISHMENT.—The Secretary shall carry out a program, to be known as the Renewable Energy Innovation Manufacturing Partnership Program (referred to in this section as

the ''Program''), to make assistance awards to eligible entities for use in carrying out research, development, and demonstration relating to the manufacturing of renewable energy technologies.

(b) SOLICITATION.—To carry out the Program, the Secretary shall annually conduct a competitive solicitation for assistance awards for an eligible project described in subsection (e).

(c) PROGRAM PURPOSES.—The purposes of the Program are—

(1) to develop, or aid in the development of, advanced manufacturing processes, materials, and infrastructure;

(2) to increase the domestic production of renewable energy technology and components; and

(3) to better coordinate Federal, State, and private resources to meet regional and national renewable energy goals through advanced manufacturing partnerships.

(d) ELIGIBLE ENTITIES.—An entity shall be eligible to receive an assistance award under the Program to carry out an eligible project described in subsection (e) if the entity is composed of—

(1) 1 or more public or private nonprofit institutions or national laboratories engaged in research, development, demonstration, or technology transfer, that would participate substantially in the project; and

(2) 1 or more private entities engaged in the manufacturing or development of renewable energy system components (including solar energy, wind energy, biomass, geothermal energy, energy storage, or fuel cells).

(e) ELIGIBLE PROJECTS.—An eligible entity may use an assistance award provided under this section to carry out a project relating to—

(1) the conduct of studies of market opportunities for component manufacturing of renewable energy systems;

(2) the conduct of multiyear applied research, development, demonstration, and deployment projects for advanced manufacturing processes, materials, and infrastructure for renewable energy systems; and

(3) other similar ventures, as approved by the Secretary, that promote advanced manufacturing of renewable technologies.

(f) CRITERIA AND GUIDELINES.—The Secretary shall establish criteria and guidelines for the submission, evaluation, and funding of proposed projects under the Program.

(g) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a project carried out under this section.

(h) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) shall apply to a project carried out under this subsection.

(i) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary should ensure that small businesses engaged in renewable manufacturing be considered for loan guarantees authorized under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of funds already authorized to carry out this section $25,000,000 for each of fiscal years 2008 through 2013, to remain available until expended.

SEC. 270C. EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.

Section 7(a)(31) of the Small Business Act (15 U.S.C. 636(a)(31)) is amended by adding at the end the following:

''(F) EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.—

''(i) DEFINITIONS.—In this subparagraph—

''(I) the term 'biomass'—

''(aa) means any organic material that is available on a renewable or recurring basis, including—

''(AA) agricultural crops;

''(BB) trees grown for energy production;

''(CC) wood waste and wood residues;

''(DD) plants (including aquatic plants and grasses);

''(EE) residues;

''(FF) fibers;

''(GG) animal wastes and other waste materials; and

''(HH) fats, oils, and greases (including recycled fats, oils, and greases); and

''(bb) does not include—

''(AA) paper that is commonly recycled; or

''(BB) unsegregated solid waste;

''(II) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

''(III) the term 'renewable energy system' means a system of energy derived from—

''(aa) a wind, solar, biomass (including biodiesel), or geothermal source; or

''(bb) hydrogen derived from biomass or water using an energy source described in item (aa).

''(ii) LOANS.—Loans may be made under the 'Express Loan Program' for the purpose of—

''(I) purchasing a renewable energy system; or

''(II) an energy efficiency project for an existing business.''.

SEC. 270D. SMALL BUSINESS ENERGY EFFICIENCY.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''association'' means the association of small business development centers established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A));

(3) the term ''disability'' has the meaning given that term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(4) the term ''electric utility'' has the meaning given that term in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602);

(5) the term ''on-bill financing'' means a low interest or no interest financing agreement between a small business concern and an electric utility for the purchase or installation of equipment, under which the regularly scheduled payment of that small business concern to that electric utility is not reduced by the amount of the reduction in cost attributable to the new equipment and that amount is credited to the electric utility, until the cost of the purchase or installation is repaid;

(6) the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 636);

(7) the term ''small business development center'' means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(8) the term ''telecommuting'' means the use of telecommunications to perform work functions under circumstances which reduce or eliminate the need to commute; and

(9) the term ''veteran'' has the meaning given that term in section 101 of title 38, United States Code.

(b) IMPLEMENTATION OF SMALL BUSINESS ENERGY EFFICIENCY PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate final rules establishing the Government-wide program authorized under subsection (d) of section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) that ensure compliance with that subsection by not later than 6 months after such date of enactment.

(2) PLAN.—Not later than 90 days after the date of enactment of this Act, the Administrator shall publish a detailed plan regarding how the Administrator will—

(A) assist small business concerns in becoming more energy efficient; and

(B) build on the Energy Star for Small Business Program of the Department of Energy and the Environmental Protection Agency.

(3) ASSISTANT ADMINISTRATOR FOR SMALL BUSINESS ENERGY POLICY.—

(A) IN GENERAL.—There is in the Administration an Assistant Administrator for Small Business Energy Policy, who shall be appointed by, and report to, the Administrator.

(B) DUTIES.—The Assistant Administrator for Small Business Energy Policy shall—

(i) oversee and administer the requirements under this subsection and section 337(d) of the Energy Policy and Conservation Act (42 U.S.C. 6307(d)); and

(ii) promote energy efficiency efforts for small business concerns and reduce energy costs of small business concerns.

(4) REPORTS.—The Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an annual report on the progress of the Administrator in encouraging small business concerns to become more energy efficient, including data on the rate of use of the Small Business Energy Clearinghouse established under section 337(d)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6307(d)(4)).

(c) SMALL BUSINESS ENERGY EFFICIENCY.—

(1) AUTHORITY.—The Administrator shall establish a Small Business Energy Efficiency Pilot Program (in this subsection referred to as the ''Efficiency Pilot Program'') to provide energy efficiency assistance to small business concerns through small business development centers.

(2) SMALL BUSINESS DEVELOPMENT CENTERS.—

(A) IN GENERAL.—In carrying out the Efficiency Pilot Program, the Administrator shall enter into agreements with small business development centers under which such centers shall—

(i) provide access to information and resources on energy efficiency practices, including on-bill financing options;

(ii) conduct training and educational activities;

(iii) offer confidential, free, one-on-one, in-depth energy audits to the owners and operators of small business concerns regarding energy efficiency practices;

(iv) give referrals to certified professionals and other providers of energy efficiency assistance who meet such standards for educational, technical, and professional competency as the Administrator shall establish; and

(v) act as a facilitator between small business concerns, electric utilities, lenders, and the Administration to facilitate on-bill financing arrangements.

(B) REPORTS.—Each small business development center participating in the Efficiency Pilot Program shall submit to the Administrator and the Administrator of the Environmental Protection Agency an annual report that includes—

(i) a summary of the energy efficiency assistance provided by that center under the Efficiency Pilot Program;

(ii) the number of small business concerns assisted by that center under the Efficiency Pilot Program;

(iii) statistics on the total amount of energy saved as a result of assistance provided by that center under the Efficiency Pilot Program; and

(iv) any additional information determined necessary by the Administrator, in consultation with the association.

(C) REPORTS TO CONGRESS.—Not later than 60 days after the date on which all reports under subparagraph (B) relating to a year are submitted, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report summarizing the information regarding the Efficiency Pilot Program submitted by small business development centers participating in that program.

(3) ELIGIBILITY.—A small business development center shall be eligible to participate in the Efficiency Pilot Program only if that center is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)).

(4) SELECTION OF PARTICIPATING STATE PROGRAMS.—

(A) GROUPINGS.—

(i) SELECTION OF PROGRAMS.—The Administrator shall select the small business development center programs of 2 States from each of the groupings of States described in clauses (ii) through (xi) to participate in the pilot program established under this subsection.

(ii) GROUP 1.—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(iii) GROUP 2.—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(iv) GROUP 3.—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(v) GROUP 4.—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(vi) GROUP 5.—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(vii) GROUP 6.—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(viii) GROUP 7.—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(ix) GROUP 8.—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(x) GROUP 9.—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(xi) GROUP 10.—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(5) MATCHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the Efficiency Pilot Program.

(6) GRANT AMOUNTS.—Each small business development center selected to participate in the Efficiency Pilot Program under paragraph (4) shall be eligible to receive a grant in an amount equal to—

(A) not less than $100,000 in each fiscal year; and

(B) not more than $300,000 in each fiscal year.

(7) EVALUATION AND REPORT.—The Comptroller General of the United States shall—

(A) not later than 30 months after the date of disbursement of the first grant under the Efficiency Pilot Program, initiate an evaluation of that pilot program; and

(B) not later than 6 months after the date of the initiation of the evaluation under subparagraph (A), submit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives, a report containing—

(i) the results of the evaluation; and

(ii) any recommendations regarding whether the Efficiency Pilot Program, with or without modification, should be extended to include the participation of all small business development centers.

(8) GUARANTEE.—The Administrator may guarantee the timely payment of a loan made to a small business concern through an on-bill financing agreement on such terms and conditions as the Administrator shall establish through a formal rule making, after providing notice and an opportunity for comment.

(9) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated from such sums as are already authorized under section 21 of the Small Business Act to carry out this subsection—

(i) $5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(ii) $5,000,000 for each of the 3 fiscal years following the fiscal year described in clause (i).

(B) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the Efficiency Pilot Program only with amounts appropriated in advance specifically to carry out this subsection.

(10) TERMINATION.—The authority under this subsection shall terminate 4 years after the date of disbursement of the first grant under the Efficiency Pilot Program.

(d) SMALL BUSINESS TELECOMMUTING.—

(1) PILOT PROGRAM.—

(A) IN GENERAL.—In accordance with this subsection, the Administrator shall conduct, in not more than 5 of the regions of the Administration, a pilot program to provide information regarding telecommuting to employers that are small business concerns and to encourage such employers to offer telecommuting options to employees (in this subsection referred to as the ''Telecommuting Pilot Program'').

(B) SPECIAL OUTREACH TO INDIVIDUALS WITH DISABILITIES.—In carrying out the Telecommuting Pilot Program, the Administrator shall make a concerted effort to provide information to—

(i) small business concerns owned by or employing individuals with disabilities, particularly veterans who are individuals with disabilities;

(ii) Federal, State, and local agencies having knowledge and expertise in assisting individuals with disabilities, including veterans who are individuals with disabilities; and

(iii) any group or organization, the primary purpose of which is to aid individuals with disabilities or veterans who are individuals with disabilities.

(C) PERMISSIBLE ACTIVITIES.—In carrying out the Telecommuting Pilot Program, the Administrator may—

(i) produce educational materials and conduct presentations designed to raise awareness in the small business community of the benefits and the ease of telecommuting;

(ii) conduct outreach—

(I) to small business concerns that are considering offering telecommuting options; and

(II) as provided in subparagraph (B); and

(iii) acquire telecommuting technologies and equipment to be used for demonstration purposes.

(D) SELECTION OF REGIONS.—In determining which regions will participate in the Telecommuting Pilot Program, the Administrator shall give priority consideration to regions in which Federal agencies and private-sector employers have demonstrated a strong regional commitment to telecommuting.

(2) REPORT TO CONGRESS.—Not later than 2 years after the date on which funds are first appropriated to carry out this subsection, the Administrator shall transmit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing the results of an evaluation of the Telecommuting Pilot Program and any recommendations regarding whether the pilot program, with or without modification, should be extended to include the participation of all regions of the Administration.

(3) TERMINATION.—The Telecommuting Pilot Program shall terminate 4 years after the date on which funds are first appropriated to carry out this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administration $5,000,000 to carry out this subsection.

(e) ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(z) ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.—

''(1) FEDERAL AGENCY ENERGY-RELATED PRIORITY.—In carrying out its duties under this section to SBIR and STTR solicitations by Federal agencies, the Administrator shall—

''(A) ensure that such agencies give high priority to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects; and

''(B) include in the annual report to Congress under subsection (b)(7) a determination of whether the priority described in subparagraph (A) is being carried out.

''(2) CONSULTATION REQUIRED.—The Administrator shall consult with the heads of other Federal agencies and departments in determining whether priority has been given to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects, as required by this section.

''(3) GUIDELINES.—The Administrator shall, as soon as is practicable after the date of enactment of this subsection, issue guidelines and directives to assist Federal agencies in meeting the requirements of this section.

''(4) DEFINITIONS.—In this subsection—

''(A) the term 'biomass'—

''(i) means any organic material that is available on a renewable or recurring basis, including—

''(I) agricultural crops;

''(II) trees grown for energy production;

''(III) wood waste and wood residues;

''(IV) plants (including aquatic plants and grasses);

''(V) residues;

''(VI) fibers;

''(VII) animal wastes and other waste materials; and

''(VIII) fats, oils, and greases (including recycled fats, oils, and greases); and

''(ii) does not include—

''(I) paper that is commonly recycled; or

''(II) unsegregated solid waste;

''(B) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

''(C) the term 'renewable energy system' means a system of energy derived from—

''(i) a wind, solar, biomass (including biodiesel), or geothermal source; or

''(ii) hydrogen derived from biomass or water using an energy source described in clause (i).''.

Subtitle F—Assisting State and Local Governments in Energy Efficiency

SEC. 271. WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking ''$700,000,000 for fiscal year 2008'' and inserting ''$750,000,000 for each of fiscal years 2008 through 2012''.

SEC. 272. STATE ENERGY CONSERVATION PLANS.

Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking ''fiscal year 2008'' and inserting ''each of fiscal years 2008 through 2012''.

SEC. 273. UTILITY ENERGY EFFICIENCY PROGRAMS.

(a) ELECTRIC UTILITIES.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(16) INTEGRATED RESOURCE PLANNING.—Each electric utility shall—

''(A) integrate energy efficiency resources into utility, State, and regional plans; and

''(B) adopt policies establishing cost-effective energy efficiency as a priority resource.

''(17) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

''(A) IN GENERAL.—The rates allowed to be charged by any electric utility shall—

''(i) align utility incentives with the delivery of cost-effective energy efficiency; and

''(ii) promote energy efficiency investments.

''(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

''(i) removing the throughput incentive and other regulatory and management disincentives to energy efficiency;

''(ii) providing utility incentives for the successful management of energy efficiency programs;

''(iii) including the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives;

''(iv) adopting rate designs that encourage energy efficiency for each customer class; and

''(v) allowing timely recovery of energy efficiency-related costs.''.

(b) NATURAL GAS UTILITIES.—Section 303(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 3203(b)) is amended by adding at the end the following:

''(5) ENERGY EFFICIENCY.—Each natural gas utility shall—

''(A) integrate energy efficiency resources into the plans and planning processes of the natural gas utility; and

''(B) adopt policies that establish energy efficiency as a priority resource in the plans and planning processes of the natural gas utility.

''(6) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

''(A) IN GENERAL.—The rates allowed to be charged by a natural gas utility shall align utility incentives with the deployment of cost-effective energy efficiency.

''(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

''(i) separating fixed-cost revenue recovery from the volume of transportation or sales service provided to the customer;

''(ii) providing to utilities incentives for the successful management of energy efficiency programs, such as allowing utilities to retain a portion of the cost-reducing benefits accruing from the programs;

''(iii) promoting the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives; and

''(iv) adopting rate designs that encourage energy efficiency for each customer class.''.

SEC. 274. ENERGY EFFICIENCY AND DEMAND RESPONSE PROGRAM ASSISTANCE.

The Secretary shall provide technical assistance regarding the design and implementation of the energy efficiency and demand response programs established under this title, and the amendments made by this title, to State energy offices, public utility regulatory commissions, and nonregulated utilities through the appropriate national laboratories of the Department of Energy.

SEC. 275. ENERGY AND ENVIRONMENTAL BLOCK GRANT.

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following:

''SEC. 123. ENERGY AND ENVIRONMENTAL BLOCK GRANT.

''(a) DEFINITIONS.—In this section

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) an eligible unit of local government within a State; and

''(C) an Indian tribe.

''(2) ELIGIBLE UNIT OF LOCAL GOVERNMENT.—The term 'eligible unit of local government' means—

''(A) a city with a population—

''(i) of at least 35,000; or

''(ii) that causes the city to be 1 of the top 10 most populous cities of the State in which the city is located; and

''(B) a county with a population—

''(i) of at least 200,000; or

''(ii) that causes the county to be 1 of the top 10 most populous counties of the State in which the county is located.

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(4) STATE.—The term 'State' means—

''(A) a State;

''(B) the District of Columbia;

''(C) the Commonwealth of Puerto Rico; and

''(D) any other territory or possession of the United States.

''(b) PURPOSE.—The purpose of this section is to assist State, Indian tribal, and local governments in implementing strategies—

''(1) to reduce fossil fuel emissions created as a result of activities within the boundaries of the States or units of local government in an environmentally sustainable way that, to the maximum extent practicable, maximizes benefits for local and regional communities;

''(2) to reduce the total energy use of the States, Indian tribes, and units of local government; and

''(3) to improve energy efficiency in the transportation sector, building sector, and any other appropriate sectors.

''(c) PROGRAM.—

''(1) IN GENERAL.—The Secretary shall provide to eligible entities block grants to carry out eligible activities (as specified under paragraph (2)) relating to the implementation of environmentally beneficial energy strategies.

''(2) ELIGIBLE ACTIVITIES.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Transportation, and the Secretary of Housing and Urban Development, shall establish a list of activities that are eligible for assistance under the grant program.

''(3) ALLOCATION TO STATES, INDIAN TRIBES, AND ELIGIBLE UNITS OF LOCAL GOVERNMENT.—

''(A) IN GENERAL.—Of the amounts made available to provide grants under this subsection, the Secretary shall allocate—

''(i) 68 percent to eligible units of local government;

''(ii) 28 percent to States; and

''(iii) 4 percent to Indian tribes.

''(B) DISTRIBUTION TO ELIGIBLE UNITS OF LOCAL GOVERNMENT.—

''(i) IN GENERAL.—The Secretary shall establish a formula for the distribution of amounts under subparagraph (A)(i) to eligible units of local government, taking into account any factors that the Secretary determines to be appropriate, including the residential and daytime population of the eligible units of local government.

''(ii) CRITERIA.—Amounts shall be distributed to eligible units of local government under clause (i) only if the eligible units of local government meet the criteria for distribution established by the Secretary for units of local government.

''(C) DISTRIBUTION TO STATES.—

''(i) IN GENERAL.—Of the amounts provided to States under subparagraph (A)(ii), the Secretary shall distribute—

''(I) at least 1.25 percent to each State; and

''(II) the remainder among the States, based on a formula, to be determined by the Secretary, that takes into account the population of the States and any other criteria that the Secretary determines to be appropriate.

''(ii) CRITERIA.—Amounts shall be distributed to States under clause (i) only if the States meet the criteria for distribution established by the Secretary for States.

''(iii) LIMITATION ON USE OF STATE FUNDS.—At least 40 percent of the amounts distributed to States under this subparagraph shall be used by the States for the conduct of eligible activities in nonentitlement areas in the States, in accordance with any criteria established by the Secretary.

''(D) DISTRIBUTION TO INDIAN TRIBES.—

''(i) IN GENERAL.—The Secretary shall establish a formula for the distribution of amounts under subparagraph (A)(iii) to eligible Indian tribes, taking into account any factors that the Secretary determines to be appropriate, including the residential and daytime population of the eligible Indian tribes.

''(ii) CRITERIA.—Amounts shall be distributed to eligible Indian tribes under clause (i) only if the eligible Indian tribes meet the criteria for distribution established by the Secretary for Indian tribes.

''(4) REPORT.—Not later than 2 years after the date on which an eligible entity first receives a grant under this section, and every 2 years thereafter, the eligible entity shall submit to the Secretary a report that describes any eligible activities carried out using assistance provided under this subsection.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2008 through 2012.

''(d) ENVIRONMENTALLY BENEFICIAL ENERGY STRATEGIES SUPPLEMENTAL GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall provide to each eligible entity that meets the applicable criteria under subparagraph (B)(ii), (C)(ii), or (D)(ii) of subsection (c)(3) a supplemental grant to pay the Federal share of the total costs of carrying out an activity relating to the implementation of an environmentally beneficial energy strategy.

''(2) REQUIREMENTS.—To be eligible for a grant under paragraph (1), an eligible entity shall—

''(A) demonstrate to the satisfaction of the Secretary that the eligible entity meets the applicable criteria under subparagraph (B)(ii), (C)(ii), or (D)(ii) of subsection (c)(3); and

''(B) submit to the Secretary for approval a plan that describes the activities to be funded by the grant.

''(3) COST-SHARING REQUIREMENT.—

''(A) FEDERAL SHARE.—The Federal share of the cost of carrying out any activities under this subsection shall be 75 percent.

''(B) NON-FEDERAL SHARE.—

''(i) FORM.—Not more than 50 percent of the non-Federal share may be in the form of in-kind contributions.

''(ii) LIMITATION.—Amounts provided to an eligible entity under subsection (c) shall not be used toward the non-Federal share.

''(4) MAINTENANCE OF EFFORT.—An eligible entity shall provide assurances to the Secretary that funds provided to the eligible entity under this subsection will be used only to supplement, not to supplant, the amount of Federal, State, tribal, and local funds otherwise expended by the eligible entity for eligible activities under this subsection.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2008 through 2012.

''(e) GRANTS TO OTHER STATES AND COMMUNITIES.—

''(1) IN GENERAL.—Of the total amount of funds that are made available each fiscal year to carry out this section, the Secretary shall use 2 percent of the amount to make competitive grants under this section to States, Indian tribes, and units of local government that are not eligible entities or to consortia of such units of local government.

''(2) APPLICATIONS.—To be eligible for a grant under this subsection, a State, Indian tribe, unit of local government, or consortia described in paragraph (1) shall apply to the Secretary for a grant to carry out an activity that would otherwise be eligible for a grant under subsection (c) or (d).

''(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to—

''(A) States with populations of less than 2,000,000; and

''(B) projects that would result in significant energy efficiency improvements, reductions in fossil fuel use, or capital improvements.''.

SEC. 276. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.

Part G of title III of the Energy Policy and Conservation Act is amended by inserting after section 399 (42 U.S.C. 371h) the following:

"SEC. 399A. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.

''(a) DEFINITIONS.—In this section:

''(1) ENERGY SUSTAINABILITY.—The term 'energy sustainability' includes using a renewable energy resource and a highly efficient technology for electricity generation, transportation, heating, or cooling.

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

''(b) GRANTS FOR ENERGY EFFICIENCY IMPROVEMENT.—

''(1) IN GENERAL.—The Secretary shall award not more than 100 grants to institutions of higher education to carry out projects to improve energy efficiency on the grounds and facilities of the institution of higher education, including not less than 1 grant to an institution of higher education in each State.

''(2) CONDITION.—As a condition of receiving a grant under this subsection, an institution of higher education shall agree to—

''(A) implement a public awareness campaign concerning the project in the community in which the institution of higher education is located; and

''(B) submit to the Secretary, and make available to the public, reports on any efficiency improvements, energy cost savings, and environmental benefits achieved as part of a project carried out under paragraph (1).

''(c) GRANTS FOR INNOVATION IN ENERGY SUSTAINABILITY.—

''(1) IN GENERAL.—The Secretary shall award not more than 250 grants to institutions of higher education to engage in innovative energy sustainability projects, including not less than 2 grants to institutions of higher education in each State.

''(2) INNOVATION PROJECTS.—An innovation project carried out with a grant under this subsection shall—

''(A) involve—

''(i) an innovative technology that is not yet commercially available; or

''(ii) available technology in an innovative application that maximizes energy efficiency and sustainability;

''(B) have the greatest potential for testing or demonstrating new technologies or processes; and

''(C) ensure active student participation in the project, including the planning, implementation, evaluation, and other phases of the project.

''(3) CONDITION.—As a condition of receiving a grant under this subsection, an institution of higher education shall agree to submit to the Secretary, and make available to the public, reports that describe the results of the projects carried out under paragraph (1).

''(d) AWARDING OF GRANTS.—

''(1) APPLICATION.—An institution of higher education that seeks to receive a grant under this section may submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary may prescribe.

''(2) SELECTION.—The Secretary shall establish a committee to assist in the selection of grant recipients under this section.

''(e) ALLOCATION TO INSTITUTIONS OF HIGHER EDUCATION WITH SMALL ENDOWMENTS.—Of the amount of grants provided for a fiscal year under this section, the Secretary shall provide not less 50 percent of the amount to institutions of higher education that have an endowment of not more than $100,000,000, with 50 percent of the allocation set aside for institutions of higher education that have an endowment of not more than $50,000,000.

''(f) GRANT AMOUNTS.—The maximum amount of grants for a project under this section shall not exceed—

''(1) in the case of grants for energy efficiency improvement under subsection (b), $1,000,000; or

''(2) in the case of grants for innovation in energy sustainability under subsection (c), $500,000.

''(g) 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 2012.''.

SEC. 277. ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.

Section 1101 of the Energy Policy Act of 2005 (42 U.S.C. 16411) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c), the following:

''(d) ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.—

''(1) PURPOSE.—It is the purpose of this subsection to—

''(A) create a sustainable, comprehensive public program that provides quality training that is linked to jobs that are created through renewable energy and energy efficiency initiatives;

''(B) satisfy industry demand for a skilled workforce, to support economic growth, to boost America's global competitiveness in the expanding energy efficiency and renewable energy industries, and to provide economic self-sufficiency and family-sustaining jobs for America's workers, including low wage workers, through quality training and placement in job opportunities in the growing energy efficiency and renewable energy industries;

''(C) provide grants for the safety, health, and skills training and education of workers who are, or may be engaged in, activities related to the energy efficiency and renewable energy industries; and

''(D) provide funds for national and State industry-wide research, labor market information and labor exchange programs, and the development of nationally and State administered training programs.

''(2) GRANT PROGRAM.—

''(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Labor (referred to in this subsection as the 'Secretary'), in consultation with the Secretary of Energy, shall establish an energy efficiency and renewable energy worker training program under which the Secretary shall carry out the activities described in paragraph (3) to achieve the purposes of this subsection.

''(B) ELIGIBILITY.—For purposes of providing assistance and services under the program established under this subsection—

''(i) target populations of individuals eligible for training and other services shall include, but not be limited to—

''(I) veterans, or past and present members of the reserve components of the Armed Forces;

''(II) workers affected by national energy and environmental policy;

''(III) workers displaced by the impacts of economic globalization;

''(IV) individuals, including at-risk youth, seeking employment pathways out of poverty and into economic self-sufficiency;

''(V) formerly incarcerated, adjudicated, nonviolent offenders; and

''(VI) individuals in need of updated training related to the energy efficiency and renewable energy industries; and

''(ii) energy efficiency and renewable energy industries eligible for such assistance and services shall include—

''(I) the energy-efficient building, construction, and retrofits industries;

''(II) the renewable electric power industry;

''(III) the energy efficient and advanced drive train vehicle industry;

''(IV) the bio-fuels industry; and

''(V) the deconstruction and materials use industries.

''(3) ACTIVITIES.—

''(A) NATIONAL RESEARCH PROGRAM.—Under the program established under paragraph (2), the Secretary, acting through the Bureau of Labor Statistics, shall provide assistance to support national research to develop labor market data and to track future workforce trends resulting from energy-related initiatives carried out under this section. Activities carried out under this paragraph shall include—

''(i) linking research and development in renewable energy and energy efficiency technology with the development of standards and curricula for current and future jobs;

''(ii) the tracking and documentation of academic and occupational competencies as well as future skill needs with respect to renewable energy and energy efficiency technology;

''(iii) tracking and documentation of occupational information and workforce training data with respect to renewable energy and energy efficiency technology;

''(iv) assessing new employment and work practices including career ladder and upgrade training as well as high performance work systems; and

''(v) collaborating with State agencies, industry, organized labor, and community and nonprofit organizations to disseminate successful innovations for labor market services and worker training with respect to renewable energy and energy efficiency technology.

''(B) NATIONAL ENERGY TRAINING PARTNERSHIP GRANTS.—

''(i) IN GENERAL.—Under the program established under paragraph (2), the Secretary shall award National Energy Training Partnerships Grants on a competitive basis to eligible entities to enable such entities to carry out national training that leads to economic self-sufficiency and to develop an energy efficiency and renewable energy industries workforce. Grants shall be awarded under this subparagraph so as to ensure geographic diversity with at least 2 grants awarded to entities located in each of the 4 Petroleum Administration for Defense Districts with no subdistricts and at least 1 grant awarded to an entity located in each of the subdistricts of the Petroleum Administration for Defense District with subdistricts.

''(ii) ELIGIBILITY.—To be eligible to receive a grant under clause (i), an entity shall be a nonprofit partnership that—

''(I) includes the equal participation of industry, including public or private employers, and labor organizations, including joint labor-management training programs, and may include community-based organizations, educational institutions, small businesses, cooperatives, State and local veterans agencies, and veterans service organizations; and

''(II) demonstrates—

''(aa) experience in implementing and operating worker skills training and education programs;

''(bb) the ability to identify and involve in training programs carried out under this grant, target populations of workers who are, or will be engaged in, activities related to energy efficiency and renewable energy industries; and

''(cc) the ability to help workers achieve economic self-sufficiency.

''(iii) ACTIVITIES.—Activities to be carried out under a grant under this subparagraph may include—

''(I) the provision of occupational skills training, including curriculum development, on-the-job training, and classroom training;

''(II) the provision of safety and health training;

''(III) the provision of basic skills, literacy, GED, English as a second language, and job readiness training;

''(IV) individual referral and tuition assistance for a community college training program;

''(V) the provision of customized training in conjunction with an existing registered apprenticeship program or labor-management partnership;

''(VI) the provision of career ladder and upgrade training; and

''(VII) the implementation of transitional jobs strategies.

''(C) STATE LABOR MARKET RESEARCH, INFORMATION, AND LABOR EXCHANGE RESEARCH PROGRAM.—

''(i) IN GENERAL.—Under the program established under paragraph (2), the Secretary shall award competitive grants to States to enable such States to administer labor market and labor exchange informational programs that include the implementation of the activities described in clause (ii).

''(ii) ACTIVITIES.—A State shall use amounts awarded under a grant under this subparagraph to provide funding to the State agency that administers the Wagner-Peyser Act and State unemployment compensation programs to carry out the following activities using State agency merit staff:

''(I) The identification of job openings in the renewable energy and energy efficiency sector.

''(II) The administration of skill and aptitude testing and assessment for workers.

''(III) The counseling, case management, and referral of qualified job seekers to openings and training programs, including energy efficiency and renewable energy training programs.

''(D) STATE ENERGY TRAINING PARTNERSHIP PROGRAM.—

''(i) IN GENERAL.—Under the program established under paragraph (2), the Secretary shall award competitive grants to States to enable such States to administer renewable energy and energy efficiency workforce development programs that include the implementation of the activities described in clause (ii).

''(ii) ACTIVITIES.—

''(I) IN GENERAL.—A State shall use amounts awarded under a grant under this subparagraph to award competitive grants to eligible State Energy Sector Partnerships to enable such Partnerships to coordinate with existing apprenticeship and labor management training programs and implement training programs that lead to the economic self-sufficiency of trainees.

''(II) ELIGIBILITY.—To be eligible to receive a grant under this subparagraph, a State Energy Sector Partnership shall—

''(aa) consist of non-profit organizations that include equal participation from industry, including public or private nonprofit employers, and labor organizations, including joint labor-management training programs, and may include representatives from local governments, worker investment agency one-stop career centers, community based organizations, community colleges, other post-secondary institutions, small businesses, cooperatives, State and local veterans agencies, and veterans service organizations;

''(bb) demonstrate experience in implementing and operating worker skills training and education programs; and

''(cc) demonstrate the ability to identify and involve in training programs, target populations of workers who are, or will be engaged in, activities related to energy efficiency and renewable energy industries.

''(iii) PRIORITY.—In awarding grants under this subparagraph, the Secretary shall give priority to States that demonstrate linkages of activities under the grant with—

''(I) meeting national energy policies associated with energy efficiency, renewable energy, and the reduction of emissions of greenhouse gases; and

''(II) meeting State energy policies associated with energy efficiency, renewable energy, and the reduction of emissions of greenhouse gases.

''(iv) COORDINATION.—A grantee under this subparagraph shall coordinate activities carried out under the grant with existing apprenticeship and labor management training programs and implement training programs that lead to the economic self-sufficiency of trainees, including providing—

''(I) outreach and recruitment services, in coordination with the appropriate State agency;

''(II) occupational skills training, including curriculum development, on-the-job training, and classroom training;

''(III) safety and health training;

''(IV) basic skills, literacy, GED, English as a second language, and job readiness training;

''(V) individual referral and tuition assistance for a community college training program;

''(VI) customized training in conjunction with an existing registered apprenticeship program or labor-management partnership;

''(VII) career ladder and upgrade training; and

''(VIII) services under transitional jobs strategies.

''(4) WORKER PROTECTIONS AND NON-DISCRIMINATION REQUIREMENTS.—

''(A) APPLICATION OF WIA.—The provisions of sections 181 and 188 of the Workforce Investment Act of 1998 (29 U.S.C. 2931 and 2938) shall apply to all programs carried out with assistance under this subsection.

''(B) CONSULTATION WITH LABOR ORGANIZATIONS.—If a labor organization represents a substantial number of workers who are engaged in similar work or training in an area that is the same as the area that is proposed to be funded under this subsection, the labor organization shall be provided an opportunity to be consulted and to submit comments in regard to such a proposal.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $100,000,000 for each fiscal year, of which—

''(A) not to exceed 20 percent of the amount appropriated in each fiscal year shall be made available for, and shall be equally divided between, national labor market research and information under paragraph (3)(A) and State labor market information and labor exchange research under paragraph (3)(C); and

''(B) the remainder shall be divided equally between National Energy Partnership Training Grants under paragraph (3)(B) and State energy training partnership grants under paragraph (3)(D).

''(6) DEFINITION.—In this subsection, the term 'renewable electric power' has the meaning given the term 'renewable energy' in section 203(b)(2) of the Energy Policy Act of 2005 (Public Law 109–58).''.

SEC. 278. ASSISTANCE TO STATES TO REDUCE SCHOOL BUS IDLING.

(a) STATEMENT OF POLICY.—Congress encourages each local educational agency (as defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26))) that receives Federal funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to develop a policy to reduce the incidence of school bus idling at schools while picking up and unloading students.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, working in coordination with the Secretary of Education, $5,000,000 for each of fiscal years 2007 through 2012 for use in educating States and local education agencies about—

(1) benefits of reducing school bus idling; and

(2) ways in which school bus idling may be reduced.

SEC. 279. 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.''.

SEC. 280. COORDINATION OF PLANNED REFINERY OUTAGES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Energy Information Administration.

(2) PLANNED REFINERY OUTAGE.—

(A) IN GENERAL.—The term ''planned refinery outage'' means a removal, scheduled before the date on which the removal occurs, of a refinery, or any unit of a refinery, from service for maintenance, repair, or modification.

(B) EXCLUSION.—The term ''planned refinery outage'' does not include any necessary and unplanned removal of a refinery, or any unit of a refinery, from service as a result of a component failure, safety hazard, emergency, or action reasonably anticipated to be necessary to prevent such events.

(3) REFINED PETROLEUM PRODUCT.—The term ''refined petroleum product'' means any gasoline, diesel fuel, fuel oil, lubricating oil, liquid petroleum gas, or other petroleum distillate that is produced through the refining or processing of crude oil or an oil derived from tar sands, shale, or coal.

(4) REFINERY.—The term ''refinery'' means a facility used in the production of a refined petroleum product through distillation, cracking, or any other process.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) REVIEW AND ANALYSIS OF AVAILABLE INFORMATION.—The Administrator shall, on an ongoing basis—

(1) review information on planned refinery outages that is available from commercial reporting services;

(2) analyze that information to determine whether the scheduling of a planned refinery outage may nationally or regionally affect the price or supply of any refined petroleum product by—

(A) decreasing the production of the refined petroleum product; and

(B) causing or contributing to a retail or wholesale supply shortage or disruption;

(3) not less frequently than twice each year, submit to the Secretary a report describing the results of the review and analysis under paragraphs (1) and (2); and

(4) specifically alert the Secretary of any planned refinery outage that the Administrator determines may nationally or regionally affect the price or supply of a refined petroleum product.

(c) ACTION BY SECRETARY.—On a determination by the Secretary, based on a report or alert under paragraph (3) or (4) of subsection (b), that a planned refinery outage may affect the price or supply of a refined petroleum product, the Secretary shall make available to refinery operators information on planned refinery outages to encourage reductions of the quantity of refinery capacity that is out of service at any time.

(d) LIMITATION.—Nothing in this section shall alter any existing legal obligation or responsibility of a refinery operator, or create any legal right of action, nor shall this section authoirze the Secretary—

(1) to prohibit a refinery operator from conducting a planned refinery outage; or

(2) to require a refinery operator to continue to operate a refinery.

SEC. 281. TECHNICAL CRITERIA FOR CLEAN COAL POWER INITIATIVE.

Section 402(b)(1)(B)(ii) of the Energy Policy Act of 2005 (42 U.S.C. 15962(b)(1)(B)(ii)) is amended by striking subclause (I) and inserting the following:

''(I)(aa) to remove at least 99 percent of sulfur dioxide; or

''(bb) to emit not more than 0.04 pound SO_2 per million Btu, based on a 30-day average;''.

SEC. 282. ADMINISTRATION.

Section 106 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720d) is amended by adding at the end the following:

''(h) ADMINISTRATION.—

''(1) PERSONNEL APPOINTMENTS.—

''(A) IN GENERAL.—The Federal Coordinator may appoint and terminate such personnel as

the Federal Coordinator determines to be appropriate.

''(B) AUTHORITY OF FEDERAL COORDINATOR.—Personnel appointed by the Federal Coordinator under subparagraph (A) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

''(2) COMPENSATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), personnel appointed by the Federal Coordinator under paragraph (1)(A) shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code (relating to classification and General Schedule pay rates).

''(B) MAXIMUM LEVEL OF COMPENSATION.—The rate of pay for personnel appointed by the Federal Coordinator under paragraph (1)(A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule.

''(C) APPLICABILITY OF SECTION 5941.—Section 5941 of title 5, United States Code, shall apply to personnel appointed by the Federal Coordinator under paragraph (1)(A).

''(3) TEMPORARY SERVICES.—

''(A) IN GENERAL.—The Federal Coordinator may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code.

''(B) MAXIMUM LEVEL OF COMPENSATION.—The level of compensation of an individual employed on a temporary or intermittent basis under subparagraph (A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule.

''(4) FEES, CHARGES, AND COMMISSIONS.—

''(A) IN GENERAL.—The Federal Coordinator shall have the authority to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds as provided to the Secretary of the Interior in section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734), except that the authority shall be with respect to the duties of the Federal Coordinator, as delineated in the Alaska Natural Gas Pipeline Act (15 U.S.C. 720 et seq.), as amended.

''(B) AUTHORITY OF SECRETARY OF THE INTERIOR.—Subparagraph (A) shall not affect the authority of the Secretary of the Interior to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds under section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

''(C) USE OF FUNDS.—The Federal Coordinator is authorized to use, without further appropriation, amounts collected under subparagraph (A) to carry out this section.''.

SEC. 283. OFFSHORE RENEWABLE ENERGY.

(a) LEASES, EASEMENTS, OR RIGHTS-OF-WAY FOR ENERGY AND RELATED PURPOSES.—Section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)) is amended—

(1) by inserting after ''Secretary of the Department in which the Coast Guard is operating'' the following: '', the Secretary of Commerce,'';

(2) by striking paragraph (3) and inserting the following:

''(3) COMPETITIVE OR NONCOMPETITIVE BASIS.—Any lease, easement, or right-of-way under paragraph (1) shall be issued on a competitive basis, unless—

''(A) the lease, easement, or right-of-way relates to a project that meets the criteria established under section 388(d) of the Energy Policy Act of 2005 (43 U.S.C. 1337 note; Public Law 109–58);

''(B) the lease, easement, or right-of-way—

''(i) is for the placement and operation of a meteorological or marine data collection facility; and

''(ii) has a term of not more than 5 years; or

''(C) the Secretary determines, after providing public notice of a proposed lease, easement, or right-of-way, that no competitive interest exists.''; and

(3) by adding at the end the following:

''(11) CLARIFICATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Federal Energy Regulatory Commission shall not have authority to approve or license a wave or current energy project on the outer Continental Shelf under part I of the Federal Power Act (16 U.S.C. 792 et seq.)

''(B) TRANSMISSION OF POWER.—Subparagraph (A) shall not affect any authority of the Commission with respect to the transmission of power generated from a project described in subparagraph (A).''.

(b) CONSIDERATION OF CERTAIN REQUESTS FOR AUTHORIZATION.—In considering a request for authorization of a project pending before the Commission on the outer Continental Shelf as of the date of enactment of this Act, the Secretary of the Interior shall rely, to the maximum extent practicable, on the materials submitted to the Commission before that date.

(c) SAVINGS PROVISION.—Nothing in this section or an amendment made by this section requires the resubmission of any document that was previously submitted, or the reauthorization of any action that was previously authorized, with respect to a project on the outer Continental Shelf, for which a preliminary permit was issued by the Commission before the date of enactment of this Act.

Subtitle G—Marine and Hydrokinetic Renewable Energy Promotion

SEC. 291. DEFINITION OF MARINE AND HYDROKINETIC RENEWABLE ENERGY.

(a) IN GENERAL.—In this subtitle, 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 nonmechanical structures to accelerate the flow of water for electric power production purposes; and

(4) differentials in ocean temperature (ocean thermal energy conversion).

(b) EXCLUSION.—Except as provided in subsection (a)(3), the term ''marine and hydrokinetic renewable energy'' does not include energy from any source that uses a dam, diversionary structure, or impoundment for electric power purposes.

SEC. 292. RESEARCH AND DEVELOPMENT.

(a) PROGRAM.—The Secretary, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall establish a program of marine and hydrokinetic renewable energy research, including—

(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 conjunction with the Secretary of Commerce and the Secretary of the Interior, the potential environmental impacts of marine and hydrokinetic renewable energy technologies and measures to minimize or prevent adverse impacts, and technologies and other means available for monitoring and determining environmental impacts;

(7) identifying, in conjunction with the Commandant of the United States Coast Guard, the potential navigational impacts of marine and hydrokinetic renewable energy technologies and measures to minimize or prevent adverse impacts;

(8) standards development, demonstration, and technology transfer for advanced systems engineering and system integration methods to identify critical interfaces; and

(9) providing public information and opportunity for public comment concerning all technologies.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall provide to the appropriate committees of Congress a report that addresses—

(1) the potential environmental impacts of hydrokinetic renewable energy technologies in free-flowing water in rivers, lakes, and streams;

(2) the means by which to minimize or prevent any adverse environmental impacts;

(3) the potential role of monitoring and adaptive management in addressing any adverse environmental impacts; and

(4) the necessary components of such an adaptive management program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $50,000,000 for each of the fiscal years 2008 through 2017.

SEC. 293. NATIONAL OCEAN ENERGY RESEARCH CENTERS.

(a) IN GENERAL.—Subject to the availability of appropriations under subsection (e), 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) COORDINATION.—Prior to carrying out any activity under this section in waters subject to the jurisdiction of the United States, the Secretary shall identify, in conjunction with the Secretary of Commerce and the Secretary of Interior, the potential environmental impacts of such activity and measures to minimize or prevent adverse impacts.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriate such sums as are necessary to carry out this section.

TITLE III—CARBON CAPTURE AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION

SEC. 301. SHORT TITLE.

This title may be cited as the ''Carbon Capture and Sequestration Act of 2007''.

SEC. 302. CARBON CAPTURE AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

*(1) in the section heading, by striking ''**RESEARCH AND DEVELOPMENT**'' and inserting ''**AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION**'';*

(2) in subsection (a)—

(A) by striking ''research and development'' and inserting ''and storage research, development, and demonstration''; and

(B) by striking ''capture technologies on combustion-based systems'' and inserting ''capture and storage technologies related to energy systems'';

(3) in subsection (b)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) to expedite and carry out large-scale testing of carbon sequestration systems in a range of geological formations that will provide information on the cost and feasibility of deployment of sequestration technologies.''; and

(4) by striking subsection (c) and inserting the following:

''(c) PROGRAMMATIC ACTIVITIES.—

''(1) ENERGY RESEARCH AND DEVELOPMENT UNDERLYING CARBON CAPTURE AND STORAGE TECHNOLOGIES AND CARBON USE ACTIVITIES.—

''(A) IN GENERAL.—The Secretary shall carry out fundamental science and engineering research (including laboratory-scale experiments, numeric modeling, and simulations) to develop and document the performance of new approaches to capture and store, recycle, or reuse carbon dioxide.

''(B) PROGRAM INTEGRATION.—The Secretary shall ensure that fundamental research carried out under this paragraph is appropriately applied to energy technology development activities, the field testing of carbon sequestration, and carbon use activities, including—

''(i) development of new or improved technologies for the capture and storage of carbon dioxide;

''(ii) development of new or improved technologies that reduce the cost and increase the efficacy of advanced compression of carbon dioxide required for the storage of carbon dioxide;

''(iii) modeling and simulation of geological sequestration field demonstrations;

''(iv) quantitative assessment of risks relating to specific field sites for testing of sequestration technologies;

''(v) research and development of new and improved technologies for—

''(I) carbon use, including recycling and reuse of carbon dioxide; and

''(II) the containment of carbon dioxide in the form of solid materials or products derived from a gasification technology that does not involve geologic containment or injection; and

''(vi) research and development of new and improved technologies for oxygen separation from air.

''(2) FIELD VALIDATION TESTING ACTIVITIES.—

''(A) IN GENERAL.—The Secretary shall promote, to the maximum extent practicable, regional carbon sequestration partnerships to conduct geologic sequestration tests involving carbon dioxide injection and monitoring, mitigation, and verification operations in a variety of candidate geological settings, including—

''(i) operating oil and gas fields;

''(ii) depleted oil and gas fields;

''(iii) unmineable coal seams;

''(iv) deep saline formations;

''(v) deep geological systems that may be used as engineered reservoirs to extract economical quantities of heat from geothermal resources of low permeability or porosity;

''(vi) deep geologic systems containing basalt formations; and

''(vii) coal-bed methane recovery.

''(B) OBJECTIVES.—The objectives of tests conducted under this paragraph shall be—

''(i) to develop and validate geophysical tools, analysis, and modeling to monitor, predict, and verify carbon dioxide containment;

''(ii) to validate modeling of geological formations;

''(iii) to refine storage capacity estimated for particular geological formations;

''(iv) to determine the fate of carbon dioxide concurrent with and following injection into geological formations;

''(v) to develop and implement best practices for operations relating to, and monitoring of, injection and storage of carbon dioxide in geologic formations;

''(vi) to assess and ensure the safety of operations related to geological storage of carbon dioxide; and

''(vii) to allow the Secretary to promulgate policies, procedures, requirements, and guidance to ensure that the objectives of this subparagraph are met in large-scale testing and deployment activities for carbon capture and storage that are funded by the Department of Energy.

''(3) LARGE-SCALE TESTING AND DEPLOYMENT.—

''(A) IN GENERAL.—The Secretary shall conduct not less than 7 initial large-volume sequestration tests involving at least 1,000,000 tons of carbon dioxide per year for geological containment of carbon dioxide (at least 1 of which shall be international in scope) to collect and validate information on the cost and feasibility of commercial deployment of technologies for geological containment of carbon dioxide.

''(B) DIVERSITY OF FORMATIONS TO BE STUDIED.—In selecting formations for study under this paragraph, the Secretary shall consider a variety of geological formations across the United States, and require characterization and modeling of candidate formations, as determined by the Secretary.

''(4) PREFERENCE IN PROJECT SELECTION FROM MERITORIOUS PROPOSALS.—In making competitive awards under this subsection, subject to the requirements of section 989, the Secretary shall give preference to proposals from partnerships among industrial, academic, and government entities.

''(5) COST SHARING.—Activities under this subsection shall be considered research and development activities that are subject to the cost-sharing requirements of section 988(b).

''(6) PROGRAM REVIEW AND REPORT.—During fiscal year 2011, the Secretary shall—

''(A) conduct a review of programmatic activities carried out under this subsection; and

''(B) make recommendations with respect to continuation of the activities.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $150,000,000 for fiscal year 2008;

''(2) $200,000,000 for fiscal year 2009;

''(3) $200,000,000 for fiscal year 2010;

''(4) $180,000,000 for fiscal year 2011; and

''(5) $165,000,000 for fiscal year 2012.''.

SEC. 303. CARBON DIOXIDE STORAGE CAPACITY ASSESSMENT.

(a) DEFINITIONS.—In this section

(1) ASSESSMENT.—The term ''assessment'' means the national assessment of capacity for carbon dioxide completed under subsection (f).

(2) CAPACITY.—The term ''capacity'' means the portion of a storage formation that can retain carbon dioxide in accordance with the requirements (including physical, geological, and economic requirements) established under the methodology developed under subsection (b).

(3) ENGINEERED HAZARD.—The term ''engineered hazard'' includes the location and completion history of any well that could affect potential storage.

(4) RISK.—The term ''risk'' includes any risk posed by geomechanical, geochemical, hydrogeological, structural, and engineered hazards.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(6) STORAGE FORMATION.—The term ''storage formation'' means a deep saline formation, unmineable coal seam, or oil or gas reservoir that is capable of accommodating a volume of industrial carbon dioxide.

(b) METHODOLOGY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting an assessment under subsection (f), taking into consideration—

(1) the geographical extent of all potential storage formations in all States;

(2) the capacity of the potential storage formations;

(3) the injectivity of the potential storage formations;

(4) an estimate of potential volumes of oil and gas recoverable by injection and storage of industrial carbon dioxide in potential storage formations;

(5) the risk associated with the potential storage formations; and

(6) the work done to develop the Carbon Sequestration Atlas of the United States and Canada that was completed by the Department of Energy.

(c) COORDINATION.—

(1) FEDERAL COORDINATION.—

(A) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on issues of data sharing, format, development of the methodology, and content of the assessment required under this title to ensure the maximum usefulness and success of the assessment.

(B) COOPERATION.—The Secretary of Energy and the Administrator shall cooperate with the Secretary to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(2) STATE COORDINATION.—The Secretary shall consult with State geological surveys and other relevant entities to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(d) EXTERNAL REVIEW AND PUBLICATION.—On completion of the methodology under subsection (b), the Secretary shall—

(1) publish the methodology and solicit comments from the public and the heads of affected Federal and State agencies;

(2) establish a panel of individuals with expertise in the matters described in paragraphs (1) through (5) of subsection (b) composed, as appropriate, of representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international geoscience organizations to review the methodology and comments received under paragraph (1); and

(3) on completion of the review under paragraph (2), publish in the Federal Register the revised final methodology.

(e) PERIODIC UPDATES.—The methodology developed under this section shall be updated periodically (including at least once every 5 years) to incorporate new data as the data becomes available.

(f) NATIONAL ASSESSMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of publication of the methodology under subsection (d)(1), the Secretary, in consultation with the Secretary of Energy and State geological surveys, shall complete a national assessment of capacity for carbon dioxide in accordance with the methodology.

(2) GEOLOGICAL VERIFICATION.—As part of the assessment under this subsection, the Secretary shall carry out a drilling program to supplement the geological data relevant to determining storage capacity of carbon dioxide in geological storage formations, including—

(A) well log data;

(B) core data; and

(C) fluid sample data.

(3) PARTNERSHIP WITH OTHER DRILLING PROGRAMS.—As part of the drilling program under paragraph (2), the Secretary shall enter, as appropriate, into partnerships with other entities to collect and integrate data from other drilling programs relevant to the storage of carbon dioxide in geologic formations.

(4) INCORPORATION INTO NATCARB.—

(A) IN GENERAL.—On completion of the assessment, the Secretary of Energy and the Secretary of the Interior shall incorporate the results of the assessment using—

(i) the NatCarb database, to the maximum extent practicable; or

(ii) a new database developed by the Secretary of Energy, as the Secretary of Energy determines to be necessary.

(B) RANKING.—The database shall include the data necessary to rank potential storage sites for capacity and risk, across the United States,

within each State, by formation, and within each basin.

(5) REPORT.—Not later than 180 days after the date on which the assessment is completed, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings under the assessment.

(6) PERIODIC UPDATES.—The national assessment developed under this section shall be updated periodically (including at least once every 5 years) to support public and private sector decisionmaking.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for the period of fiscal years 2008 through 2012.

SEC. 304. CARBON CAPTURE AND STORAGE INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) INDUSTRIAL SOURCES OF CARBON DIOXIDE.—The term ''industrial sources of carbon dioxide'' means one or more facilities to—

(A) generate electric energy from fossil fuels;

(B) refine petroleum;

(C) manufacture iron or steel;

(D) manufacture cement or cement clinker;

(E) manufacture commodity chemicals (including from coal gasification);

(F) manufacture transportation fuels from coal; or

(G) manufacture biofuels.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) PROGRAM ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall carry out a program to demonstrate technologies for the large-scale capture of carbon dioxide from industrial sources of carbon dioxide.

(2) SCOPE OF AWARD.—An award under this section shall be only for the portion of the project that—

(A) carries out the large-scale capture (including purification and compression) of carbon dioxide;

(B) provides for the cost of transportation and injection of carbon dioxide; and

(C) incorporates a comprehensive measurement, monitoring, and validation program.

(3) QUALIFICATIONS FOR AWARD.—To be eligible for an award under this section, a project proposal must include the following:

(A) CAPACITY.—The capture of not less than eighty-five percent of the produced carbon dioxide at the facility, and not less than 500,000 short tons of carbon dioxide per year.

(B) STORAGE AGREEMENT.—A binding agreement for the storage of all of the captured carbon dioxide in—

(i) a field testing validation activity under section 963 of the Energy Policy Act of 2005, as amended by this Act; or

(ii) other geological storage projects approved by the Secretary.

(C) PURITY LEVEL.—A purity level of at least 95 percent carbon dioxide by volume for the captured carbon dioxide delivered for storage.

(D) COMMITMENT TO CONTINUED OPERATION OF SUCCESSFUL UNIT.—If the project successfully demonstrates capture and storage of carbon dioxide, a commitment to continued capture and storage of carbon dioxide after the conclusion of the demonstration.

(4) COST-SHARING.—The cost-sharing requirements of section 988 of the Energy Policy Act of 2005 shall apply to this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $100,000,000 per year for fiscal years 2009 through 2013.

SEC. 305. CAPITOL POWER PLANT CARBON DIOXIDE EMISSIONS DEMONSTRATION PROGRAM.

The first section of the Act of March 4, 1911 (2 U.S.C. 2162; 36 Stat. 1414, chapter 285), is amended in the seventh undesignated paragraph (relating to the Capitol power plant), under the heading ''PUBLIC BUILDINGS'', under the heading ''UNDER THE DEPARTMENT OF THE INTERIOR''—

(1) by striking ''ninety thousand dollars:'' and inserting ''$90,000.''; and

(2) by striking ''Provided, That hereafter the'' and all that follows through the end of the proviso and inserting the following:

''(a) DESIGNATION.—The heating, lighting, and power plant constructed under the terms of the Act approved April 28, 1904 (33 Stat. 479, chapter 1762), shall be known as the 'Capitol power plant', and all vacancies occurring in the force operating that plant and the substations in connection with the plant shall be filled by the Architect of the Capitol, with the approval of the commission in control of the House Office Building appointed under the first section of the Act of March 4, 1907 (2 U.S.C. 2001).

''(b) CAPITOL POWER PLANT CARBON DIOXIDE EMISSIONS DEMONSTRATION PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(B) CARBON DIOXIDE ENERGY EFFICIENCY.—The term 'carbon dioxide energy efficiency', with respect to a project, means the quantity of electricity used to power equipment for carbon dioxide capture and storage or use.

''(C) PROGRAM.—The term 'program' means the competitive grant demonstration program established under paragraph (2)(B).

''(2) ESTABLISHMENT OF PROGRAM.—

''(A) FEASIBILITY STUDY.—Not later than 180 days after the date of enactment of this section, the Architect of the Capitol, in cooperation with the Administrator, shall complete a feasibility study evaluating the available methods to proceed with the project and program established under this section, taking into consideration—

''(i) the availability of carbon capture technologies;

''(ii) energy conservation and carbon reduction strategies; and

''(iii) security of operations at the Capitol power plant.

''(B) COMPETITIVE GRANT PROGRAM.—The Architect of the Capitol, in cooperation with the Administrator, shall establish a competitive grant demonstration program under which the Architect of the Capitol shall, subject to the availability of appropriations, provide to eligible entities, as determined by the Architect of the Capitol, in cooperation with the Administrator, grants to carry out projects to demonstrate, during the 2-year period beginning on the date of enactment of this subsection, the capture and storage or use of carbon dioxide emitted from the Capitol power plant as a result of burning coal.

''(3) REQUIREMENTS.—

''(A) PROVISION OF GRANTS.—

''(i) IN GENERAL.—The Architect of the Capitol, in cooperation with the Administrator, shall provide the grants under the program on a competitive basis.

''(ii) FACTORS FOR CONSIDERATION.—In providing grants under the program, the Architect of the Capitol, in cooperation with the Administrator, shall take into consideration—

''(I) the practicability of conversion by the proposed project of carbon dioxide into useful products, such as transportation fuel;

''(II) the carbon dioxide energy efficiency of the proposed project; and

''(III) whether the proposed project is able to reduce more than 1 air pollutant regulated under this Act.

''(B) REQUIREMENTS FOR ENTITIES.—An entity that receives a grant under the program shall—

''(i) use to carry out the project of the entity a technology designed to reduce or eliminate emission of carbon dioxide that is in existence on the date of enactment of this subsection that has been used—

''(I) by not less than 3 other facilities (including a coal-fired power plant); and

''(II) on a scale of not less than 5 times the size of the proposed project of the entity at the Capitol power plant; and

''(ii) carry out the project of the entity in consultation with, and with the concurrence of, the Architect of the Capitol and the Administrator.

''(C) CONSISTENCY WITH CAPITOL POWER PLANT MODIFICATIONS.—The Architect of the Capitol may require changes to a project under the program that are necessary to carry out any modifications to be made to the Capitol power plant.

''(4) INCENTIVE.—In addition to the grant under this subsection, the Architect of the Capitol may provide to an entity that receives such a grant an incentive award in an amount equal to not more than $50,000, of which—

''(A) $15,000 shall be provided after the project of the entity has sustained operation for a period of 100 days, as determined by the Architect of the Capitol;

''(B) $15,000 shall be provided after the project of the entity has sustained operation for a period of 200 days, as determined by the Architect of the Capitol; and

''(C) $20,000 shall be provided after the project of the entity has sustained operation for a period of 300 days, as determined by the Architect of the Capitol.

''(5) TERMINATION.—The program shall terminate on the date that is 2 years after the date of enactment of this subsection.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $3,000,000.''.

SEC. 306. ASSESSMENT OF CARBON SEQUESTRATION AND METHANE AND NITROUS OXIDE EMISSIONS FROM TERRESTRIAL ECOSYSTEMS.

(a) DEFINITIONS.—In this section:

(1) ADAPTATION STRATEGY.—The term ''adaptation strategy'' means a land use and management strategy that can be used to increase the sequestration capabilities of any terrestrial ecosystem.

(2) ASSESSMENT.—The term ''assessment'' means the national assessment authorized under subsection (b).

(3) COVERED GREENHOUSE GAS.—The term ''covered greenhouse gas'' means carbon dioxide, nitrous oxide, and methane gas.

(4) NATIVE PLANT SPECIES.—The term ''native plant species'' means any noninvasive, naturally occurring plant species within a terrestrial ecosystem.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) FEDERAL LAND—The term ''Federal land'' means—

(A) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(7) TERRESTRIAL ECOSYSTEM.—

(A) IN GENERAL.—The term ''terrestrial ecosystem'' means any ecological and surficial geological system on Federal land.

(B) INCLUSIONS.—The term ''terrestrial ecosystem'' includes—

(i) forest land;

(ii) grassland; and

(iii) freshwater aquatic ecosystems.

(b) AUTHORIZATION OF ASSESSMENT.—Not later than 2 years after the date on which the final methodology is published under subsection (f)(3)(D), the Secretary shall complete a national assessment of—

(1) the quantity of carbon stored in and released from terrestrial ecosystems; including from man-caused and natural fires; and

(2) the annual flux of covered greenhouse gases in and out of terrestrial ecosystems.

(c) COMPONENTS.—In conducting the assessment under subsection (b), the Secretary shall—

(1) determine the processes that control the flux of covered greenhouse gases in and out of each terrestrial ecosystem;

(2) estimate the technical and economic potential for increasing carbon sequestration in natural and managed terrestrial ecosystems through management activities or restoration activities in each terrestrial ecosystem;

(3) develop near-term and long-term adaptation strategies or mitigation strategies that can be employed—

(A) to enhance the sequestration of carbon in each terrestrial ecosystem;

(B) to reduce emissions of covered greenhouse gases; and

(C) to adapt to climate change; and

(4) estimate annual carbon sequestration capacity of terrestrial ecosystems under a range of policies in support of management activities to optimize sequestration.

(d) USE OF NATIVE PLANT SPECIES.—In developing restoration activities under subsection (c)(2) and management strategies and adaptation strategies under subsection (c)(3), the Secretary shall emphasize the use of native plant species (including mixtures of many native plant species) for sequestering covered greenhouse gas in each terrestrial ecosystem.

(e) CONSULTATION.—In conducting the assessment under subsection (b) and developing the methodology under subsection (f), the Secretary shall consult with—

(1) the Secretary of Energy;

(2) the Secretary of Agriculture;

(3) the Administrator of the Environmental Protection Agency;

(4) the heads of other relevant agencies;

(5) consortia based at institutions of higher education and with research corporations; and

(6) Federal forest and grassland managers.

(f) METHODOLOGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting the assessment.

(2) REQUIREMENTS.—The methodology developed under paragraph (1)—

(A) shall—

(i) determine the method for measuring, monitoring, quantifying, and monetizing covered greenhouse gas emissions and reductions, including methods for allocating and managing offsets or credits; and

(ii) estimate the total capacity of each terrestrial ecosystem to—

(I) sequester carbon; and

(II) reduce emissions of covered greenhouse gases; and

(B) may employ economic and other systems models, analyses, and estimations, to be developed in consultation with each of the individuals described in subsection (e).

(3) EXTERNAL REVIEW AND PUBLICATION.—On completion of a proposed methodology, the Secretary shall—

(A) publish the proposed methodology;

(B) at least 60 days before the date on which the final methodology is published, solicit comments from—

(i) the public; and

(ii) heads of affected Federal and State agencies;

(C) establish a panel to review the proposed methodology published under subparagraph (A) and any comments received under subparagraph (B), to be composed of members—

(i) with expertise in the matters described in subsections (c) and (d); and

(ii) that are, as appropriate, representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international organizations; and

(D) on completion of the review under subparagraph (C), publish in the Federal register the revised final methodology.

(g) ESTIMATE; REVIEW.—The Secretary shall—

(1) based on the assessment, prescribe the data, information, and analysis needed to establish a scientifically sound estimate of—

(A) the carbon sequestration capacity of relevant terrestrial ecosystems;

(B) a national inventory of covered greenhouse gas sources that is consistent with the inventory prepared by the Environmental Protection Agency entitled the ''Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2005''; and

(C) the willingness of covered greenhouse gas emitters to pay to sequester the covered greenhouse gases emitted by the applicable emitters in designated terrestrial ecosystems; and

(2) not later than 180 days after the date on which the assessment is completed, submit to the heads of applicable Federal agencies and the appropriate committees of Congress a report that describes the results of the assessment.

(h) DATA AND REPORT AVAILABILITY.—On completion of the assessment, the Secretary shall incorporate the results of the assessment into a web-accessible database for public use.

SEC. 307. ABRUPT CLIMATE CHANGE RESEARCH PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Commerce shall establish within the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration, and shall carry out, a program of scientific research on abrupt climate change.

(b) PURPOSES OF PROGRAM.—The purposes of the program are as follows:

(1) To develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to sufficiently identify and describe past instances of abrupt climate change.

(2) To improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change.

(3) To incorporate such mechanisms into advanced geophysical models of climate change.

(4) To test the output of such models against an improved global array of records of past abrupt climate changes.

(c) ABRUPT CLIMATE CHANGE DEFINED.—In this section, the term ''abrupt climate change'' means a change in the climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the climate as changed.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of such sums previously authorized, there is authorized to be appropriated to the Department of Commerce for each of fiscal years 2009 through 2014, to remain available until expended, such sums as are necessary, not to exceed $10,000,000, to carry out the research program required under this section.

TITLE IV—COST-EFFECTIVE AND ENVIRONMENTALLY SUSTAINABLE PUBLIC BUILDINGS

Subtitle A—Public Buildings Cost Reduction

SEC. 401. SHORT TITLE.

This subtitle may be cited as the ''Public Buildings Cost Reduction Act of 2007''.

SEC. 402. COST-EFFECTIVE AND GEOTHERMAL HEAT PUMP TECHNOLOGY ACCELERATION PROGRAM.

(a) DEFINITION OF ADMINISTRATOR.—In this section, the term ''Administrator'' means the Administrator of General Services.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator shall establish a program to accelerate the use of more cost-effective technologies and practices and geothermal heat pumps at GSA facilities.

(2) REQUIREMENTS.—The program established under this subsection shall—

(A) ensure centralized responsibility for the coordination of cost reduction-related and geothermal heat pump-related recommendations, practices, and activities of all relevant Federal agencies;

(B) provide technical assistance and operational guidance to applicable tenants to achieve the goal identified in subsection (c)(2)(B)(ii); and

(C) establish methods to track the success of Federal departments and agencies with respect to that goal.

(c) ACCELERATED USE OF TECHNOLOGIES.—

(1) REVIEW.—

(A) IN GENERAL.—As part of the program under this section, not later than 90 days after the date of enactment of this Act, the Administrator shall conduct a review of—

(i) current use of cost-effective lighting technologies and geothermal heat pumps in GSA facilities; and

(ii) the availability to managers of GSA facilities of cost-effective lighting technologies and geothermal heat pumps.

(B) REQUIREMENTS.—The review under subparagraph (A) shall—

(i) examine the use of cost-effective lighting technologies, geothermal heat pumps, and other cost-effective technologies and practices by Federal agencies in GSA facilities; and

(ii) as prepared in consultation with the Administrator of the Environmental Protection Agency, identify cost-effective lighting technology and geothermal heat pump technology standards that could be used for all types of GSA facilities.

(2) REPLACEMENT.—

(A) IN GENERAL.—As part of the program under this section, not later than 180 days after the date of enactment of this Act, the Administrator shall establish, using available appropriations, a cost-effective lighting technology and geothermal heat pump technology acceleration program to achieve maximum feasible replacement of existing lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies in each GSA facility.

(B) ACCELERATION PLAN TIMETABLE.—

(i) IN GENERAL.—To implement the program established under subparagraph (A), not later than 1 year after the date of enactment of this Act, the Administrator shall establish a timetable, including milestones for specific activities needed to replace existing lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies, to the maximum extent feasible (including at the maximum rate feasible), at each GSA facility.

(ii) GOAL.—The goal of the timetable under clause (i) shall be to complete, using available appropriations, maximum feasible replacement of existing lighting, heating, and cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies by not later than the date that is 5 years after the date of enactment of this Act.

(d) GSA FACILITY TECHNOLOGIES AND PRACTICES.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall—

(1) ensure that a manager responsible for accelerating the use of cost-effective technologies and practices and geothermal heat pump technologies is designated for each GSA facility; and

(2) submit to Congress a plan, to be implemented to the maximum extent feasible (including at the maximum rate feasible) using available appropriations, by not later than the date that is 5 years after the date of enactment of this Act, that—

(A) with respect to cost-effective technologies and practices—

(i) identifies the specific activities needed to achieve a 20-percent reduction in operational costs through the application of cost-effective technologies and practices from 2003 levels at GSA facilities by not later than 5 years after the date of enactment of this Act;

(ii) describes activities required and carried out to estimate the funds necessary to achieve the reduction described in clause (i);

(B) includes an estimate of the funds necessary to carry out this section;

(C) describes the status of the implementation of cost-effective technologies and practices and

geothermal heat pump technologies and practices at GSA facilities, including—

(i) the extent to which programs, including the program established under subsection (b), are being carried out in accordance with this subtitle; and

(ii) the status of funding requests and appropriations for those programs;

(D) identifies within the planning, budgeting, and construction processes, all types of GSA facility-related procedures that inhibit new and existing GSA facilities from implementing cost-effective technologies or geothermal heat pump technologies;

(E) recommends language for uniform standards for use by Federal agencies in implementing cost-effective technologies and practices and geothermal heat pump technologies and practices;

(F) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(i) permitting Federal agencies to retain all identified savings accrued as a result of the use of cost-effective technologies and geothermal heat pump technologies; and

(ii) identifying short- and long-term cost savings that accrue from the use of cost-effective technologies and practices and geothermal heat pump technologies and practices;

(G)(i) with respect to geothermal heat pump technologies, achieves substantial operational cost savings through the application of the technologies; and

(ii) with respect to cost-effective technologies and practices, achieves cost savings through the application of cost-effective technologies and practices sufficient to pay the incremental additional costs of installing the cost-effective technologies and practices by not later than the date that is 5 years after the date of installation; and

(H) includes recommendations to address each of the matters, and a plan for implementation of each recommendation, described in subparagraphs (A) through (G).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

SEC. 403. ENVIRONMENTAL PROTECTION AGENCY DEMONSTRATION GRANT PROGRAM FOR LOCAL GOVERNMENTS.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') shall establish a demonstration program under which the Administrator shall provide competitive grants to assist local governments (such as municipalities and counties), with respect to local government buildings—

(A) to deploy cost-effective technologies and practices; and

(B) to achieve operational cost savings, through the application of cost-effective technologies and practices, as verified by the Administrator.

(2) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of an activity carried out using a grant provided under this section shall be 40 percent.

(B) WAIVER OF NON-FEDERAL SHARE.—The Administrator may waive up to 100 percent of the local share of the cost of any grant under this section should the Administrator determine that the community is economically distressed, pursuant to objective economic criteria established by the Administrator in published guidelines.

(3) MAXIMUM AMOUNT.—The amount of a grant provided under this subsection shall not exceed $1,000,000.

(b) GUIDELINES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue guidelines to implement the grant program established under subsection (a).

(2) REQUIREMENTS.—The guidelines under paragraph (1) shall establish—

(A) standards for monitoring and verification of operational cost savings through the application of cost-effective technologies and practices reported by grantees under this section;

(B) standards for grantees to implement training programs, and to provide technical assistance and education, relating to the retrofit of buildings using cost-effective technologies and practices; and

(C) a requirement that each local government that receives a grant under this section shall achieve facility-wide cost savings, through renovation of existing local government buildings using cost-effective technologies and practices, of at least 40 percent as compared to the baseline operational costs of the buildings before the renovation (as calculated assuming a 3-year, weather-normalized average).

(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Nothing in this section or any program carried out using a grant provided under this section supersedes or otherwise affects any State or local law, to the extent that the State or local law contains a requirement that is more stringent than the relevant requirement of this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2007 through 2012.

(e) REPORTS.—

(1) IN GENERAL.—The Administrator shall provide annual reports to Congress on cost savings achieved and actions taken and recommendations made under this section, and any recommendations for further action.

(2) FINAL REPORT.—The Administrator shall issue a final report at the conclusion of the program, including findings, a summary of total cost savings achieved, and recommendations for further action.

(f) TERMINATION.—The program under this section shall terminate on September 30, 2012.

SEC. 404. DEFINITIONS.

In this subtitle:

(1) COST-EFFECTIVE LIGHTING TECHNOLOGY.—

(A) IN GENERAL.—The term ''cost-effective lighting technology'' means a lighting technology that—

(i) will result in substantial operational cost savings by ensuring an installed consumption of not more than 1 watt per square foot; or

(ii) is contained in a list under—

(I) section 553 of Public Law 95–619 (42 U.S.C. 8259b); and

(II) Federal acquisition regulation 23–203.

(B) INCLUSIONS.—The term ''cost-effective lighting technology'' includes—

(i) lamps;

(ii) ballasts;

(iii) luminaires;

(iv) lighting controls;

(v) daylighting; and

(vi) early use of other highly cost-effective lighting technologies.

(2) COST-EFFECTIVE TECHNOLOGIES AND PRACTICES.—The term ''cost-effective technologies and practices'' means a technology or practice that—

(A) will result in substantial operational cost savings by reducing utility costs; and

(B) complies with the provisions of section 553 of Public Law 95–619 (42 U.S.C. 8259b) and Federal acquisition regulation 23–203.

(3) OPERATIONAL COST SAVINGS.—

(A) IN GENERAL.—The term ''operational cost savings'' means a reduction in end-use operational costs through the application of cost-effective technologies and practices or geothermal heat pumps, including a reduction in electricity consumption relative to consumption by the same customer or at the same facility in a given year, as defined in guidelines promulgated by the Administrator pursuant to section 403(b), that achieves cost savings sufficient to pay the incremental additional costs of using cost-effective technologies and practices or geothermal heat pumps by not later than—

(i) for cost-effective technologies and practices, the date that is 5 years after the date of installation; and

(ii) for geothermal heat pumps, as soon as practical after the date of installation of the applicable geothermal heat pump.

(B) INCLUSIONS.—The term ''operational cost savings'' includes savings achieved at a facility as a result of—

(i) the installation or use of cost-effective technologies and practices; or

(ii) the planting of vegetation that shades the facility and reduces the heating, cooling, or lighting needs of the facility.

(C) EXCLUSION.—The term ''operational cost savings'' does not include savings from measures that would likely be adopted in the absence of cost-effective technology and practices programs, as determined by the Administrator.

(4) GEOTHERMAL HEAT PUMP.—The term ''geothermal heat pump'' means any heating or air conditioning technology that—

(A) uses the ground or ground water as a thermal energy source to heat, or as a thermal energy sink to cool, a building; and

(B) meets the requirements of the Energy Star program of the Environmental Protection Agency applicable to geothermal heat pumps on the date of purchase of the technology.

(5) GSA FACILITY.—

(A) IN GENERAL.—The term ''GSA facility'' means any building, structure, or facility, in whole or in part (including the associated support systems of the building, structure, or facility) that—

(i) is constructed (including facilities constructed for lease), renovated, or purchased, in whole or in part, by the Administrator for use by the Federal Government; or

(ii) is leased, in whole or in part, by the Administrator for use by the Federal Government—

(I) except as provided in subclause (II), for a term of not less than 5 years; or

(II) for a term of less than 5 years, if the Administrator determines that use of cost-effective technologies and practices would result in the payback of expenses.

(B) INCLUSION.—The term ''GSA facility'' includes any group of buildings, structures, or facilities described in subparagraph (A) (including the associated energy-consuming support systems of the buildings, structures, and facilities).

(C) EXEMPTION.—The Administrator may exempt from the definition of ''GSA facility'' under this paragraph a building, structure, or facility that meets the requirements of section 543(c) of Public Law 95–619 (42 U.S.C. 8253(c)).

Subtitle B—Installation of Photovoltaic System at Department of Energy Headquarters Building

SEC. 411. INSTALLATION OF PHOTOVOLTAIC SYSTEM AT DEPARTMENT OF ENERGY HEADQUARTERS BUILDING.

(a) IN GENERAL.—The Administrator of General Services shall install a photovoltaic system, as set forth in the Sun Wall Design Project, for the headquarters building of the Department of Energy located at 1000 Independence Avenue, Southwest, Washington, D.C., commonly known as the Forrestal Building.

(b) FUNDING.—There shall be available from the Federal Buildings Fund established by section 592 of title 40, United States Code, $30,000,000 to carry out this section. Such sums shall be derived from the unobligated balance of amounts made available from the Fund for fiscal year 2007, and prior fiscal years, for repairs and alterations and other activities (excluding amounts made available for the energy program). Such sums shall remain available until expended.

(c) OBLIGATION OF FUNDS.—None of the funds made available pursuant to subsection (b) may be obligated prior to September 30, 2007.

Subtitle C—High-Performance Green Buildings

SEC. 421. SHORT TITLE.

This subtitle may be cited as the ''High-Performance Green Buildings Act of 2007''.

SEC. 422. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) high-performance green buildings—

(A) reduce energy, water, and material resource use and the generation of waste;

(B) improve indoor environmental quality, and protect indoor air quality by, for example, using materials that emit fewer or no toxic chemicals into the indoor air;

(C) improve thermal comfort;

(D) improve lighting and the acoustic environment;

(E) improve the health and productivity of individuals who live and work in the buildings;

(F) improve indoor and outdoor impacts of the buildings on human health and the environment;

(G) increase the use of environmentally preferable products, including biobased, recycled, and nontoxic products with lower lifecycle impacts; and

(H) increase opportunities for reuse of materials and for recycling;

(2) during the planning, design, and construction of a high-performance green building, the environmental and energy impacts of building location and site design, the minimization of energy and materials use, and the environmental impacts of the building are considered;

(3) according to the United States Green Building Council, certified green buildings, as compared to conventional buildings—

(A) use an average of 36 percent less total energy (and in some cases up to 50 to 70 percent less total energy);

(B) use 30 percent less water; and

(C) reduce waste costs, often by 50 to 90 percent;

(4) the benefits of high-performance green buildings are important, because in the United States, buildings are responsible for approximately—

(A) 39 percent of primary energy use;

(B) 12 percent of potable water use;

(C) 136,000,000 tons of building-related construction and demolition debris;

(D) 70 percent of United States resource consumption; and

(E) 70 percent of electricity consumption;

(5) green building certification programs can be highly beneficial by disseminating up-to-date information and expertise regarding high-performance green buildings, and by providing third-party verification of green building design, practices, and materials, and other aspects of buildings; and

(6) a July 2006 study completed for the General Services Administration, entitled ''Sustainable Building Rating Systems Summary,'' concluded that—

(A) green building standards are an important means to encourage better practices;

(B) the Leadership in Energy and Environmental Design (LEED) standard for green building certification is ''currently the dominant system in the United States market and is being adapted to multiple markets worldwide''; and

(C) there are other useful green building certification or rating programs in various stages of development and adoption, including the Green Globes program and other rating systems.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to encourage the Federal Government to act as an example for State and local governments, the private sector, and individuals by building high-performance green buildings that reduce energy use and environmental impacts;

(2) to establish an Office within the General Services Administration, and a Green Building Advisory Committee, to advance the goals of conducting research and development and public outreach, and to move the Federal Government toward construction of high-performance green buildings;

(3) to encourage States, local governments, and school systems to site, build, renovate, and operate high-performance green schools through the adoption of voluntary guidelines for those schools, the dissemination of grants, and the adoption of environmental health plans and programs;

(4) to strengthen Federal leadership on high-performance green buildings through the adoption of incentives for high-performance green buildings, and improved green procurement by Federal agencies; and

(5) to demonstrate that high-performance green buildings can and do provide significant benefits, in order to encourage wider adoption of green building practices, through the adoption of demonstration projects.

SEC. 423. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) COMMITTEE.—The term ''Committee'' means the Green Building Advisory Committee established under section 433(a).

(3) DIRECTOR.—The term ''Director'' means the individual appointed to the position established under section 431(a).

(4) FEDERAL FACILITY.—

(A) IN GENERAL.—The term ''Federal facility'' means any building or facility the intended use of which requires the building or facility to be—

(i) accessible to the public; and

(ii) constructed or altered by or on behalf of the United States.

(B) EXCLUSIONS.—The term ''Federal facility'' does not include a privately-owned residential or commercial structure that is not leased by the Federal Government.

(5) HIGH-PERFORMANCE GREEN BUILDING.—The term ''high-performance green building'' means a building—

(A) that, during its life-cycle—

(i) reduces energy, water, and material resource use and the generation of waste;

(ii) improves indoor environmental quality, including protecting indoor air quality during construction, using low-emitting materials, improving thermal comfort, and improving lighting and acoustic environments that affect occupant health and productivity;

(iii) improves indoor and outdoor impacts of the building on human health and the environment;

(iv) increases the use of environmentally preferable products, including biobased, recycled content, and nontoxic products with lower life-cycle impacts;

(v) increases reuse and recycling opportunities; and

(vi) integrates systems in the building; and

(B) for which, during its planning, design, and construction, the environmental and energy impacts of building location and site design are considered.

(6) LIFE CYCLE.—The term ''life cycle'', with respect to a high-performance green building, means all stages of the useful life of the building (including components, equipment, systems, and controls of the building) beginning at conception of a green building project and continuing through site selection, design, construction, landscaping, commissioning, operation, maintenance, renovation, deconstruction or demolition, removal, and recycling of the green building.

(7) LIFE-CYCLE ASSESSMENT.—The term ''life-cycle assessment'' means a comprehensive system approach for measuring the environmental performance of a product or service over the life of the product or service, beginning at raw materials acquisition and continuing through manufacturing, transportation, installation, use, reuse, and end-of-life waste management.

(8) LIFE-CYCLE COSTING.—The term ''life-cycle costing'', with respect to a high-performance green building, means a technique of economic evaluation that—

(A) sums, over a given study period, the costs of initial investment (less resale value), replacements, operations (including energy use), and maintenance and repair of an investment decision; and

(B) is expressed—

(i) in present value terms, in the case of a study period equivalent to the longest useful life of the building, determined by taking into consideration the typical life of such a building in the area in which the building is to be located; or

(ii) in annual value terms, in the case of any other study period.

(9) OFFICE.—The term ''Office'' means the Office of High-Performance Green Buildings established under section 432(a).

PART I—OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS

SEC. 431. OVERSIGHT.

(a) IN GENERAL.—The Administrator shall establish within the General Services Administration, and appoint an individual to serve as Director in, a position in the career-reserved Senior Executive service, to—

(1) establish and manage the Office in accordance with section 432; and

(2) carry out other duties as required under this subtitle.

(b) COMPENSATION.—The compensation of the Director shall not exceed the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

SEC. 432. OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS.

(a) ESTABLISHMENT.—The Director shall establish within the General Services Administration an Office of High-Performance Green Buildings.

(b) DUTIES.—The Director shall—

(1) ensure full coordination of high-performance green building information and activities within the General Services Administration and all relevant Federal agencies, including, at a minimum—

(A) the Environmental Protection Agency;

(B) the Office of the Federal Environmental Executive;

(C) the Office of Federal Procurement Policy;

(D) the Department of Energy;

(E) the Department of Health and Human Services;

(F) the Department of Defense; and

(G) such other Federal agencies as the Director considers to be appropriate;

(2) establish a senior-level green building advisory committee, which shall provide advice and recommendations in accordance with section 433;

(3) identify and biennially reassess improved or higher rating standards recommended by the Committee;

(4) establish a national high-performance green building clearinghouse in accordance with section 434, which shall provide green building information through—

(A) outreach;

(B) education; and

(C) the provision of technical assistance;

(5) ensure full coordination of research and development information relating to high-performance green building initiatives under section 435;

(6) identify and develop green building standards that could be used for all types of Federal facilities in accordance with section 435;

(7) establish green practices that can be used throughout the life of a Federal facility;

(8) review and analyze current Federal budget practices and life-cycle costing issues, and make recommendations to Congress, in accordance with section 436; and

(9) complete and submit the report described in subsection (c).

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Director shall submit to Congress a report that—

(1) describes the status of the green building initiatives under this subtitle and other Federal programs in effect as of the date of the report, including—

(A) the extent to which the programs are being carried out in accordance with this subtitle; and

(B) the status of funding requests and appropriations for those programs;

(2) identifies within the planning, budgeting, and construction process all types of Federal facility procedures that inhibit new and existing Federal facilities from becoming high-performance green buildings, as measured by the standard for high-performance green buildings identified in accordance with subsection (d);

(3) identifies inconsistencies, as reported to the Committee, in Federal law with respect to product acquisition guidelines and high-performance product guidelines;

(4) recommends language for uniform standards for use by Federal agencies in environmentally responsible acquisition;

(5) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(A) restructuring of budgets to require the use of complete energy- and environmental-cost accounting;

(B) using operations expenditures in budget-related decisions while simultaneously incorporating productivity and health measures (as those measures can be quantified by the Office, with the assistance of universities and national laboratories);

(C) permitting Federal agencies to retain all identified savings accrued as a result of the use of life cycle costing; and

(D) identifying short- and long-term cost savings that accrue from high-performance green buildings, including those relating to health and productivity;

(6) identifies green, self-sustaining technologies to address the operational needs of Federal facilities in times of national security emergencies, natural disasters, or other dire emergencies;

(7) summarizes and highlights development, at the State and local level, of green building initiatives, including Executive orders, policies, or laws adopted promoting green building (including the status of implementation of those initiatives); and

(8) includes, for the 2-year period covered by the report, recommendations to address each of the matters, and a plan for implementation of each recommendation, described in paragraphs (1) through (6).

(d) IDENTIFICATION OF STANDARD.—

(1) IN GENERAL.—For the purpose of subsection (c)(2), not later than 60 days after the date of enactment of this Act, the Director shall identify a standard that the Director determines to be the most likely to encourage a comprehensive and environmentally-sound approach to certification of green buildings.

(2) BASIS.—The standard identified under paragraph (1) shall be based on—

(A) a biennial study, which shall be carried out by the Director to compare and evaluate standards;

(B) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this subtitle;

(C) the ability of the applicable standard-setting organization to collect and reflect public comment;

(D) the ability of the standard to be developed and revised through a consensus-based process;

(E) an evaluation of the adequacy of the standard, which shall give credit for—

(i) efficient and sustainable use of water, energy, and other natural resources;

(ii) use of renewable energy sources;

(iii) improved indoor environmental quality through enhanced indoor air quality, thermal comfort, acoustics, day lighting, pollutant source control, and use of low-emission materials and building system controls; and

(iv) such other criteria as the Director determines to be appropriate; and

(F) national recognition within the building industry.

(3) BIENNIAL REVIEW.—The Director shall—

(A) conduct a biennial review of the standard identified under paragraph (1); and

(B) include the results of each biennial review in the report required to be submitted under subsection (c).

(e) IMPLEMENTATION.—The Office shall carry out each plan for implementation of recommendations under subsection (c)(7).

SEC. 433. GREEN BUILDING ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Director shall establish an advisory committee, to be known as the ''Green Building Advisory Committee''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of representatives of, at a minimum—

(A) each agency referred to in section 432(b)(1); and

(B) other relevant agencies and entities, as determined by the Director, including at least 1 representative of each of—

(i) State and local governmental green building programs;

(ii) independent green building associations or councils;

(iii) building experts, including architects, material suppliers, and construction contractors;

(iv) security advisors focusing on national security needs, natural disasters, and other dire emergency situations; and

(v) environmental health experts, including those with experience in children's health.

(2) NON-FEDERAL MEMBERS.—The total number of non-Federal members on the Committee at any time shall not exceed 15.

(c) MEETINGS.—The Director shall establish a regular schedule of meetings for the Committee.

(d) DUTIES.—The Committee shall provide advice and expertise for use by the Director in carrying out the duties under this subtitle, including such recommendations relating to Federal activities carried out under sections 434 through 436 as are agreed to by a majority of the members of the Committee.

(e) FACA EXEMPTION.—The Committee shall not be subject to section 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 434. PUBLIC OUTREACH.

The Director, in coordination with the Committee, shall carry out public outreach to inform individuals and entities of the information and services available Government-wide by—

(1) establishing and maintaining a national high-performance green building clearinghouse, including on the Internet, that—

(A) identifies existing similar efforts and coordinates activities of common interest; and

(B) provides information relating to high-performance green buildings, including hyperlinks to Internet sites that describe related activities, information, and resources of—

(i) the Federal Government;

(ii) State and local governments;

(iii) the private sector (including nongovernmental and nonprofit entities and organizations); and

(iv) other relevant organizations, including those from other countries;

(2) identifying and recommending educational resources for implementing high-performance green building practices, including security and emergency benefits and practices;

(3) providing access to technical assistance on using tools and resources to make more cost-effective, energy-efficient, health-protective, and environmentally beneficial decisions for constructing high-performance green buildings, including tools available to conduct life-cycle costing and life-cycle assessment;

(4) providing information on application processes for certifying a high-performance green building, including certification and commissioning;

(5) providing technical information, market research, or other forms of assistance or advice that would be useful in planning and constructing high-performance green buildings; and

(6) using such other methods as are determined by the Director to be appropriate.

SEC. 435. RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT.—The Director, in coordination with the Committee, shall—

(1)(A) survey existing research and studies relating to high-performance green buildings; and

(B) coordinate activities of common interest;

(2) develop and recommend a high-performance green building research plan that—

(A) identifies information and research needs, including the relationships between human health, occupant productivity, and each of—

(i) emissions from materials and products in the building;

(ii) natural day lighting;

(iii) ventilation choices and technologies;

(iv) heating, cooling, and system control choices and technologies;

(v) moisture control and mold;

(vi) maintenance, cleaning, and pest control activities;

(vii) acoustics; and

(viii) other issues relating to the health, comfort, productivity, and performance of occupants of the building; and

(B) promotes the development and dissemination of high-performance green building measurement tools that, at a minimum, may be used—

(i) to monitor and assess the life-cycle performance of facilities (including demonstration projects) built as high-performance green buildings; and

(ii) to perform life-cycle assessments;

(3) assist the budget and life-cycle costing functions of the Office under section 436;

(4) study and identify potential benefits of green buildings relating to security, natural disaster, and emergency needs of the Federal Government; and

(5) support other research initiatives determined by the Office.

(b) INDOOR AIR QUALITY.—The Director, in consultation with the Committee, shall develop and carry out a comprehensive indoor air quality program for all Federal facilities to ensure the safety of Federal workers and facility occupants—

(1) during new construction and renovation of facilities; and

(2) in existing facilities.

SEC. 436. BUDGET AND LIFE-CYCLE COSTING AND CONTRACTING.

(a) ESTABLISHMENT.—The Director, in coordination with the Committee, shall—

(1) identify, review, and analyze current budget and contracting practices that affect achievement of high-performance green buildings, including the identification of barriers to green building life-cycle costing and budgetary issues;

(2) develop guidance and conduct training sessions with budget specialists and contracting personnel from Federal agencies and budget examiners to apply life-cycle cost criteria to actual projects;

(3) identify tools to aid life-cycle cost decision-making; and

(4) explore the feasibility of incorporating the benefits of green buildings, such as security benefits, into a cost-budget analysis to aid in life-cycle costing for budget and decision making processes.

SEC. 437. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this part $4,000,000 for each of fiscal

years 2008 through 2012, to remain available until expended.

PART II—HEALTHY HIGH-PERFORMANCE SCHOOLS

SEC. 441. DEFINITION OF HIGH-PERFORMANCE SCHOOL.

In this part, the term ''high-performance school'' has the meaning given the term ''healthy, high-performance school building'' in section 5586 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7277e).

SEC. 442. GRANTS FOR HEALTHY SCHOOL ENVIRONMENTS.

The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education, may provide grants to qualified State agencies for use in—

(1) providing technical assistance for programs of the Environmental Protection Agency (including the Tools for Schools Program and the Healthy School Environmental Assessment Tool) to schools for use in addressing environmental issues; and

(2) development of State school environmental quality plans that include—

(A) standards for school building design, construction, and renovation; and

(B) identification of ongoing school building environmental problems in the State and recommended solutions to address those problems, including assessment of information on the exposure of children to environmental hazards in school facilities.

SEC. 443. MODEL GUIDELINES FOR SITING OF SCHOOL FACILITIES.

The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education and the Secretary of Health and Human Services, shall develop voluntary school site selection guidelines that account for—

(1) the special vulnerability of children to hazardous substances or pollution exposures in any case in which the potential for contamination at a potential school site exists;

(2) modes of transportation available to students and staff;

(3) the efficient use of energy; and

(4) the potential use of a school at the site as an emergency shelter.

SEC. 444. PUBLIC OUTREACH.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall provide to the Director information relating to all activities carried out under this part, which the Director shall include in the report described in section 432(c).

(b) PUBLIC OUTREACH.—The Director shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 434 receives and makes available information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator of the Environmental Protection Agency.

SEC. 445. ENVIRONMENTAL HEALTH PROGRAM.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education, the Secretary of Health and Human Services, and other relevant agencies, shall issue voluntary guidelines for use by the State in developing and implementing an environmental health program for schools that—

(1) takes into account the status and findings of Federal research initiatives established under this subtitle and other relevant Federal law with respect to school facilities, including relevant updates on trends in the field, such as the impact of school facility environments on student and staff—

(A) health, safety, and productivity; and

(B) disabilities or special needs;

(2) provides research using relevant tools identified or developed in accordance with section 435(a) to quantify the relationships between—

(A) human health, occupant productivity, and student performance; and

(B) with respect to school facilities, each of—

(i) pollutant emissions from materials and products;

(ii) natural day lighting;

(iii) ventilation choices and technologies;

(iv) heating and cooling choices and technologies;

(v) moisture control and mold;

(vi) maintenance, cleaning, and pest control activities;

(vii) acoustics; and

(viii) other issues relating to the health, comfort, productivity, and performance of occupants of the school facilities;

(3) provides technical assistance on siting, design, management, and operation of school facilities, including facilities used by students with disabilities or special needs;

(4) collaborates with federally funded pediatric environmental health centers to assist in on-site school environmental investigations;

(5) assists States and the public in better understanding and improving the environmental health of children; and

(6) provides to the Office a biennial report of all activities carried out under this part, which the Director shall include in the report described in section 432(c).

(b) PUBLIC OUTREACH.—The Director shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 434 receives and makes available—

(1) information from the Administrator of the Environmental Protection Agency that is contained in the report described in subsection (a)(6); and

(2) information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator of the Environmental Protection Agency.

SEC. 446. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this part $10,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

PART III—STRENGTHENING FEDERAL LEADERSHIP

SEC. 451. INCENTIVES.

As soon as practicable after the date of enactment of this Act, the Director shall identify incentives to encourage the use of green buildings and related technology in the operations of the Federal Government, including through—

(1) the provision of recognition awards; and

(2) the maximum feasible retention of financial savings in the annual budgets of Federal agencies.

SEC. 452. FEDERAL PROCUREMENT.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director of the Office of Federal Procurement Policy, in consultation with the Director and the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall promulgate revisions of the applicable acquisition regulations, to take effect as of the date of promulgation of the revisions—

(1) to direct any Federal procurement executives involved in the acquisition, construction, or major renovation (including contracting for the construction or major renovation) of any facility, to the maximum extent practicable—

(A) to employ integrated design principles;

(B) to optimize building and systems energy performance;

(C) to protect and conserve water;

(D) to enhance indoor environmental quality; and

(E) to reduce environmental impacts of materials and waste flows; and

(2) to direct Federal procurement executives involved in leasing buildings, to give preference to the lease of facilities that, to the maximum extent practicable—

(A) are energy-efficient; and

(B) have applied contemporary high-performance and sustainable design principles during construction or renovation.

(b) GUIDANCE.—Not later than 90 days after the date of promulgation of the revised regulations under subsection (a), the Director shall issue guidance to all Federal procurement executives providing direction and the option to renegotiate the design of proposed facilities, renovations for existing facilities, and leased facilities to incorporate improvements that are consistent with this section.

SEC. 453. FEDERAL GREEN BUILDING PERFORMANCE.

(a) IN GENERAL.—Not later than October 31 of each of the 2 fiscal years following the fiscal year in which this Act is enacted, and at such times thereafter as the Comptroller General of the United States determines to be appropriate, the Comptroller General of the United States shall, with respect to the fiscal years that have passed since the preceding report—

(1) conduct an audit of the implementation of this subtitle; and

(2) submit to the Office, the Committee, the Administrator, and Congress a report describing the results of the audit.

(b) CONTENTS.—An audit under subsection (a) shall include a review, with respect to the period covered by the report under subsection (a)(2), of—

(1) budget, life-cycle costing, and contracting issues, using best practices identified by the Comptroller General of the United States and heads of other agencies in accordance with section 436;

(2) the level of coordination among the Office, the Office of Management and Budget, and relevant agencies;

(3) the performance of the Office in carrying out the implementation plan;

(4) the design stage of high-performance green building measures;

(5) high-performance building data that were collected and reported to the Office; and

(6) such other matters as the Comptroller General of the United States determines to be appropriate.

(c) ENVIRONMENTAL STEWARDSHIP SCORECARD.—The Director shall consult with the Committee to enhance, and assist in the implementation of, the Environmental Stewardship Scorecard announced at the White House summit on Federal sustainable buildings in January 2006, to measure the implementation by each Federal agency of sustainable design and green building initiatives.

SEC. 454. STORM WATER RUNOFF REQUIREMENTS FOR FEDERAL DEVELOPMENT PROJECTS.

The sponsor of any development or redevelopment project involving a Federal facility with a footprint that exceeds 5,000 square feet shall use site planning, design, construction, and maintenance strategies for the property to maintain, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow.

PART IV—DEMONSTRATION PROJECT

SEC. 461. COORDINATION OF GOALS.

(a) IN GENERAL.—The Director shall establish guidelines to implement a demonstration project to contribute to the research goals of the Office.

(b) PROJECTS.—

(1) IN GENERAL.—In accordance with guidelines established by the Director under subsection (a) and the duties of the Director described in part I, the Director shall carry out 3 demonstration projects.

(2) LOCATION OF PROJECTS.—Each project carried out under paragraph (1) shall be located in a Federal building in a State recommended by the Director in accordance with subsection (c).

(3) REQUIREMENTS.—Each project carried out under paragraph (1) shall—

(A) provide for the evaluation of the information obtained through the conduct of projects and activities under this subtitle; and

(B) achieve the highest available rating under the standard identified pursuant to section 432(d).

(c) CRITERIA.—With respect to the existing or proposed Federal facility at which a demonstration project under this section is conducted, the Federal facility shall—

(1) be an appropriate model for a project relating to—

(A) the effectiveness of high-performance technologies;

(B) analysis of materials, components, and systems, including the impact on the health of building occupants;

(C) life-cycle costing and life-cycle assessment of building materials and systems; and

(D) location and design that promote access to the Federal facility through walking, biking, and mass transit; and

(2) possess sufficient technological and organizational adaptability.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through September 30, 2013, the Director shall submit to the Administrator a report that describes the status of and findings regarding the demonstration project.

SEC. 462. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out the Federal demonstration project described in section 461(b) $10,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Ten-in-Ten Fuel Economy Act''.

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

*(1) by striking ''**NON-PASSENGER AUTOMOBILES**.—'' in subsection (a) and inserting ''**PRESCRIPTION OF STANDARDS BY REGULATION**.—'';*

(2) by striking ''(except passenger automobiles)'' in subsection (a); and

(3) by striking subsection (b) and inserting the following:

''(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

''(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for—

''(A) automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with subsection (c); and

''(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

''(2) FUEL ECONOMY TARGET FOR AUTOMOBILES.—

''(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

''(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be the maximum feasible average fuel economy standard for the fleet.

''(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.''.

(b) FUEL ECONOMY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

''(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

''(1) STUDY.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

''(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

''(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

''(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

''(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

''(2) RULEMAKING.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

''(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

''(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of more than 8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.''.

(c) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end thereof the following:

''(l) AUTHORITY OF THE SECRETARY.—

''(1) VEHICLE ATTRIBUTES; MODEL YEARS COVERED.—The Secretary shall—

''(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

''(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

''(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.''.

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

''(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

''(1) may prescribe a standard higher than that required under subsection (b); or

''(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.''.

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

''(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

''(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

''(A) economic practicability;

''(B) the effect of other motor vehicle standards of the Government on fuel economy;

''(C) environmental impacts; and

''(D) the need of the United States to conserve energy.

''(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest standard that—

''(A) is technologically achievable;

''(B) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States;

''(C) is not less than the standard for that class of vehicles from any prior year; and

''(D) is cost-effective.

''(3) COST-EFFECTIVE DEFINED.—In this subsection, the term 'cost-effective' means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

''(4) FACTORS FOR CONSIDERATION BY SECRETARY IN DETERMINING COST-EFFECTIVENESS.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

''(A) Economic security.

''(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

''(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

''(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

''(E) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel

and the resulting costs to human health, the economy, and the environment.

''(F) Such additional factors as the Secretary deems relevant.

''(5) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

''(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

''(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.''.

(c) CONSULTATION REQUIREMENT.—Section 32902(i) of title 49, United States Code, is amended by inserting ''and the Administrator of the Environmental Protection Agency'' after ''Energy''.

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting ''(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice.''; and

(2) by inserting ''and the Administrator'' after ''Energy'' each place it appears in paragraph (2).

(e) ALTERNATIVE FUEL ECONOMY STANDARDS FOR LOW VOLUME MANUFACTURERS AND NEW ENTRANTS.—Section 32902(d) of title 49, United States Code, is amended to read as follows:

''(d) ALTERNATIVE AVERAGE FUEL ECONOMY STANDARD.—

''(1) IN GENERAL.—Upon the application of an eligible manufacturer, the Secretary of Transportation may prescribe an alternative average fuel economy standard for automobiles manufactured by that manufacturer if the Secretary determines that—

''(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

''(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

''(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

''(A) the manufacturer that applied for the alternative average fuel economy standard;

''(B) all automobiles to which this subsection applies; or

''(C) classes of automobiles manufactured by eligible manufacturers.

''(3) IMPORTERS.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

''(A) imports; or

''(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

''(4) APPLICATION.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

''(5) ELIGIBLE MANUFACTURER DEFINED.—In this section, the term 'eligible manufacturer' means a manufacturer that—

''(A) is not owned in whole or in part by another manufacturer that sold greater than 0.5 percent of the number of automobiles sold in the United States in the model year prior to the model year to which the application relates;

''(B) sold in the United States fewer than 0.4 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

''(C) will sell in the United States fewer than 0.4 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.

''(6) LIMITATION.—For purposes of this subsection, notwithstanding section 32901(a)(4), the term 'automobile manufactured by a manufacturer' includes every automobile manufactuered by a person that controls, is controlled by, or is under common control with the manufacturer.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking ''passenger'' each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking ''subsection (a) or (d)'' each place it appears in paragraph (1) and inserting ''subsection (b), (c), or (d)''; and

(B) striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)'' in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

''(A) a vehicle operated only on a rail line;

''(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

''(C) a work truck.''; and

(2) by adding at the end the following:

''(17) 'work truck' means an automobile that the Secretary determines by regulation—

''(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

''(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).''.

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30129. Vehicle compatibility standard

''(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

''(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.''.

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

''30129. Vehicle compatibility standard''.

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking ''passenger'' each place it appears;

(2) by striking ''section 32902(b)-(d) of this title'' each place it appears and inserting ''subsection (a), (c), or (d) of section 32902'';

(3) by striking ''3 consecutive model years'' in subsection (a)(2) and inserting ''5 consecutive model years'';

(4) in subsection (a)(2), by striking ''clause (1) of this subsection,'' and inserting ''paragraph (1)''; and

(5) by striking subsection (e) and inserting the following:

''(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.''.

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

''(F) a label (or a logo imprinted on a label required by this paragraph) that—

''(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

''(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

''(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

''(G) a fuelstar under paragraph (5).''; and

(2) by adding at the end of subsection (b) the following:

''(4) GREEN LABEL PROGRAM.—

''(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

''(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

''(i) meets or exceeds the applicable fuel economy standard; or

''(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

''(5) FUELSTAR PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

''(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

''(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

''(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

''(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.''.

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or nonpassenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

''§ 32917. Standards for Executive agency automobiles

''(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

''(b) DEFINITIONS.—In this section:

''(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.''.

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SEC. 511. INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.

Section 32908 of title 49, United States Code, is amended by adding at the end the following:

''(g) INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.—(1) The Secretary of Energy, in consultation with the Secretary of Transportation, shall prescribe regulations that require the manufacturer of automobiles distributed in interstate commerce for sale in the United States—

''(A) to prominently display a permanent badge or emblem on the quarter panel or tailgate of each such automobile that indicates such vehicle is capable of operating on alternative fuel; and

''(B) to include information in the owner's manual of each such automobile information that describes—

''(i) the capability of the automobile to operate using alternative fuel;

''(ii) the benefits of using alternative fuel, including the renewable nature, and the environmental benefits of using alternative fuel; and

''(C) to contain a fuel tank cap that is clearly labeled to inform consumers that the automobile is capable of operating on alternative fuel.

''(2) The Secretary of Transportation shall collaborate with automobile retailers to develop voluntary methods for providing prospective purchasers of automobiles with information regarding the benefits of using alternative fuel in automobiles, including—

''(A) the renewable nature of alternative fuel; and

''(B) the environmental benefits of using alternative fuel.''.

SEC. 512. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

Beginning in December, 2009, and not less often than every 5 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 C.F.R. parts 86 and 600) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that describes the results of the reevaluation process.

SEC. 513. TIRE FUEL EFFICIENCY CONSUMER INFORMATION.

(a) IN GENERAL.—Chapter 301 of title 49, United States Code, is amended by inserting after section 30123 the following new section:

''§ 30123A. Tire fuel efficiency consumer information

''(a) RULEMAKING.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency.

''(2) ITEMS INCLUDED IN RULE.—The rulemaking shall include—

''(A) a national tire fuel efficiency rating system for motor vehicle tires to assist consumers in making more educated tire purchasing decisions;

''(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

''(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

''(D) a national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency.

''(3) APPLICABILITY.—This section shall not apply to tires excluded from coverage under section 575.104(c)(2) of title 49, Code of Federal Regulations, as in effect on date of enactment of the Ten-in-Ten Fuel Economy Act.

''(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

''(c) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

''(d) TIRE MARKING.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

''(e) PREEMPTION.—When a requirement under this section is in effect, a State or political subdivision of a State may adopt or enforce a law or regulation on tire fuel efficiency consumer information only if the law or regulation is identical to that requirement. Nothing in this section shall be construed to preempt a State or political subdivision of a State from regulating the fuel efficiency of tires not otherwise preempted under this chapter.''.

(b) ENFORCEMENT.—Section 30165(a) of title 49, United States Code, is amended by adding at the end the following:

''(4) SECTION 30123a.—Any person who fails to comply with the national tire fuel efficiency consumer information program under section 30123A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.''.

(c) Conforming Amendment.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30123 the following:

''30123A. Tire fuel efficiency consumer information''.

SEC. 514. ADVANCED BATTERY INITIATIVE.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall establish and carry out an Advanced Battery Initiative in accordance with this section to support research, development, demonstration, and commercial application of battery technologies.

(b) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the

United States, the primary business of which is the manufacturing of batteries.

(c) RESEARCH.—

(1) GRANTS.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(A) researchers, including Industry Alliance participants;

(B) small businesses;

(C) National Laboratories; and

(D) institutions of higher education.

(2) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify advanced battery technology and battery systems needs relevant to—

(i) electric drive technology; and

(ii) other applications the Secretary deems appropriate;

(B) an assessment of the progress of research activities of the Initiative; and

(C) assistance in annually updating advanced battery technology and battery systems roadmaps.

(d) AVAILABILITY TO THE PUBLIC.—The information and roadmaps developed under this section shall be available to the public.

(e) PREFERENCE.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(f) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 120(b) of title 23, United States Code.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 515. BIODIESEL STANDARDS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation and the Secretary of Energy, shall promulgate regulations to ensure that all diesel-equivalent fuels derived from renewable biomass that are introduced into interstate commerce are tested and certified to comply with appropriate American Society for Testing and Materials standards.

(b) DEFINITIONS.—In this section:

(1) BIODIESEL.—

(A) IN GENERAL.—The term ''biodiesel'' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(i) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

(ii) the requirements of the American Society of Testing and Materials D6751.

(B) INCLUSIONS.—The term ''biodiesel'' includes esters described in subparagraph (A) derived from—

(i) animal waste, including poultry fat, poultry waste, and other waste material; and

(ii) municipal solid waste, sludge, and oil derived from wastewater or the treatment of wastewater.

(2) BIODIESEL BLEND.—The term ''biodiesel blend'' means a mixture of biodiesel and diesel fuel, including—

(A) a blend of biodiesel and diesel fuel approximately 5 percent of the content of which is biodiesel (commonly known as ''B5''); and

(B) a blend of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel (commonly known as ''B20'').

SEC. 516. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end thereof the following:

''(e) USE OF CIVIL PENALTIES.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

''(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program of research and development into fuel saving automotive technologies and to support rulemaking under this chapter; and

''(2) transfer 50 percent of such total amount to the Energy Security Fund established by section 517(a) of the Ten-in-Ten Fuel Economy Act.''.

SEC. 517. ENERGY SECURITY FUND AND ALTERNATIVE FUEL GRANT PROGRAM.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the ''Energy Security Fund'' (referred to in this section as the ''Fund''), consisting of—

(A) amounts transferred to the Fund under section 32912(e)(2) of title 49, United States Code; and

(B) amounts credited to the Fund under paragraph (2)(C).

(2) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(3) USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be made available to the Secretary of Energy, subject to the availability of appropriations, to carry out the grant program under subsection (b).

(b) ALTERNATIVE FUELS GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy, acting through the Clean Cities Program of the Department of Energy, shall establish and carry out a program under which the Secretary shall provide grants to expand the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(2) ELIGIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any entity that is eligible to receive assistance under the Clean Cities Program shall be eligible to receive a grant under this subsection.

(B) EXCEPTIONS.—

(i) CERTAIN OIL COMPANIES.—A large, vertically-integrated oil company shall not be eligible to receive a grant under this subsection.

(ii) PROHIBITION OF DUAL BENEFITS.—An entity that receives any other Federal funds for the construction or expansion of alternative refueling infrastructure shall not be eligible to receive a grant under this subsection for the construction or expansion of the same alternative refueling infrastructure.

(C) ENSURING COMPLIANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall promulgate regulations to ensure that, before receiving a grant under this subsection, an eligible entity meets applicable standards relating to the installation, construction, and expansion of infrastructure necessary to increase the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(3) MAXIMUM AMOUNT.—

(A) GRANTS.—The amount of a grant provided under this subsection shall not exceed $30,000.

(B) AMOUNT PER STATION.—An eligible entity shall receive not more than $90,000 under this subsection for any station of the eligible entity during a fiscal year.

(4) USE OF FUNDS.—

(A) IN GENERAL.—A grant provided under this subsection shall be used for the construction or expansion of alternative fueling infrastructure.

(B) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amount of a grant provided under this subsection shall be used for administrative expenses.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation $25,000,000 for each of fiscal years 2009 through 2021 to carry out the provisions of chapter 329 of title 49, United States Code.

SEC. 519. APPLICATION WITH CLEAN AIR ACT.

Nothing in this title shall be construed to conflict with the authority provided by sections 202 and 209 of the Clean Air Act (42 U.S.C. 7521 and 7543, respectively).

SEC. 520. ALTERNATIVE FUEL VEHICLE ACTION PLAN.

(a) IN GENERAL.—The Secretary of Transportation shall, establish and implement an action plan which takes into consideration the availability and cost effectiveness of alternative fuels, which will ensure that, beginning with model year 2015, the percentage of new automobiles for sale in the United States that are alternative fuel automobiles is not less than 50 percent.

(b) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL AUTOMOBILE.—The term ''alternative fuel automobile'' means the following but not limited to—

(A) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy;

(B) an alternative fueled automobile;

(C) a flexible fuel automobile;

(D) a new qualified fuel cell motor vehicle (as defined in section 30B(e)(4) of such Code).

(E) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of such Code);

(F) a plug-in hybrid automobile;

(G) an electric automobile;

(H) a hydrogen internal combustion engine automobile; and

(I) any other automobile that uses substantially new technology and achieves at least 175 percent of the model year 2002 city fuel economy, as determined by the Secretary of Transportation, by regulation.

(2) OTHER TERMS.—Any term used in this section that is defined in section 32901 of title 49, United States Code, has the meaning given that term in that section.

SEC. 521. STUDY OF THE ADEQUACY OF TRANSPORTATION OF DOMESTICALLY-PRODUCED RENEWABLE FUEL BY RAILROADS AND OTHER MODES OF TRANSPORTATION.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Transportation and the Secretary of Energy shall jointly conduct a study of the adequacy of transportation of domestically-produced renewable fuels by railroad and other modes of transportation as designated by the Secretaries.

(2) COMPONENTS.—In conducting the study under paragraph (1), the Secretaries shall—

(A) consider the adequacy of existing railroad and other transportation infrastructure, equipment, service and capacity to move the necessary quantities of domestically-produced renewable fuel within the timeframes required by section 111;

(B)(i) consider the projected costs of moving the domestically-produced renewable fuel by railroad and other modes transportation; and

(ii) consider the impact of the projected costs on the marketability of the domestically-produced renewable fuel;

(C) identify current and potential impediments to the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices, including practices currently utilized by domestic producers, shippers, and receivers of renewable fuels;

(D) consider whether inadequate competition exists within and between modes of transportation for the transportation of domestically-produced renewable fuel and, if such inadequate competition exists, whether such inadequate competition leads to an unfair price for the transportation of domestically-produced renewable fuel or unacceptable service for transportation of domestically-produced renewable fuel;

(E) consider whether Federal agencies have adequate legal authority to address instances of inadequate competition when inadequate competition is found to prevent domestic producers for renewable fuels from obtaining a fair and reasonable transportation price or acceptable service for the transportation of domestically-produced renewable fuels;

(F) consider whether Federal agencies have adequate legal authority to address railroad and transportation service problems that may be resulting in inadequate supplies of domestically-produced renewable fuel in any area of the United States;

(G) consider what transportation infrastructure capital expenditures may be necessary to ensure the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices within the United States and which public and private entities should be responsible for making such expenditures; and

(K) provide recommendations on ways to facilitate the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall jointly submit to the Committee on Commerce, Science and Transportation, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study conducted under subsection (a).

TITLE VI—PRICE GOUGING

SEC. 601. SHORT TITLE.

This title may be cited as the ''Petroleum Consumer Price Gouging Protection Act''.

SEC. 602. DEFINITIONS.

In this title:

(1) AFFECTED AREA.—The term ''affected area'' means an area covered by a Presidential declaration of energy emergency.

(2) SUPPLIER.—The term ''supplier'' means any person engaged in the trade or business of selling or reselling, at retail or wholesale, or distributing crude oil, gasoline, or petroleum distillates.

(3) PRICE GOUGING.—The term ''price gouging'' means the charging of an unconscionably excessive price by a supplier in an affected area.

(4) UNCONSCIONABLY EXCESSIVE PRICE.—The term ''unconscionably excessive price'' means an average price charged during an energy emergency declared by the President in an area and for a product subject to the declaration, that—

(A)(i)(I) constitutes a gross disparity from the average price at which it was offered for sale in the usual course of the supplier's business during the 30 days prior to the President's declaration of an energy emergency; and

(II) grossly exceeds the prices at which the same or similar crude oil gasoline or petroleum distillate was readily obtainable by purchasers from other suppliers in the same relevant geographic market within the affected area; or

(ii) represents an exercise of unfair leverage or unconscionable means on the part of the supplier, during a period of declared energy emergency; and

(B) is not attributable to increased wholesale or operational costs, including replacement costs, outside the control of the supplier, incurred in connection with the sale of crude oil, gasoline, or petroleum distillates; and is not attributable to local, regional, national, or international market conditions.

(5) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

SEC. 603. PROHIBITION ON PRICE GOUGING DURING ENERGY EMERGENCIES.

(a) IN GENERAL.—During any energy emergency declared by the President under section 606 of this Act, it is unlawful for any supplier to sell, or offer to sell crude oil, gasoline or petroleum distillates subject to that declaration in, or for use in, the area to which that declaration applies at an unconscionably excessive price.

(b) FACTORS CONSIDERED.—In determining whether a violation of subsection (a) has occurred, there shall be taken into account, among other factors, whether—

(1) the price charged was a price that would reasonably exist in a competitive and freely functioning market; and

(2) the amount of gasoline or other petroleum distillate the seller produced, distributed, or sold during the period the Proclamation was in effect increased over the average amount during the preceding 30 days.

SEC. 604. PROHIBITION ON MARKET MANIPULATION.

It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil gasoline or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

SEC. 605. PROHIBITION ON FALSE INFORMATION.

(a) IN GENERAL.—It is unlawful for any person to report information related to the wholesale price of crude oil gasoline or petroleum distillates to a Federal department or agency if—

(1) that person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by the department or agency for statistical or analytical purposes with respect to the market for crude oil, gasoline, or petroleum distillates.

SEC. 606. PRESIDENTIAL DECLARATION OF ENERGY EMERGENCY.

(a) IN GENERAL.—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline or petroleum distillates due to a disruption in the national distribution system for crude oil, gasoline or petroleum distillates (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2))), or significant pricing anomalies in national energy markets for crude oil, gasoline, or petroleum distillates, the President may declare that a Federal energy emergency exists.

(b) SCOPE AND DURATION.—The emergency declaration shall specify—

(1) the period, not to exceed 30 days, for which the declaration applies;

(2) the circumstance or condition necessitating the declaration; and

(3) the area or region to which it applies which may not be limited to a single State; and

(4) the product or products to which it applies.

(c) EXTENSIONS.—The President may—

(1) extend a declaration under subsection (a) for a period of not more than 30 days;

(2) extend such a declaration more than once; and

(3) discontinue such a declaration before its expiration.

SEC. 607. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) ENFORCEMENT.—This title shall be enforced by the Federal Trade Commission in the same manner, by the same means, and with the same jurisdiction as though all applicable terms of the Federal Trade Commission Act were incorporated into and made a part of this title. In enforcing section 603 of this Act, the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of $500,000,000 per year but shall not exclude enforcement actions against companies with total United States wholesale sales of $500,000,000 or less per year.

(b) VIOLATION IS TREATED AS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this title shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) COMMISSION ACTIONS.—Following the declaration of an energy emergency by the President under section 606 of this Act, the Commission shall—

(1) maintain within the Commission—

(A) a toll-free hotline that a consumer may call to report an incident of price gouging in the affected area; and

(B) a program to develop and distribute to the public informational materials to assist residents of the affected area in detecting, avoiding, and reporting price gouging;

(2) consult with the Attorney General, the United States Attorney for the districts in which a disaster occurred (if the declaration is related to a major disaster), and State and local law enforcement officials to determine whether any supplier in the affected area is charging or has charged an unconscionably excessive price for crude oil, gasoline, or petroleum distillates in the affected area; and

(3) conduct investigations as appropriate to determine whether any supplier in the affected area has violated section 603 of this Act, and upon such finding, take any action the Commission determines to be appropriate to remedy the violation.

SEC. 608. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of section 603 of this Act, or to impose the civil penalties authorized by section 609 for violations of section 603, whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a supplier engaged in the sale or resale, at retail or wholesale, or distribution of crude oil, gasoline or petroleum distillates in violation of section 603 of this Act.

(b) NOTICE.—The State shall serve written notice to the Commission of any civil action under subsection (a) prior to initiating the action. The notice shall include a copy of the complaint to be filed to initiate the civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting the civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Commission may intervene in the civil action and, upon intervening—

(1) may be heard on all matters arising in such civil action; and

(2) may file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the Attorney General by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the defendant operates;

(B) the defendant was authorized to do business; or

(C) where the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action or an administrative action for violation of this title, a State attorney general, or official or agency of a State, may not bring an action under this section during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this title alleged in the Commission's civil or administrative action.

(g) NO PREEMPTION.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of that State.

SEC. 609. PENALTIES.

(a) CIVIL PENALTY.—

(1) IN GENERAL.—In addition to any penalty applicable under the Federal Trade Commission Act, any supplier—

(A) that violates section 604 or section 605 of this Act is punishable by a civil penalty of not more than $1,000,000; and

(B) that violates section 603 of this Act is punishable by a civil penalty of—

(i) not more than $500,000, in the case of an independent small business marketer of gasoline (within the meaning of section 324(c) of the Clean Air Act (42 U.S.C. 7625(c))); and

(ii) not more than $5,000,000 in the case of any other supplier.

(2) METHOD.—The penalties provided by paragraph (1) shall be obtained in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the court shall take into consideration, among other factors, the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(b) CRIMINAL PENALTY.—Violation of section 603 of this Act is punishable by a fine of not more than $5,000,000, imprisonment for not more than 5 years, or both.

SEC. 610. EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF THE COMMISSION.—Nothing in this title shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) STATE LAW.—Nothing in this title preempts any State law.

TITLE VII—ENERGY DIPLOMACY AND SECURITY

SEC. 701. SHORT TITLE.

This title may be cited as the ''Energy Diplomacy and Security Act of 2007''.

SEC. 702. DEFINITIONS.

In this title:

(1) MAJOR ENERGY PRODUCER.—The term ''major energy producer'' means a country that—

(A) had crude oil, oil sands, or natural gas to liquids production of 1,000,000 barrels per day or greater average in the previous year;

(B) has crude oil, shale oil, or oil sands reserves of 6,000,000,000 barrels or greater, as recognized by the Department of Energy;

(C) had natural gas production of 30,000,000,000 cubic meters or greater in the previous year;

(D) has natural gas reserves of 1,250,000,000,000 cubic meters or greater, as recognized by the Department of Energy; or

(E) is a direct supplier of natural gas or liquefied natural gas to the United States.

(2) MAJOR ENERGY CONSUMER.—The term ''major energy consumer'' means a country that—

(A) had an oil consumption average of 1,000,000 barrels per day or greater in the previous year;

(B) had an oil consumption growth rate of 8 percent or greater in the previous year;

(C) had a natural gas consumption of 30,000,000,000 cubic meters or greater in the previous year; or

(D) had a natural gas consumption growth rate of 15 percent or greater in the previous year.

SEC. 703. SENSE OF CONGRESS ON ENERGY DIPLOMACY AND SECURITY.

(a) FINDINGS.—Congress makes the following findings:

(1) It is imperative to the national security and prosperity of the United States to have reliable, affordable, clean, sufficient, and sustainable sources of energy.

(2) United States dependence on oil imports causes tremendous costs to the United States national security, economy, foreign policy, military, and environmental sustainability.

(3) Energy security is a priority for the governments of many foreign countries and increasingly plays a central role in the relations of the United States Government with foreign governments. Global reserves of oil and natural gas are concentrated in a small number of countries. Access to these oil and natural gas supplies depends on the political will of these producing states. Competition between governments for access to oil and natural gas reserves can lead to economic, political, and armed conflict. Oil exporting states have received dramatically increased revenues due to high global prices, enhancing the ability of some of these states to act in a manner threatening to global stability.

(4) Efforts to combat poverty and protect the environment are hindered by the continued predominance of oil and natural gas in meeting global energy needs. Development of renewable energy through sustainable practices will help lead to a reduction in greenhouse gas emissions and enhance international development.

(5) Cooperation on energy issues between the United States Government and the governments of foreign countries is critical for securing the strategic and economic interests of the United States and of partner governments. In the current global energy situation, the energy policies and activities of the governments of foreign countries can have dramatic impacts on United States energy security.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) United States national security requires that the United States Government have an energy policy that pursues the strategic goal of achieving energy security through access to clean, affordable, sufficient, reliable, and sustainable sources of energy;

(2) achieving energy security is a priority for United States foreign policy and requires continued and enhanced engagement with foreign governments and entities in a variety of areas, including activities relating to the promotion of alternative and renewable fuels, trade and investment in oil, coal, and natural gas, energy efficiency, climate and environmental protection, data transparency, advanced scientific research, public-private partnerships, and energy activities in international development;

(3) the President should ensure that the international energy activities of the United States Government are given clear focus to support the national security needs of the United States, and to this end, there should be established a mechanism to coordinate the implementation of United States international energy policy among the Federal agencies engaged in relevant agreements and activities; and

(4) the Secretary of State should ensure that energy security is integrated into the core mission of the Department of State, and to this end, there should be established within the Office of the Secretary of State a Coordinator for International Energy Affairs with responsibility for—

(A) developing United States international energy policy in coordination with the Department of Energy and other relevant Federal agencies;

(B) working with appropriate United States Government officials to develop and update analyses of the national security implications of global energy developments;

(C) incorporating energy security priorities into the activities of the Department;

(D) coordinating activities with relevant Federal agencies; and

(E) coordinating energy security and other relevant functions currently undertaken by offices within the Bureau of Economic, Business, and Agricultural Affairs, the Bureau of Democracy and Global Affairs, and other offices within the Department of State.

(5) the Department of Energy should be designated as the lead United States Government agency in charge of formulating and coordinating the national energy security policy of the United States, and in furtherance of these goals, there should be established within the Department of Energy an Assistant Secretary of Energy for Energy Security whose responsibilities should include—

(A) directing the development of the national energy security strategy of the United States;

(B) coordinating the national energy security policy of the United States with the Department of Defense, the Department of State, and the National Security Council, as appropriate, to address the impact of, and integrate national security and foreign policy on, the national energy security policy of the United States;

(C) monitoring international and domestic energy developments to gauge their impact on the national energy security policy of the United States and implementing changes in such policy as necessary to maintain the national security and energy security of the United States;

(D) identifying foreign sources of energy critical to the national energy security of the United States and developing strategies in conjunction with the Department of State for ensuring United States access to critical foreign energy resources;

(E) developing strategies for reducing United States dependence on foreign sources of energy, including demand reduction, efficiency improvement, and development of alternative and new sources of domestic energy; and

(F) developing strategies in conjunction with the Department of State for working with major international producers and consumers, including China, Russia, the European Union, and Africa, to minimize politicization of global energy resources while ensuring access through global energy markets.

SEC. 704. STRATEGIC ENERGY PARTNERSHIPS.

(a) FINDINGS.—Congress makes the following findings:

(1) United States Government partnership with foreign governments and entities, including partnership with the private sector, for securing reliable and sustainable energy is imperative to ensuring United States security and economic interests, promoting international peace and security, expanding international development, supporting democratic reform, fostering economic growth, and safeguarding the environment.

(2) Democracy and freedom should be promoted globally by partnership with foreign governments, including in particular governments of emerging democracies such as those of Ukraine and Georgia, in their efforts to reduce their dependency on oil and natural gas imports.

(3) The United States Government and the governments of foreign countries have common needs for adequate, reliable, affordable, clean, and sustainable energy in order to ensure national security, economic growth, and high standards of living in their countries. Cooperation by the United States Government with foreign governments on meeting energy security needs is mutually beneficial. United States Government partnership with foreign governments should include cooperation with major energy consuming countries, major energy producing countries, and other governments seeking to advance global energy security through reliable and sustainable means.

(4) The United States Government participates in hundreds of bilateral and multilateral energy agreements and activities with foreign governments and entities. These agreements and activities should reflect the strategic need for energy security.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to advance global energy security through cooperation with foreign governments and entities;

(2) to promote reliable, diverse, and sustainable sources of all types of energy;

(3) to increase global availability of renewable and clean sources of energy;

(4) to decrease global dependence on oil and natural gas energy sources; and

(5) to engage in energy cooperation to strengthen strategic partnerships that advance peace, security, and democratic prosperity.

(c) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish and expand strategic energy partnerships with the governments of major energy producers and major energy consumers, and with governments of other countries (but excluding any countries that are ineligible to receive United States economic or military assistance).

(d) PURPOSES.—The purposes of the strategic energy partnerships established pursuant to subsection (c) are—

(1) to strengthen global relationships to promote international peace and security through fostering cooperation in the energy sector on a mutually beneficial basis in accordance with respective national energy policies;

(2) to promote the policy set forth in subsection (b), including activities to advance—

(A) the mutual understanding of each country's energy needs, priorities, and policies, including interparliamentary understanding;

(B) measures to respond to acute energy supply disruptions, particularly in regard to petroleum and natural gas resources;

(C) long-term reliability and sustainability in energy supply;

(D) the safeguarding and safe handling of nuclear fuel;

(E) human and environmental protection;

(F) renewable energy production;

(G) access to reliable and affordable energy for underdeveloped areas, in particular energy access for the poor;

(H) appropriate commercial cooperation;

(I) information reliability and transparency; and

(J) research and training collaboration;

(3) to advance the national security priority of developing sustainable and clean energy sources, including through research and development related to, and deployment of—

(A) renewable electrical energy sources, including biomass, wind, and solar;

(B) renewable transportation fuels, including biofuels;

(C) clean coal technologies;

(D) carbon sequestration, including in conjunction with power generation, agriculture, and forestry; and

(E) energy and fuel efficiency, including hybrids and plug-in hybrids, flexible fuel, advanced composites, hydrogen, and other transportation technologies; and

(4) to provide strategic focus for current and future United States Government activities in energy cooperation to meet the global need for energy security.

(e) DETERMINATION OF AGENDAS.—In general, the specific agenda with respect to a particular strategic energy partnership, and the Federal agencies designated to implement related activities, shall be determined by the Secretary of State and the Secretary of Energy.

(f) USE OF CURRENT AGREEMENTS TO ESTABLISH PARTNERSHIPS.—Some or all of the purposes of the strategic energy partnerships established under subsection (c) may be pursued through existing bilateral or multilateral agreements and activities. Such agreements and activities shall be subject to the reporting requirements in subsection (g).

(g) REPORTS REQUIRED.—

(1) INITIAL PROGRESS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on progress made in developing the strategic energy partnerships authorized under this section.

(2) ANNUAL PROGRESS REPORTS.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for 20 years, the Secretary of State shall submit to the appropriate congressional committees an annual report on agreements entered into and activities undertaken pursuant to this section, including international environment activities.

(B) CONTENT.—Each report submitted under this paragraph shall include details on—

(i) agreements and activities pursued by the United States Government with foreign governments and entities, the implementation plans for such agreements and progress measurement benchmarks, United States Government resources used in pursuit of such agreements and activities, and legislative changes recommended for improved partnership; and

(ii) polices and actions in the energy sector of partnership countries pertinent to United States economic, security, and environmental interests.

SEC. 705. INTERNATIONAL ENERGY CRISIS RESPONSE MECHANISMS.

(a) FINDINGS.—Congress makes the following findings:

(1) Cooperation between the United States Government and governments of other countries during energy crises promotes the national security of the United States.

(2) The participation of the United States in the International Energy Program established under the Agreement on an International Energy Program, done at Paris November 18, 1974 (27 UST 1685), including in the coordination of national strategic petroleum reserves, is a national security asset that—

(A) protects the consumers and the economy of the United States in the event of a major disruption in petroleum supply;

(B) maximizes the effectiveness of the United States strategic petroleum reserve through cooperation in accessing global reserves of various petroleum products;

(C) provides market reassurance in countries that are members of the International Energy Program; and

(D) strengthens United States Government relationships with members of the International Energy Program.

(3) The International Energy Agency projects that the largest growth in demand for petroleum products, other than demand from the United States, will come from China and India, which are not members of the International Energy Program. The Governments of China and India vigorously pursue access to global oil reserves and are attempting to develop national petroleum reserves. Participation of the Governments of China and India in an international petroleum reserve mechanism would promote global energy security, but such participation should be conditional on the Governments of China and India abiding by customary petroleum reserve management practices.

(4) In the Western Hemisphere, only the United States and Canada are members of the International Energy Program. The vulnerability of most Western Hemisphere countries to supply disruptions from political, natural, or terrorism causes may introduce instability in the hemisphere and can be a source of conflict, despite the existence of major oil reserves in the hemisphere.

(5) Countries that are not members of the International Energy Program and are unable to maintain their own national strategic reserves are vulnerable to petroleum supply disruption. Disruption in petroleum supply and spikes in petroleum costs could devastate the economies of developing countries and could cause internal or interstate conflict.

(6) The involvement of the United States Government in the extension of international mechanisms to coordinate strategic petroleum reserves and the extension of other emergency preparedness measures should strengthen the current International Energy Program.

(b) ENERGY CRISIS RESPONSE MECHANISMS WITH INDIA AND CHINA.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish a petroleum crisis response mechanism or mechanisms with the Governments of China and India.

(2) SCOPE.—The mechanism or mechanisms established under paragraph (1) should include—

(A) technical assistance in the development and management of national strategic petroleum reserves;

(B) agreements for coordinating drawdowns of strategic petroleum reserves with the United States, conditional upon reserve holdings and management conditions established by the Secretary of Energy;

(C) emergency demand restraint measures;

(D) fuel switching preparedness and alternative fuel production capacity; and

(E) ongoing demand intensity reduction programs.

(3) USE OF EXISTING AGREEMENTS TO ESTABLISH MECHANISM.—The Secretary may, after consultation with Congress and in accordance with existing international agreements, including the International Energy Program, include China and India in a petroleum crisis response mechanism through existing or new agreements.

(c) ENERGY CRISIS RESPONSE MECHANISM FOR THE WESTERN HEMISPHERE.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish a Western Hemisphere energy crisis response mechanism.

(2) SCOPE.—The mechanism established under paragraph (1) should include—

(A) an information sharing and coordinating mechanism in case of energy supply emergencies;

(B) technical assistance in the development and management of national strategic petroleum reserves within countries of the Western Hemisphere;

(C) technical assistance in developing national programs to meet the requirements of membership in a future international energy application procedure as described in subsection (d);

(D) emergency demand restraint measures;

(E) energy switching preparedness and alternative energy production capacity; and

(F) ongoing demand intensity reduction programs.

(3) MEMBERSHIP.—The Secretary should seek to include in the Western Hemisphere energy crisis response mechanism membership for each major energy producer and major energy consumer in the Western Hemisphere and other members of the Hemisphere Energy Cooperation Forum authorized under section 706.

(d) INTERNATIONAL ENERGY PROGRAM APPLICATION PROCEDURE.—

(1) AUTHORITY.—The President should place on the agenda for discussion at the Governing Board of the International Energy Agency, as soon as practicable, the merits of establishing an international energy program application procedure.

(2) PURPOSE.—The purpose of such procedure is to allow countries that are not members of the International Energy Program to apply to the Governing Board of the International Energy Agency for allocation of petroleum reserve stocks in times of emergency on a grant or loan basis. Such countries should also receive technical assistance for, and be subject to, conditions requiring development and management of national programs for energy emergency preparedness, including demand restraint, fuel switching preparedness, and development of alternative fuels production capacity.

(e) REPORTS REQUIRED.—

(1) PETROLEUM RESERVES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the appropriate congressional committees a report that evaluates the options for adapting the United States national strategic petroleum reserve and the international petroleum reserve coordinating mechanism in order to carry out this section.

(2) CRISIS RESPONSE MECHANISMS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Energy, shall submit to the appropriate congressional committees a report on the status of the establishment of the international petroleum crisis response mechanisms described in subsections (b) and (c). The report shall include recommendations of the Secretary of State and the Secretary of Energy for any legislation necessary to establish or carry out such mechanisms.

(3) EMERGENCY APPLICATION PROCEDURE.—Not later than 60 days after a discussion by the Governing Board of the International Energy Agency of the application procedure described under subsection (d), the President should submit to Congress a report that describes—

(A) the actions the United States Government has taken pursuant to such subsection; and

(B) a summary of the debate on the matter before the Governing Board of the International Energy Agency, including any decision that has been reached by the Governing Board with respect to the matter.

SEC. 706. HEMISPHERE ENERGY COOPERATION FORUM.

(a) FINDINGS.—Congress makes the following findings:

(1) The engagement of the United States Government with governments of countries in the Western Hemisphere is a strategic priority for reducing the potential for tension over energy resources, maintaining and expanding reliable energy supplies, expanding use of renewable energy, and reducing the detrimental effects of energy import dependence within the hemisphere. Current energy dialogues should be expanded and refocused as needed to meet this challenge.

(2) Countries of the Western Hemisphere can most effectively meet their common needs for energy security and sustainability through partnership and cooperation. Cooperation between governments on energy issues will enhance bilateral relationships among countries of the hemisphere. The Western Hemisphere is rich in natural resources, including biomass, oil, natural gas, coal, and has significant opportunity for production of renewable hydro, solar, wind, and other energies. Countries of the Western Hemisphere can provide convenient and reliable markets for trade in energy goods and services.

(3) Development of sustainable energy alternatives in the countries of the Western Hemisphere can improve energy security, balance of trade, and environmental quality and provide markets for energy technology and agricultural products. Brazil and the United States have led the world in the production of ethanol, and deeper cooperation on biofuels with other countries of the hemisphere would extend economic and security benefits.

(4) Private sector partnership and investment in all sources of energy is critical to providing energy security in the Western Hemisphere.

(b) HEMISPHERE ENERGY COOPERATION FORUM.—

(1) ESTABLISHMENT.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish a regional-based ministerial forum to be known as the Hemisphere Energy Cooperation Forum.

(2) PURPOSES.—The Hemisphere Energy Cooperation Forum should seek—

(A) to strengthen relationships between the United States and other countries of the Western Hemisphere through cooperation on energy issues;

(B) to enhance cooperation between major energy producers and major energy consumers in the Western Hemisphere, particularly among the governments of Brazil, Canada, Mexico, the United States, and Venezuela;

(C) to ensure that energy contributes to the economic, social, and environmental enhancement of the countries of the Western Hemisphere;

(D) to provide an opportunity for open dialogue and joint commitments between member governments and with private industry; and

(E) to provide participating countries the flexibility necessary to cooperatively address broad challenges posed to the energy supply of the Western Hemisphere that are practical in policy terms and politically acceptable.

(3) ACTIVITIES.—The Hemisphere Energy Cooperation Forum should implement the following activities:

(A) An Energy Crisis Initiative that will establish measures to respond to temporary energy supply disruptions, including through—

(i) strengthening sea-lane and infrastructure security;

(ii) implementing a real-time emergency information sharing system;

(iii) encouraging members to have emergency mechanisms and contingency plans in place; and

(iv) establishing a Western Hemisphere energy crisis response mechanism as authorized under section 705(c).

(B) An Energy Sustainability Initiative to facilitate long-term supply security through fostering reliable supply sources of fuels, including development, deployment, and commercialization of technologies for sustainable renewable fuels within the region, including activities that—

(i) promote production and trade in sustainable energy, including energy from biomass;

(ii) facilitate investment, trade, and technology cooperation in energy infrastructure, petroleum products, natural gas (including liquefied natural gas), energy efficiency (including automotive efficiency), clean fossil energy, renewable energy, and carbon sequestration;

(iii) promote regional infrastructure and market integration;

(iv) develop effective and stable regulatory frameworks;

(v) develop renewable fuels standards and renewable portfolio standards;

(vi) establish educational training and exchange programs between member countries; and

(vii) identify and remove barriers to trade in technology, services, and commodities.

(C) An Energy for Development Initiative to promote energy access for underdeveloped areas through energy policy and infrastructure development, including activities that—

(i) increase access to energy services for the poor;

(ii) improve energy sector market conditions;

(iii) promote rural development though biomass energy production and use;

(iv) increase transparency of, and participation in, energy infrastructure projects;

(v) promote development and deployment of technology for clean and sustainable energy development, including biofuel and clean coal technologies; and

(vi) facilitate use of carbon sequestration methods in agriculture and forestry and linking greenhouse gas emissions reduction programs to international carbon markets.

(c) HEMISPHERE ENERGY INDUSTRY GROUP.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Commerce and the Secretary of Energy, should approach the governments of other countries in the Western Hemisphere to seek cooperation in establishing a Hemisphere Energy Industry Group, to be coordinated by the United States Government, involving industry representatives and government representatives from the Western Hemisphere.

(2) PURPOSE.—The purpose of the forum should be to increase public-private partnerships, foster private investment, and enable countries of the Western Hemisphere to devise energy agendas compatible with industry capacity and cognizant of industry goals.

(3) TOPICS OF DIALOGUES.—Topics for the forum should include—

(A) promotion of a secure investment climate;

(B) development and deployment of biofuels and other alternative fuels and clean electrical production facilities, including clean coal and carbon sequestration;

(C) development and deployment of energy efficient technologies and practices, including in the industrial, residential, and transportation sectors;

(D) investment in oil and natural gas production and distribution;

(E) transparency of energy production and reserves data;

(F) research promotion; and

(G) training and education exchange programs.

(d) ANNUAL REPORT.—The Secretary of State, in coordination with the Secretary of Energy, shall submit to the appropriate congressional committees an annual report on the implementation of this section, including the strategy and benchmarks for measurement of progress developed under this section.

SEC. 707. NATIONAL SECURITY COUNCIL REORGANIZATION.

Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) the Secretary of Energy;''.

SEC. 708. ANNUAL NATIONAL ENERGY SECURITY STRATEGY REPORT.

(a) REPORTS.—

(1) IN GENERAL.—Subject to paragraph (2), on the date on which the President submits to Congress the budget for the following fiscal year under section 1105 of title 31, United States Code, the President shall submit to Congress a comprehensive report on the national energy security of the United States.

(2) NEW PRESIDENTS.—In addition to the reports required under paragraph (1), the President shall submit a comprehensive report on the national energy security of the United States by not later than 150 days after the date on which the President assumes the office of President after a presidential election.

(b) CONTENTS.—Each report under this section shall describe the national energy security strategy of the United States, including a comprehensive description of—

(1) the worldwide interests, goals, and objectives of the United States that are vital to the national energy security of the United States;

(2) the foreign policy, worldwide commitments, and national defense capabilities of the United States necessary—

(A) to deter political manipulation of world energy resources; and

(B) to implement the national energy security strategy of the United States;

(3) the proposed short-term and long-term uses of the political, economic, military, and other authorities of the United States—

(A) to protect or promote energy security; and

(B) to achieve the goals and objectives described in paragraph (1);

(4) the adequacy of the capabilities of the United States to protect the national energy security of the United States, including an evaluation of the balance among the capabilities of all elements of the national authority of the United States to support the implementation of the national energy security strategy; and

(5) such other information as the President determines to be necessary to inform Congress on matters relating to the national energy security of the United States.

(c) CLASSIFIED AND UNCLASSIFIED FORM.—Each national energy security strategy report shall be submitted to Congress in—

(1) a classified form; and

(2) an unclassified form.

SEC. 709. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Energy and Natural Resources of the Senate and the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives.

SEC. 710. NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2007.

(a) SHORT TITLE.—This section may be cited as the ''No Oil Producing and Exporting Cartels Act of 2007'' or ''NOPEC''.

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

''SEC. 7A. OIL PRODUCING CARTELS.

''(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

''(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

''(d) ENFORCEMENT.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.''.

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) in which the action is brought under section 7A of the Sherman Act.''.

SEC. 711. CONVENTION ON SUPPLEMENTARY COMPENSATION FOR NUCLEAR DAMAGE CONTINGENT COST ALLOCATION.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the ''Price-Anderson Act'')—

(i) provides a predictable legal framework necessary for nuclear projects; and

(ii) ensures prompt and equitable compensation in the event of a nuclear incident in the United States;

(B) section 170 of that Act, in effect, provides operators of nuclear powerplants with insurance for damage arising out of a nuclear incident and funds the insurance primarily through the assessment of a retrospective premium from each operator after the occurrence of a nuclear incident;

(C) the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997, will establish a global system—

(i) to provide a predictable legal framework necessary for nuclear energy projects; and

(ii) to ensure prompt and equitable compensation in the event of a nuclear incident;

(D) the Convention benefits United States nuclear suppliers that face potentially unlimited liability for a nuclear incidents outside the coverage of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) by replacing a potentially open-ended liability with a predictable liability regime that, in effect, provides nuclear suppliers with insurance for damage arising out of such an incident;

(E) the Convention also benefits United States nuclear facility operators that may be publicly liable for a Price-Anderson incident by providing an additional early source for a Price-Anderson incident by providing an additional early source of funds to compensate damage arising out of the Price-Anderson incident;

(F) the combined operation of the Convention, section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), and this section will augment the quantity of assured funds available for victims in a wider variety of nuclear incidents while reducing the potential liability of United States suppliers without increasing potential costs to United States operators;

(G) the cost of those benefits is the obligation of the United States to contribute to the supplementary compensation fund established by the Convention;

(H) any such contribution should be funded in a manner that neither upsets settled expectations based on the liability regime established under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) nor shifts to Federal taxpayers liability risks for nuclear incidents at foreign installations;

(I) with respect to a Price-Anderson incident, funds already available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) should be used; and

(J) with respect to a nuclear incident outside the United States not covered by section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), a retrospective premium should be prorated among nuclear suppliers relieved from potential liability for which insurance is not available.

(2) PURPOSE.—The purpose of this section is to allocate the contingent costs associated with participation by the United States in the international nuclear liability compensation system established by the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997—

(A) with respect to a Price-Anderson incident, by using funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) to cover the contingent costs in a manner that neither increases the burdens nor decreases the benefits under section 170 of that Act; and

(B) with respect to a covered incident outside the United States that is not a Price-Anderson incident, by allocating the contingent costs equitably, on the basis of risk, among the class of nuclear suppliers relieved by the Convention from the risk of potential liability resulting from any covered incident outside the United States.

(b) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Nuclear Regulatory Commission.

(2) CONTINGENT COST.—The term ''contingent cost'' means the cost to the United States in the event of a covered incident the amount of which is equal to the amount of funds the United States is obligated to make available under paragraph 1(b) of Article III of the Convention.

(3) CONVENTION.—The term ''Convention'' means the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997.

(4) COVERED INCIDENT.—The term ''covered incident'' means a nuclear incident the occurrence of which results in a request for funds pursuant to Article VII of the Convention.

(5) COVERED INSTALLATION.—The term ''covered installation'' means a nuclear installation at which the occurrence of a nuclear incident could result in a request for funds under Article VII of the Convention.

(6) COVERED PERSON.—

(A) IN GENERAL.—The term ''covered person'' means—

(i) a United States person; and

(ii) an individual or entity (including an agency or instrumentality of a foreign country) that—

(I) is located in the United States; or

(II) carries out an activity in the United States.

(B) EXCLUSIONS.—The term ''covered person'' does not include—

(i) the United States; or

(ii) any agency or instrumentality of the United States.

(7) NUCLEAR SUPPLIER.—The term ''nuclear supplier'' means a covered person (or a successor in interest of a covered person) that—

(A) supplies facilities, equipment, fuel, services, or technology pertaining to the design, construction, operation, or decommissioning of a covered installation; or

(B) transports nuclear materials that could result in a covered incident.

(8) PRICE-ANDERSON INCIDENT.—The term ''Price-Anderson incident'' means a covered incident for which section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) would make funds available to compensate for public liability (as defined in section 11 of that Act (42 U.S.C. 2014)).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(10) UNITED STATES.—

(A) IN GENERAL.—The term ''United States'' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(B) INCLUSIONS.—The term ''United States'' includes—

(i) the Commonwealth of Puerto Rico;

(ii) any other territory or possession of the United States;

(iii) the Canal Zone; and

(iv) the waters of the United States territorial sea under Presidential Proclamation Number 5928, dated December 27, 1988 (43 U.S.C. 1331 note).

(11) UNITED STATES PERSON.—The term ''United States person'' means—

(A) any individual who is a resident, national, or citizen of the United States (other than an individual residing outside of the United States and employed by a person who is not a United States person); and

(B) any corporation, partnership, association, joint stock company, business trust, unincorporated organization, or sole proprietorship that is organized under the laws of the United States.

(c) USE OF PRICE-ANDERSON FUNDS.—

(1) IN GENERAL.—Funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) shall be used to cover the contingent cost resulting from any Price-Anderson incident.

(2) EFFECT.—The use of funds pursuant to paragraph (1) shall not reduce the limitation on public liability established under section 170 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)).

(d) EFFECT ON AMOUNT OF PUBLIC LIABILITY.—

(1) IN GENERAL.—Funds made available to the United States under Article VII of the Convention with respect to a Price-Anderson incident shall be used to satisfy public liability resulting from the Price-Anderson incident.

(2) AMOUNT.—The amount of public liability allowable under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) relating to a Price-Anderson incident under paragraph (1) shall be increased by an amount equal to the difference between—

(A) the amount of funds made available for the Price-Anderson incident under Article VII of the Convention; and

(B) the amount of funds used under subsection (c) to cover the contingent cost resulting from the Price-Anderson incident.

(e) RETROSPECTIVE RISK POOLING PROGRAM.—

(1) IN GENERAL.—Except as provided in paragraph (2), each nuclear supplier shall participate in a retrospective risk pooling program in accordance with this section to cover the contingent cost resulting from a covered incident outside the United States that is not a Price-Anderson incident.

(2) DEFERRED PAYMENT.—

(A) IN GENERAL.—The obligation of a nuclear supplier to participate in the retrospective risk pooling program shall be deferred until the United States is called on to provide funds pursuant to Article VII of the Convention with respect to a covered incident that is not a Price-Anderson incident.

(B) AMOUNT OF DEFERRED PAYMENT.—The amount of a deferred payment of a nuclear supplier under subparagraph (A) shall be based on the risk-informed assessment formula determined under subparagraph (C).

(C) RISK-INFORMED ASSESSMENT FORMULA.—

(i) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall, by regulation, determine the risk-informed assessment formula for the allocation among nuclear suppliers of the contingent cost resulting from a covered incident that is not a Price-Anderson incident, taking into account risk factors such as—

(I) the nature and intended purpose of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(II) the quantity of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(III) the hazards associated with the supplied goods and services if the goods and services fail to achieve the intended purposes;

(IV) the hazards associated with the covered installation outside the United States to which the goods and services are supplied;

(V) the legal, regulatory, and financial infrastructure associated with the covered installation outside the United States to which the goods and services are supplied; and

(VI) the hazards associated with particular forms of transportation.

(ii) FACTORS FOR CONSIDERATION.—In determining the formula, the Secretary may—

(I) exclude—

(aa) goods and services with negligible risk;

(bb) classes of goods and services not intended specifically for use in a nuclear installation;

(cc) a nuclear supplier with a de minimis share of the contingent cost; and

(dd) a nuclear supplier no longer in existence for which there is no identifiable successor; and

(II) establish the period on which the risk assessment is based.

(iii) APPLICATION.—In applying the formula, the Secretary shall not consider any covered installation or transportation for which funds would be available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210).

(iv) REPORT.—Not later than 5 years after the date of enactment of this Act and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on whether there is a need for continuation or amendment of this section, taking into account the effects of the implementation of the Convention on the United States nuclear industry and suppliers.

(f) REPORTING.—

(1) COLLECTION OF INFORMATION.—

(A) IN GENERAL.—The Secretary may collect information necessary for developing and implementing the formula for calculating the deferred payment of a nuclear supplier under subsection (e)(2).

(B) PROVISION OF INFORMATION.—Each nuclear supplier and other appropriate persons shall make available to the Secretary such information, reports, records, documents, and other data as the Secretary determines, by regulation, to be necessary or appropriate to develop and implement the formula under subsection (e)(2)(C).

(2) PRIVATE INSURANCE.—The Secretary shall make available to nuclear suppliers, and insurers of nuclear suppliers, information to support the voluntary establishment and maintenance of private insurance against any risk for which nuclear suppliers may be required to pay deferred payments under this section.

(g) EFFECT ON LIABILITY.—Nothing in any other law (including regulations) limits liability for a covered incident to an amount equal to less than the amount prescribed in paragraph 1(a) of Article IV of the Convention, unless the law—

(1) specifically refers to this section; and

(2) explicitly repeals, alters, amends, modifies, impairs, displaces, or supersedes the effect of this subsection.

(h) PAYMENTS TO AND BY THE UNITED STATES.—

(1) ACTION BY NUCLEAR SUPPLIERS.—

(A) NOTIFICATION.—In the case of a request for funds under Article VII of the Convention resulting from a covered incident that is not a Price-Anderson incident, the Secretary shall notify each nuclear supplier of the amount of the deferred payment required to be made by the nuclear supplier.

(B) PAYMENTS.—

(i) IN GENERAL.—Except as provided in clause (ii), not later than 60 days after receipt of a notification under subparagraph (A), a nuclear supplier shall pay to the general fund of the Treasury the deferred payment of the nuclear supplier required under subparagraph (A).

(ii) ANNUAL PAYMENTS.—A nuclear supplier may elect to prorate payment of the deferred payment required under subparagraph (A) in 5 equal annual payments (including interest on the unpaid balance at the prime rate prevailing at the time the first payment is due).

(C) VOUCHERS.—A nuclear supplier shall submit payment certification vouchers to the Secretary of the Treasury in accordance with section 3325 of title 31, United States Code.

(2) USE OF FUNDS.—

(A) IN GENERAL.—Amounts paid into the Treasury under paragraph (1) shall be available to the Secretary of the Treasury, without further appropriation and without fiscal year limitation, for the purpose of making the contributions of public funds required to be made by the United States under the Convention.

(B) ACTION BY SECRETARY OF TREASURY.—The Secretary of the Treasury shall pay the contribution required under the Convention to the court of competent jurisdiction under Article XIII of the Convention with respect to the applicable covered incident.

(3) FAILURE TO PAY.—If a nuclear supplier fails to make a payment required under this subsection, the Secretary may take appropriate action to recover from the nuclear supplier—

(A) the amount of the payment due from the nuclear supplier;

(B) any applicable interest on the payment; and

(C) a penalty of not more than twice the amount of the deferred payment due from the nuclear supplier.

(i) LIMITATION ON JUDICIAL REVIEW; CAUSE OF ACTION.—

(1) LIMITATION ON JUDICIAL REVIEW.—

(A) IN GENERAL.—In any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, any appeal or review by writ of mandamus or otherwise with respect to a nuclear incident that is not a Price-Anderson incident shall be in accordance with chapter 83 of title 28, United States Code, except that the appeal or review shall occur in the United States Court of Appeals for the District of Columbia Circuit.

(B) SUPREME COURT JURISDICTION.—Nothing in this paragraph affects the jurisdiction of the Supreme Court of the United States under chapter 81 of title 28, United States Code.

(2) CAUSE OF ACTION.—

(A) IN GENERAL.—Subject to subparagraph (B), in any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, in addition to any other cause of action that may exist, an individual or entity shall have a cause of action against the operator to recover for nuclear damage suffered by the individual or entity.

(B) REQUIREMENT.—Subparagraph (A) shall apply only if the individual or entity seeks a remedy for nuclear damage (as defined in Article I of the Convention) that was caused by a nuclear incident (as defined in Article I of the Convention) that is not a Price-Anderson incident.

(C) EFFECT OF PARAGRAPH.—Nothing in this paragraph limits, modifies, extinguishes, or otherwise affects any cause of action that would have existed in the absence of enactment of this paragraph.

(j) RIGHT OF RECOURSE.—This section does not provide to an operator of a covered installation any right of recourse under the Convention.

(k) PROTECTION OF SENSITIVE UNITED STATES INFORMATION.—Nothing in the Convention or this section requires the disclosure of—

(1) any data that, at any time, was Restricted Data (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014));

(2) information relating to intelligence sources or methods protected by section 102A(i) of the National Security Act of 1947 (50 U.S.C. 403–1(i)); or

(3) national security information classified under Executive Order 12958 (50 U.S.C. 435 note; relating to classified national security information) (or a successor regulation).

(l) REGULATIONS.—

(1) IN GENERAL.—The Secretary or the Commission, as appropriate, may prescribe regulations to carry out section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section.

(2) REQUIREMENT.—Rules prescribed under this subsection shall ensure, to the maximum extent practicable, that—

(A) the implementation of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section is consistent and equitable; and

(B) the financial and operational burden on a Commission licensee in complying with section 170 of that Act is not greater as a result of the enactment of this section.

(3) APPLICABILITY OF PROVISION.—Section 553 of title 5, United States Code, shall apply with respect to the promulgation of regulations under this subsection.

(4) EFFECT OF SUBSECTION.—The authority provided under this subsection is in addition to, and does not impair or otherwise affect, any other authority of the Secretary or the Commission to prescribe regulations.

(m) EFFECTIVE DATE.—This section takes effect on the date of enactment of this Act.

TITLE VIII—MISCELLANEOUS

SEC. 801. STUDY OF THE EFFECT OF PRIVATE WIRE LAWS ON THE DEVELOPMENT OF COMBINED HEAT AND POWER FACILITIES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the States and other appropriate entities, shall conduct a study of the laws (including regulations) affecting the siting of privately owned electric distribution wires on and across public rights-of-way.

(2) REQUIREMENTS.—The study under paragraph (1) shall include—

(A) an evaluation of—

(i) the purposes of the laws; and

(ii) the effect the laws have on the development of combined heat and power facilities;

(B) a determination of whether a change in the laws would have any operating, reliability, cost, or other impacts on electric utilities and the customers of the electric utilities; and

(C) an assessment of—

(i) whether privately owned electric distribution wires would result in duplicative facilities; and

(ii) whether duplicative facilities are necessary or desirable.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study conducted under subsection (a).

Amend the title so as to read: ''An Act to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.''.

CONDEMNING VIOLENT ACTIONS OF THE GOVERNMENT OF ZIMBABWE

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 176, S. Con. Res. 25.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 25) condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, en bloc; that any statements relating thereto be printed in the RECORD without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 25) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 25

Whereas in 2005 the Government of Zimbabwe launched Operation Murambatsvina (''Operation Throw Out the Trash'') against citizens in major cities and suburbs throughout Zimbabwe, depriving over 700,000 people of their homes, businesses, and livelihoods;

Whereas on March 11, 2007, opposition party activists and members of civil society attempted to hold a peaceful prayer meeting to protest the economic and political crisis engulfing Zimbabwe, where inflation is running over 1,700 percent and unemployment stands at 80 percent and in response to President Robert Mugabe's announcement that he intends to seek reelection in 2008 if nominated;

Whereas opposition activist Gift Tandare died on March 11, 2007, as a result of being shot by police while attempting to attend the prayer meeting and Itai Manyeruke died on March 12, 2007, as a result of police beatings and was found in a morgue by his family on March 20, 2007;

Whereas under the direction of President Robert Mugabe and the ZANU–PF government, police officers, security forces, and youth militia brutally assaulted the peaceful demonstrators and arrested opposition leaders and hundreds of civilians;

Whereas Movement for Democratic Change (MDC) leader Morgan Tsvangarai was brutally assaulted and suffered a fractured skull, lacerations, and major bruising; MDC member Sekai Holland, a 64-year old grandmother, suffered ruthless attacks at Highfield Police Station, which resulted in the breaking of her leg, knee, arm, and three ribs; fellow activist Grace Kwinje, age 33, also was brutally beaten, while part of one ear was ripped off; and Nelson Chamisa was badly injured by suspected state agents at Harare airport on March 18, 2007, when trying to board a plane for a meeting of European Union and Africa, Caribbean, and Pacific Group of States lawmakers in Brussels, Belgium;

Whereas Zimbabwe's foreign minister warned Western diplomats that the Government of Zimbabwe would expel them if they gave support to the opposition, and said Western diplomats had gone too far by offering food and water to jailed opposition activists;

Whereas victims of physical assault by the Government of Zimbabwe have been denied emergency medical transfer to hospitals in neighboring South Africa, where their wounds can be properly treated;

Whereas those incarcerated by the Government of Zimbabwe were denied access to legal representatives and lawyers appearing at the jails to meet with detained clients were themselves threatened and intimidated;

Whereas at the time of Zimbabwe's independence, President Robert Mugabe was hailed as a liberator and Zimbabwe showed bright prospects for democracy, economic development, domestic reconciliation, and prosperity;

Whereas President Robert Mugabe and his ZANU–PF government continue to turn away from the promises of liberation and use state power to deny the people of Zimbabwe the freedom and prosperity they fought for and deserve;

Whereas the staggering suffering brought about by the misrule of Zimbabwe has created a large-scale humanitarian crisis in which 3,500 people die each week from a combination of disease, hunger, neglect, and despair;

Whereas the Chairman of the African Union, President Alpha Oumar Konare, expressed ''great concern'' about Zimbabwe's crisis and called for the need for the scrupulous respect for human rights and democratic principles in Zimbabwe;

Whereas the Southern African Development Community (SADC) Council of Nongovernmental Organizations stated that ''We believe that the crisis has reached a point where Zimbabweans need to be strongly persuaded and directly assisted to find an urgent solution to the crisis that affects the entire region.'';

Whereas Zambian President, Levy Mwanawasa, has urged southern Africa to take a new approach to Zimbabwe instead of the failed ''quiet diplomacy'', which he likened to a ''sinking Titanic,'' and stated that ''quiet diplomacy has failed to help solve the political chaos and economic meltdown in Zimbabwe'';

Whereas European Union and African, Caribbean, and Pacific lawmakers strongly condemned the latest attack on an opposition official in Zimbabwe and urged the government in Harare to cooperate with the political opposition to restore the rule of law; and

Whereas United States Ambassador to Zimbabwe, Christopher Dell, warned that opposition to President Robert Mugabe had reached a tipping point because the people no longer feared the regime and believed they had nothing left to lose: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of Congress that—

(A) the state-sponsored violence taking place in Zimbabwe represents a serious violation of fundamental human rights and the rule of law and should be condemned by all responsible governments, civic organizations, religious leaders, and international bodies; and

(B) the Government of Zimbabwe has not lived up to its commitments as a signatory to the Constitutive Act of the African Union and African Charter of Human and Peoples Rights which enshrine commitment to human rights and good governance as foundational principles of African states; and

(2) Congress—

(A) condemns the Government of Zimbabwe's violent suppression of political and human rights through its police force, security forces, and youth militia that deliberately inflict gross physical harm, intimidation, and abuse on those legitimately protesting the failing policies of the government;

(B) holds those individual police, security force members, and militia involved in abuse and torture responsible for the acts that they have committed;

(C) condemns the harassment and intimidation of lawyers attempting to carry out

their professional obligations to their clients and repeated failure by police to comply promptly with court decisions;

(D) condemns the harassment of foreign officials, journalists, human rights workers, and others, including threatening their expulsion from the country if they continue to provide food and water to victims detained in prison and in police custody while in the hospital;

(E) commends United States Ambassador Christopher Dell and other United States Government officials and foreign officials for their support to political detainees and victims of torture and abuse while in police custody or in medical care centers and encourages them to continue providing such support;

(F) calls on the Government of Zimbabwe to cease immediately its violent campaign against fundamental human rights, to respect the courts and members of the legal profession, and to restore the rule of law while adhering to the principles embodied in an accountable democracy, including freedom of association and freedom of expression;

(G) calls on the Government of Zimbabwe to cease illegitimate interference in travel abroad by its citizens, especially for humanitarian purposes; and

(H) calls on the leaders of the Southern Africa Development Community (SADC) and the African Union to consult urgently with all Zimbabwe stakeholders to intervene with the Government of Zimbabwe while applying appropriate pressures to resolve the economic and political crisis.

INTERNATIONAL EMERGENCY ECONOMIC POWERS ENHANCEMENT ACT

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 199, S. 1612.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1612) to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to, the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1947) was agreed to, as follows:

(Purpose: To modify the effective date provision)

Strike subsection (b), and insert the following:

(b) EFFECTIVE DATE.—

(1) CIVIL PENALTIES.—Section 206(b) of the International Emergency Economic Powers Act, as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is pending or commenced on or after the date of the enactment of this Act.

(2) CRIMINAL PENALTIES.—Section 206(c) of the International Emergency Economic Powers Act, as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is commenced on or after the date of the enactment of this Act.

The bill (S. 1612), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1612

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 ''International Emergency Economic Powers Enhancement Act''.

SEC. 2. INCREASED PENALTIES FOR VIOLATIONS OF IEEPA.

(a) IN GENERAL.—Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended to read as follows:

''SEC. 206. PENALTIES.

''(a) UNLAWFUL ACTS.—It shall be unlawful for a person to violate, attempt to violate, conspire to violate, or cause a violation of any license, order, regulation, or prohibition issued under this title.

''(b) EFFECTIVE DATE.—

''(1) CIVIL PENALTIES.—Section 206(b) of the International Emergency Economic Powers Act, as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is pending or commenced on or after the date of the enactment of this Act.

''(2) CRIMINAL PENALTIES.—Section 206(c) of the International Emergency Economic Powers Act, as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is commenced on or after the date of the enactment of this Act.

''(c) CRIMINAL PENALTY.—A person who willfully commits, willfully attempts to commit, or willfully conspires to commit, or aids or abets in the commission of, an unlawful act described in subsection (a) shall, upon conviction, be fined not more than $1,000,000, or if a natural person, may be imprisoned for not more than 20 years, or both.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to violations described in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) with respect to which enforcement action is pending or commenced on or after the date of the enactment of this Act.

THE CALENDAR

Mr. SALAZAR. Mr. President, I ask unanimous consent that it be in order for the Senate to proceed en bloc to the consideration of the following calendar items: Calendar No. 214, S. Res. 225; Calendar No. 215, S. Res. 230; and Calendar No. 216, S. Res. 235.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. I ask unanimous consent that the resolutions be agreed to en bloc, the preambles agreed to en bloc, the motions to reconsider be laid upon the table en bloc, the consideration of these items appear separately in the RECORD, and any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL MEDICINE ABUSE AWARENESS MONTH

The resolution (S. Res. 225) designating the month of August 2007 as ''National Medicine Abuse Awareness Month,'' was agreed to. The preamble was agreed to. The resolution, with its preamble, reads as follows:

S. RES. 225

Whereas over-the-counter and prescription medicines are extremely safe, effective, and potentially lifesaving when used properly, but the abuse and recreational use of these medicines can be extremely dangerous and produce serious side effects;

Whereas 6,400,000 individuals who are age 12 or older reported using prescription medicines non-medically in a recently sampled month, and abuse of prescription medications such as pain relievers, tranquilizers, stimulants, and sedatives is second only to marijuana, the number 1 illegal drug of abuse in the United States;

Whereas, recent studies indicate that 1 in 10 youth ages 12 through 17, or 2,400,000 children, has intentionally abused cough medicine to get high from its dextromethorphan ingredient, and 1 in 5 young adults (4,500,000) has used prescription medicines non-medically;

Whereas, according to research from the Partnership for a Drug-Free America, more than ⅓ of teens mistakenly believe that taking prescription drugs, even if not prescribed by a doctor, is much safer than using street drugs;

Whereas teens' and parents' lack of understanding of the potential harms of these powerful medicines makes it more critical than ever to raise public awareness about the dangers of their misuse;

Whereas, when prescription drugs are misused, they are most often obtained through friends and relatives, but are also obtained through rogue Internet pharmacies;

Whereas parents should be aware that the Internet gives teens access to websites that promote medicine misuse;

Whereas National Medicine Abuse Awareness Month promotes the message that over-the-counter and prescription medicines are to be taken only as labeled or prescribed, and when used recreationally or in large doses can have serious and life-threatening consequences;

Whereas National Medicine Abuse Awareness Month will encourage parents to educate themselves about this problem and talk to their teens about all types of substance abuse;

Whereas observance of National Medicine Abuse Awareness Month should be encouraged at the national, State, and local levels to increase awareness of the rising misuse of medicines;

Whereas some groups, such as the Consumer Healthcare Products Association and the Community Anti-Drug Coalition of America, have taken important proactive steps like creating educational toolkits, such as ''A Dose of Prevention: Stopping Cough Medicine Abuse Before it Starts'', which includes guides to educate parents, teachers, law enforcement officials, doctors and healthcare professionals, and retailers about the potential harms of cough and cold medicines and over-the-counter drug abuse;

Whereas the nonprofit Partnership for a Drug-Free America and its community alliance and affiliate partners have undertaken a nationwide prevention campaign utilizing research-based educational advertisements, public relations and news media, and the Internet to inform parents about the negative teen behavior of intentional abuse of medicines so that parents are empowered to

effectively communicate the facts of this dangerous trend with their teens and to take necessary steps to safeguard prescription and over-the-counter medicines in their homes; and

Whereas educating the public on the dangers of medicine abuse and promoting prevention is a critical component of what must be a multi-pronged effort to curb this disturbing rise in over-the-counter and cough medicine misuse: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of August 2007 as ''National Medicine Abuse Awareness Month''; and

(2) urges communities to carry out appropriate programs and activities to educate parents and youth of the potential dangers associated with medicine abuse.

NATIONAL TEEN SAFE DRIVER MONTH

The resolution (S. Res. 230) designating the month of July 2007 as ''National Teen Safe Driver Month,'' was agreed to. The preamble was agreed to. The resolution, with its preamble, reads as follows:

S. RES. 230

Whereas automobile accidents involving teenage drivers result in the highest cause of death and injury for adolescents between the ages of 15 and 20 years;

Whereas, each year, 7,460 teenage drivers between the ages of 15 and 20 years are involved in fatal crashes, and 1,700,000 teenage drivers are involved in accidents that are reported to law enforcement officers;

Whereas driver education and training resources have diminished in communities throughout the United States, leaving families underserved and lacking in opportunities for educating the teenage drivers of those families;

Whereas, in addition to costs relating to the long-term care of teenage drivers severely injured in automobile accidents, automobile accidents involving teenage drivers cost the United States more than $40,000,000,000 in lost productivity and other forms of economic loss;

Whereas technology advances have increased the opportunity of the United States to provide more effective training and research to novice teenage drivers; and

Whereas the families of victims of accidents involving teenage drivers are working together to save the lives of other teenage drivers through volunteer efforts in local communities: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of July 2007 as ''National Teen Safe Driver Month''; and

(2) calls upon the members of Federal, State, and local governments and interested organizations—

(A) to commemorate National Teen Safe Driver Month with appropriate ceremonies, activities, and programs; and

(B) to encourage the development of resources to provide affordable, accessible, and effective driver training for every teenage driver of the United States.

NATIONAL BOATING DAY

The resolution (S. Res. 235) designating July 1, 2007, as ''National Boating Day,'' was agreed to. The preamble was agreed to. The resolution, with its preamble, reads as follows:

S. RES. 235

Whereas the United States boating population exceeds 73,000,000 individuals utilizing and enjoying nearly 18,000,000 recreational watercraft;

Whereas the recreational boating industry provides more than $39,000,000,000 in sales and services to the United States economy and provides nearly 380,000 manufacturing jobs;

Whereas there are approximately 1,400 active boat builders in the United States with parts and materials being contributed from all fifty States;

Whereas boating appeals to all age groups and is a haven for relaxation that includes sailing, diving, fishing, water skiing, tubing, sightseeing, swimming, and more;

Whereas boaters serve as monitors and stewards of the environment, educating future generations in the value of this country's abundant water and other natural resources; and

Whereas Congress passed the Federal Boat Safety Act of 1971 and later created the Aquatic Resources Trust Fund in 1984, both of these actions having resulted in a decline in the rate of boating injuries: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 1, 2007, as ''National Boating Day'';

(2) recognizes the value of recreational boating and commemorates the boating industry of the United States for its environmental stewardship and innumerable contributions to the economy and to the mental and physical health of those who enjoy boats; and

(3) urges citizens, policy makers, and elected officials to celebrate National Boating Day and to become more aware of the overall contributions of boating to the lives of the people of the United States and to the Nation.

NATIONAL APHASIA AWARENESS MONTH

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 256 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 256) designating June 2007 as ''National Aphasia Awareness Month'', and supporting efforts to increase awareness of aphasia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 256) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 256

Whereas aphasia is a communication impairment caused by brain damage, typically resulting from a stroke;

Whereas, while aphasia is most often the result of stroke or brain injury, it can also occur with other neurological disorders, such as in the case of a brain tumor;

Whereas many people with aphasia also have weakness or paralysis in their right leg and right arm, usually due to damage to the left hemisphere of the brain, which controls language and movement on the right side of the body;

Whereas the effects of aphasia may include a loss or reduction in ability to speak, comprehend, read, and write, while intelligence remains intact;

Whereas stroke is the 3rd leading cause of death in the United States, ranking behind heart disease and cancer;

Whereas stroke is a leading cause of serious, long-term disability in the United States;

Whereas there are about 5,000,000 stroke survivors in the United States;

Whereas it is estimated that there are about 750,000 strokes per year in the United States, with approximately ⅓ of these resulting in aphasia;

Whereas aphasia affects at least 1,000,000 people in the United States;

Whereas more than 200,000 Americans acquire the disorder each year;

Whereas the National Aphasia Association is unique and provides communication strategies, support, and education for people with aphasia and their caregivers throughout the United States;

Whereas as an advocacy organization for people with aphasia and their caregivers, the National Aphasia Association envisions a world that recognizes this ''silent'' disability and provides opportunity and fulfillment for those affected by aphasia; and

Whereas National Aphasia Awareness Month is commemorated in June 2007: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of, and encourages all Americans to observe, National Aphasia Awareness Month in June 2007;

(2) recognizes that strokes, a primary cause of aphasia, are the third largest cause of death and disability in the United States;

(3) acknowledges that aphasia deserves more attention and study in order to find new solutions for serving individuals experiencing aphasia and their caregivers; and

(4) must make the voices of those with aphasia heard because they are often unable to communicate their condition to others.

CONGRATULATING THE UNIVERSITY OF CALIFORNIA AT LOS ANGELES

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 257, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 257) congratulating the University of California at Los Angeles for becoming the first university to win 100 National Collegiate Athletic Association Division I team titles.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 257) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 257

Whereas, on May 13, 2007, the University of California at Los Angeles (referred to in this preamble as the ''Bruins'') won its 100th National Collegiate Athletic Association (NCAA) team title;

Whereas the Bruins won 70 NCAA championships in men's sports between 1950 and 2007 and 30 NCAA championships in women's sports between 1982 and 2007;

Whereas the Bruins won 60 NCAA championships in the 26 years since the inauguration of women's collegiate sports championships in 1981, including 30 NCAA women's titles and 30 NCAA men's titles;

Whereas 16 separate athletic programs, including 9 men's programs and 7 women's programs, won 1 or more NCAA team championships for the Bruins:

(1) Men's volleyball in 1970, 1971, 1972, 1974, 1975, 1976, 1979, 1981, 1982, 1983, 1984, 1987, 1989, 1993, 1995, 1996, 1998, 2000, and 2006.

(2) Men's tennis in 1950, 1952, 1953, 1954, 1956, 1960, 1961, 1965, 1970, 1971, 1975, 1976, 1979, 1982, 1984, and 2005.

(3) Men's basketball in 1964, 1965, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1975, and 1995.

(4) Softball in 1982, 1984, 1985, 1988, 1989, 1990, 1992, 1999, 2003, and 2004.

(5) Men's track and field in 1956, 1966, 1971, 1973, 1978, 1972, 1987, and 1988.

(6) Men's water polo in 1969, 1971, 1972, 1995, 1996, 1999, 2000, and 2004.

(7) Women's water polo in 2001, 2003, 2005, 2006, and 2007.

(8) Women's gymnastics in 1997, 2000, 2001, 2003, and 2004.

(9) Men's soccer in 1985, 1990, 1997, and 2002.

(10) Women's track and field in 1982, 1983, and 2004.

(11) Women's volleyball in 1984, 1990, and 1991.

(12) Women's indoor track and field in 2000 and 2001.

(13) Women's golf in 1991 and 2004.

(14) Men's gymnastics in 1984 and 1987.

(15) Men's golf in 1988.

(16) Men's swimming in 1982;

Whereas, under the direction of head coach Al Scates, the Bruins won 19 NCAA team titles in the sport of men's volleyball between 1970 and 2006, tying the record for the most NCAA titles won by one coach in a single sport;

Whereas, between 1964 and 1975, under the direction of head coach John Robert Wooden, the Bruins won 10 NCAA team titles in the sport of men's basketball, including an unprecedented seven straight titles between 1967 and 1973;

Whereas, on May 13, 2007, under the direction of head coach Adam Krikorian, the Bruins won their 5th Division I team title in 7 years in the sport of women's water polo, and ended the 2007 season with an overall record of 28 wins and 2 losses;

Whereas Bruin student-athletes are excellent representatives of the University of California at Los Angeles, the University of California system, and the State of California; and

Whereas the University of California at Los Angeles has demonstrated a strong tradition of academic excellence since the founding of the Univeristy in 1919 and a strong tradition of athletic excellence since winning its 1st NCAA team title in 1950, establishing the University of California at Los Angeles as a top university in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of California at Los Angeles women's water polo team for winning the 2007 NCAA Division I Women's Water Polo National Championship;

(2) congratulates the University of California at Los Angeles for becoming the first university to win 100 National Collegiate Athletic Association Division I team titles; and

(3) commends the student-athletes, coaches, alumni, instructors, and staff of the University of California at Los Angeles for their contributions to the achievement of this distinguished milestone.

ORDERS FOR WEDNESDAY, JUNE 27, 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Wednesday, June 27; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders reserved for their use later in the day, and the Senate then resume consideration of S. 1639, the comprehensive immigration bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SALAZAR. 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate this evening, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:06 p.m., adjourned until Wednesday, June 27, 2007, at 10 a.m.

EXTENSIONS OF REMARKS

IN HONOR OF BRITTANY HULINGS

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. ALTMIRE. Madam Speaker, I rise today to pay tribute to Brittany Hulings, who has been selected as a 2007 Presidential Scholar. Ms. Hulings lives in Sewickley Hills, Pennsylvania and recently graduated from Quaker Valley High School. She is an exemplary citizen and a wonderful example of what our students are capable of achieving.

Since 1964, the Presidential Scholars program has honored the nation's most distinguished graduating high school seniors. Applicants are judged based on their performance in the classroom, their commitment to the ideals of service and their aptitude for leadership. Recipients must excel in all of these areas. Earning this recognition is so competitive that of the over 3 million seniors who graduated this year, only 141 were chosen as Presidential Scholars.

In addition to her excellent academic record, Ms. Hulings has distinguished herself as a student athlete. Due to both her scholastic achievements and her skills as a golfer, she was selected as the Pittsburgh First Tees Scholar for 2007, and she also earned the Pritchett Young Ventures Scholarship. She also boasts a proven record of service, having been active in the state YMCA.

I am honored to have the opportunity to recognize Ms. Hulings's exceptional achievement of becoming a Presidential Scholar. Additionally, I would also like to recognize Ms. Hulings's parents, teachers, coaches and other role models, whom I am sure played a significant role in molding such a remarkable young woman.

RECOGNIZING LIBRARY DAY ON THE HILL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. RANGEL. Madam Speaker, I rise today to recognize Library Day on the Hill during the American Library Association's (ALA) Annual Conference in Washington, D.C. On June 26th, 2007, library supporters and sponsors will gather on Capitol Hill to display the diversity of library resources available in the United States. I am glad to support this initiative and look forward to celebrating the wealth and freedom of information that we have in this great country.

Information resources are the foundation of effective research, reporting and analyzing. Our libraries serve as a principle medium through which our communities access educational resources and electronic databases.

In New York, the Federal Library Services and Technology Act (LSTA) supports our local libraries and provides funds for New Yorkers to access electronic databases through NOVELNY, our first statewide virtual library. LSTA is also focused on strengthening the relationship between library organizations and policy makers in order to facilitate better communication and collaboration. In line with the New York State Education Department's mission "to raise the knowledge, skill, and opportunity of all the people in New York," targeted library support will ensure the greatest benefit of library resources to all New Yorkers.

I encourage my colleagues to join me in supporting Library Day on the Hill, June 26th, 2007. The services provided by our libraries are inimitable and by raising awareness of our library collections we display the freedom of information resources available in America.

CELEBRATING THE 35TH ANNIVERSARY OF TITLE IX

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Ms. SCHAKOWSKY. Madam Speaker, June 23, 2007 marked a significant event in American history; the 35th anniversary of the passage of Title IX of the Higher Education Act. In celebrating the 35th anniversary of the Title IX law, I am pleased to honor the principle of equal opportunity before the law and applaud the amazing contributions made by women.

Title IX's impact on college sports has been well documented. However, its influence on women extends well beyond the playing field and into the classroom. When the law was passed in 1972, 46 percent of female high school students enrolled in college immediately after graduating. In 2005, that figure had risen to 70 percent and the share of bachelor's degrees earned by women had increased from 44 to 57 percent.

Title IX has also affected my life in a very personal way. I have seen how Title IX has changed the experiences of the women in my own family. When I was in school, there was no Title IX and opportunities were limited. When my daughter, Mary, was in school, Title IX was in its infancy, but it opened the door to her and her classmates to a number of options in not only sports, but careers as well. I am so excited that now that my granddaughters, Isabel, Lucy, and Eve are growing up in a time when a whole new world is available to them.

As a member of Congress I am dedicated to ensuring that Title IX remains in tact. We have made great progress as a Nation in the last 35 years; however, we must make certain that Title IX remains a bedrock principle in America. The progress we have seen in the country is just the beginning.

HONORING TAMRA TIONG

HON. TOM UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today to honor Tamra Tiong, a distinguished teacher who was voted the 2007 New Mexico Teacher of the Year, an honor bestowed by the Council of Chief State School Officers. She was also one of the four finalists chosen to receive the National Teacher of the Year award, presented at the White House. Tamra is the special education teacher for kindergarten through second grade at Dulce Elementary School on the Jicarilla Apache Indian Reservation in northwest New Mexico. She received her nomination and award for her outstanding teaching strategies, her contribution to professional development, and her community involvement.

Tamra Tiong graduated from Santa Clara University with a Bachelor of Arts degree in English. She later received a Special Education Alternative License from Northern New Mexico Community College and graduated with a 4.0 GPA. Tamra began teaching in September of 1996 at Santa Clara University as an academic tutor and mentor for student athletes. She then taught at various places, such as Americorps Corporation for National Service and Hidden Villa Environmental Education program, before arriving at Dulce Independent Schools in September of 2002.

In addition to her extensive education experience, she is a member of numerous professional associations, such as the Educational Kinesiology Foundation, Sigma Tau Delta International English Society, Alpha Sigma Nu National Jesuit Society, and Phi Sigma Tau International Philosophy Honor Society.

Tamra always knew she would one day be involved in education and recalls that when she was three years old, she would sneak worksheets and books out of her big sister's backpack and hand them out to her stuffed animals. Tamra would even grade their papers with red crayon, drawing happy faces when they "tried their best." She recognizes Mrs. Thoren, her fifth and sixth grade teacher, as the reason for her passion and devotion to education. Mrs. Thoren created a safe and embracing environment in which everyone enjoyed the journey of learning. Tamra took much of her experience from Mrs. Thoren's class and adapted it into her teaching methods and ideology.

In addition to prioritizing community service as her top priority, inclusion is the core of Tamra's teaching philosophy. She has stated: "Inclusion, to me, is not just about placement of students receiving special education services; it is a word that implies acceptance and validation of all students in a classroom, school, local and global community." Her philosophy of education, which also involves recognizing, valuing, and addressing the needs of students of various cultural, linguistic, and

socio-economic backgrounds, is mirrored in her teaching style, ethics, and community involvement.

Tamra listens to each student individually and addresses behavioral issues in an attempt to get to the root of each student's problem. She believes her greatest accomplishments have been small. An excellent example was helping an insecure kindergarten student adapt to the school environment by eating lunch with her every day for an entire year, until she was comfortable enough to enter the cafeteria alone. She also recalls turning a child with a significant aggression problem on to reading so that he is now rarely seen without a book in his hand.

Tamra was previously exposed to the difficulties of attending school as a minority child, similar to the special-education students she teaches. Her prior experiences taught her to adapt to each situation separately, and upon arriving on the Jicarilla reservation, she adapted to the community by becoming a part of it. She lives on the reservation, rides her bike to school and through town, walks and runs in the neighborhood, and grows a vegetable garden in her front yard in order to share the produce with members of the community. Tamra's passion for her teaching and love of her community are demonstrated every day of her life.

Madam Speaker, Tamra Tiong is an exceptional teacher and a deeply caring member of her community. I am honored to stand here today to ask my colleagues to join me in congratulating her for receiving the 2007 New Mexico Teacher of the Year award and for being one of four finalists nationwide. I am proud to say that Tamra is a teacher in my Congressional district and that our children will be able to benefit from her passion and devotion to her students.

IN SUPPORT OF NEGOTIATING PEACE IN NORTHERN UGANDA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. RANGEL. Madam Speaker, I stand today to express my support for House Concurrent Resolution 80, introduced by Congressman HANK JOHNSON. This is the first action to be taken by the House concerning the continuing conflict in northern Uganda which has claimed so many lives. I am a proud cosponsor of a resolution calling for an unprecedented and historical effort to peacefully resolve the Ugandan conflict and garner international support for an ongoing peace process.

Jan Egeland, former United Nations Undersecretary-General for Humanitarian Affairs and Emergency Relief Coordinator, has described the crisis in Uganda as ''the biggest forgotten, neglected humanitarian emergency in the world today.'' Twenty years of conflict has afflicted Uganda's innocent civilians, including women and children, with experiences of torture, displacement, rape, murder and enslavement. The ensuing violence impedes trade, development and democracy, and prevents humanitarian workers from providing much needed assistance to the region. Peace talks last year appeared promising; however, the ceasefire has expired and there is concern about the possibility of a return to armed conflict between the government of Uganda and the Lord's Resistance Army (LRA).

We live in a global society. This conflict and its aftermath are an international responsibility. Immediate action must be taken to ensure that the peace talks continue in northern Uganda. House Concurrent Resolution 80 calls on the Ugandan government and LRA to recommence peace talks and urges the U.S. and international community to support the peace process. I commend these efforts, endorse this bill, and look forward to a day when armed conflict and human rights violations no longer afflict our world.

CONGRATULATING THE 2007 GRADUATING CLASS OF SENN HIGH SCHOOL

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Ms. SCHAKOWSKY. Madam Speaker, today I rise to congratulate the 2007 graduating class of Senn High School. At a time when immigration reform is at the forefront of America's conscience it is important that we take a moment to recognize the important role immigrants have played in the growth of this country and the vital part they will continue to have in our development as a society.

The graduates of Senn High School represent this bright future. Demonstrating that the American dream is alive and well, the graduating class is made up of students from 60 different countries and speaks 46 different languages. The diversity and richness that these students bring from their families' culture adds so much to our community.

Like so many Americans, I am a first-generation American and I believe that we need to continue our tradition of welcoming immigrant groups from all over the world into our communities. I am so very proud of each and every one of these exemplary graduates, many of whom, in addition to be the first in the family to graduate from high school, plan to attend college as well.

Madam Speaker, as we continue to debate the merits of immigration reform, I hope that we will not lose sight of what is truly important, and that is the profound impact that immigrants have on all of us, making this country a richer and better place to live.

THE CONTRIBUTION OF AMERICA'S LIBRARIES

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. HONDA. Madam Speaker, I rise today to pay tribute to the work of America's librarians and the service of America's libraries.

Over the course of American history, libraries have established themselves as national treasures; and not just in the ways that may first come to mind. While it is true that every public library, whether small or large, is a valuable repository of books, periodicals, and electronic media, the greatest asset of all libraries is the people who work there. From local public libraries to the Library of Congress, America's libraries provide vast resources to people of all walks of life. Any individual can go into a public library and know that he or she will be treated with respect and care. Whether library patrons need help with sorting through an avalanche of information resulting from an Internet search, or ideas for a good book to read their child, or encouraging words as they struggle to write their résumé or maybe even the next great American novel, librarians are there to provide quality, individualized service. With this in mind, we know that any public institution is only as good as its people. Thus, we are fortunate in the U.S. to have more than 100,000 public libraries serving our residents with experienced, highly skilled librarians.

In the 21st century, librarians have established themselves as critical interlocutors between the knowledge we seek and the plethora of locations in which that information resides. It is important to recognize the American Library Association (ALA), which has preserved the functions of our libraries since 1876. The ALA's mission has been ''to provide leadership for the development, promotion, and improvement of library and information services and the profession of librarianship in order to enhance learning and ensure access to information for all.'' Importantly, the ALA has provided professionals with Master's degree programs at nearly 60 universities all over the country.

It is imperative that we recognize the service of our American libraries and their workforce. These institutions have made great contributions to the education and progression of our society. With our continued support, libraries will continue to serve as an important resource for centuries to come.

HONORING THE LIFE AND DEDICATION OF MAJOR GENERAL GEORGE WALTER TITUS

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mrs. TAUSCHER. Madam Speaker, I rise to honor a life of service and achievements. Major General George Walter Titus passed away this month at the age of 81.

Major General Titus started his military career as a private in the 354th Infantry, 89th Division. He saw action in the European Theatre during World War II where he crossed the Rhine River at Remagen. Later, as a Lieutenant Colonel, Mr. Titus held command of 2 Battalions in succession: the 2/143rd Field Artillery and the 1/143rd Field Artillery. As a Colonel, Mr. Titus went on to serve as Commandant of the California Military Academy, from which he retired in 1981.

Upon retirement, the Governor of the State of California promoted Colonel Titus to Brigadier General and assigned him as Commander of the Second Infantry Brigade, California State Military Reserve. Thereafter, the Governor promoted Brigadier General Titus to Major General and bestowed the command of the entire California State Military Reserve.

Among MG Titus' major awards are the Legion of Merit, the Meritorious Service Medal

(third award), and the Order of California. Major General Titus was an honor graduate of the United States Army Command and General Staff College.

General Titus was a life member of the Association of the United States Army. Walt, and his beloved Lucie Marx Titus, through their leadership in the William F. Dean Chapter of the Association of the United States Army, demonstrated a true devotion to the men and women of our armed services, both in our community, and throughout the country.

Today, I am humbled to recognize General Titus' numerous achievements, and I share my deepest sympathies with his wife Lucie and children Matthew and Chris.

TRIBUTE TO THE CARIBBEAN AMERICAN MEDICAL AND SCIENTIFIC ASSOCIATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. RANGEL. Madam Speaker, I stand today to pay tribute to and show appreciation for the Caribbean American Medical and Scientific Association, CAMSA, and to enter into the RECORD an article from CaribNews entitled "Saying Thanks and Recognizing the Contribution."

Health care is an integral component of our Nation's well-being, yet many communities are left without the resources to access that care or receive health services that are not compatible with their cultural needs. CAMSA is on the cutting edge of health care delivery, providing culturally competent research and solutions concerning Caribbeans who have emigrated to the United States. CAMSA is creating significant professional alliances with non-Caribbean American health professionals, developing skills and strategies to better provide resources to their communities in both the United States and Caribbean nations.

I value CAMSA's contribution at a time when policy makers and health professionals are seeking ways to deliver health care and culturally relevant social services to communities that disproportionately bear the burden of disease yet lack the health care they need. CAMSA is improving the delivery of health care, making it more accessible to our Nation's Caribbean population; and I applaud their contribution to the health field.

HONORING THE JASPER HIGH SCHOOL BULLDOGS

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. BRADY of Texas. Madam Speaker, I rise to honor the Jasper High School Bulldogs on their 3A Texas State Baseball Championship. Jasper, TX, is an enchanting town in southeast Texas and a proud part of the Eighth Congressional District.

The Bulldogs stormed through the State Tournament outscoring their opponents 25–7, including a 14–4 victory in the final game to set a record for most runs in the 3A State Championship game. This was their first trip to the finals, after semi-final runs five previous times.

Every member of the team contributed over their championship run and Ryan Ellis was named the most valuable player of the state tournament after he drove in four runs with three hits and pitched the final 2⅓ innings in relief of starter Aaron Stephenson. The Bulldogs played with a team mentality the entire season, and they should all be proud to call themselves champions.

Members and staff of the Championship winning team include: Head Coach: Shawn Mixon; Assistant Coaches: Steve Smith, David Ford, Joey Brown; and Players: Malcolm Bronson, Ryan Ellis, Taylor Hart, Justin Parsons, Chantz Pryor, Blake Weller-Alexander, Jaylon Clotiaux, Robert Shellhammer, Aaron Stephenson, Cord Yates, Travis Reagan, John Bradley, Garrett Harrell, Fermin Gonzalez, Parker Phillips, Tyler Ernest, Ty Parker, Matthew Daniel, and Marx Marcantel.

Madam Speaker, please join me in honoring the Jasper Bulldogs as they continue to be champions both on and off the field.

HONORING DR. DAVID L. EUBANKS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. DUNCAN. Madam Speaker, I rise today to honor a Tennessean who truly embodies the Volunteer spirit of my home State of Tennessee.

On June 30, 2007, Dr. David L. Eubanks of Knoxville, TN, ends a remarkable run as president of Johnson Bible College in Knox County, TN.

David's journey began 54 years ago as a student at the school. His is a story of a man who was called to a higher service, not one of a man who was seeking it.

Following his own graduation from Johnson Bible College in 1953, David decided his work there was far from over. He signed on to teach at the school, and it was his work as an educator that showcased his character, purpose, and devotion.

When the trustees of the school offered him the job of president in November of 1968, it was out of the blue. But David said yes, and went on to serve as the school's leader for 39 years.

Under his leadership, Johnson Bible College has undergone a multimillion-dollar expansion and grown to over 850 students. It's a legacy that will be hard to match.

Today I honor the career Dr. David L. Eubanks, who held the title not only of president, but also of teacher, pastor, and friend to so many in the Johnson Bible College community.

Madam Speaker, in closing, I urge my colleagues to join me as I salute Dr. Eubanks and wish him the best as he enters a well-deserved retirement. I know he will continue to lead many toward higher education, and a closer relationship with God.

EMMETT TILL UNSOLVED CIVIL RIGHTS CRIME ACT OF 2007

SPEECH OF

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2007

Mr. THOMPSON of Mississippi. Mr. Speaker, I'd like to thank my dear friend and colleague, Mr. LEWIS of Georgia for leading this effort.

The murder and subsequent miscarriage of justice in the unresolved civil rights cases still remains this country's biggest transgression. The first step towards erasing the injustices that has haunted the families of the victims is to, as a nation, acknowledge and give due diligence to these unsolved murders.

According to the FBI, there are roughly 100 unsolved homicide cases from that time period. Among those is the murder of Emmett Till—for whom the bill is named—an African-American teenager who was brutally beaten and shot in 1955. His killers tied a cotton gin to his neck and threw his body into a Mississippi river. That became a major event in the civil rights movement. Two men were prosecuted for the crime but were acquitted.

H.R. 923 authorizes $10 million annually for fiscal years 2008–2017 for the Justice Department to hire special investigators to work on solving civil rights crimes dating back to before 1969.

Justice being served in these cases is a reality. To name a few examples in Mississippi: The 1994 conviction of Byron De La Beckwith for his role in the assassination of Medgar Evers. The 2005 conviction of Edgar Ray Killen for his role in the deaths of Schwerner, Chaney and Goodman, the three civil rights workers in Mississippi in 1964. The conviction was based, in part, on new evidence that he had boasted of the killing at a Ku Klux Klan rally and to others over the three decades after the crime; and most recently, James Ford Seale, convicted last Thursday, June 14, 2007, for his role in the abduction of two Charles Eddie Moore and Henry Hezekiah Dee, the African-American teenagers in Meadville, Mississippi, in 1964.

This bill provides an honest effort to bring closure to the more than 40 families of unresolved civil rights cases in Mississippi.

Such as the Family of Charles Brown of Yazoo City, Miss., 1957—A white man shot Brown, who was visiting the white man's sister. The Justice Department handed the case over to the state.

The Family of Jessie Brown of Winona, Miss., 1965—The 1965 NAACP annual report claimed white farmer R.M. Gibson killed Brown.

The Family of Eli Brumfield of McComb, Miss., 1961—Police officer B. F. Elmore alleged self-defense after shooting Brumfield. Police claimed Brumfield jumped from his car with a pocket knife after police pulled him over for speeding.

The Family of Silas (Ernest) Caston of Jackson, Miss., 1964—Caston was shot by a local police officer. CORE and NAACP filed a civil suit against Deputy Sheriff Herbert Sullivan. The result of that suit is unknown.

The Family of Vincent Dahmon of Natchez, Miss., 1966—Dahmon, 65, was shot in the head around the time of a march in support of James Meredith.

The Family of Woodrow Wilson Daniels of Water Valley, Miss., 1958—Sheriff Buster Treloar, identified by four witnesses as the man who beat Daniels to death in a prison, was freed after 23 minutes of deliberation by an all-white jury. ''By God,'' Treloar said after the trial. ''Now I can get back to rounding up bootleggers and damn niggers.''

The Family of Pheld Evans of Canton, Miss., 1964—Medgar Evers identified Evans as having been killed under mysterious circumstances.

The Family of J. E. Evanston of Long Lake, Miss., 1955—Evanston's body is fished out of Long Lake in December. Evanston was a teacher in the local elementary school.

The Family of Jasper Greenwood of Vicksburg, Miss., 1964—Greenwood was found shot to death near his car on a rural road. Police said the slaying was not racially motivated.

The Family of Jimmie Lee Griffin of Sturgis, Miss., 1965—Griffin was killed in a hit-and-run accident. A coroner's report revealed Griffin was run over at least twice.

The Family of Luther Jackson of Philadelphia, Miss., 1959—Jackson was killed by police after he and his girlfriend were found talking in their car, which was stalled in a ditch. Police claim Jackson attacked them.

The Family of Ernest Jells of Clarksdale, Miss., 1964—Jells was accused of stealing a banana from a grocery and pointing a rifle at pursuing police officers. The officers were exonerated.

The Family of John Lee of Goshen Springs, Miss., 1965—Lee's body was found beaten on a country road.

The Family of Willie Henry Lee of Rankin County, Miss., 1965—Lee, who was known to have attended civil rights meetings, was found beaten on a country road. An autopsy revealed he died by strangulation from gas.

The Family of George Love of Indianola, Miss., 1958—Love was killed in a gun battle with police who believed he was responsible for a murder and arson. He was later cleared of any connection to the murder.

The Family of Sylvester Maxwell of Canton, Miss., 1963—Maxwell's castrated and mutilated body was found by his brother-in-law less than 500 yards from the home of a white family.

The Family of Robert McNair of Pelahatchie, Miss., 1965—McNair was killed by a town constable.

The Family of Clinton Melton of Sumner, Miss., 1956—Elmer Otis Kimbell was cleared in Melton's death. Kimbell claimed Melton fired at him three times before he returned fire with a shotgun. No gun was found in Melton's car or on his body.

The Family of Booker T. Mixon of Clarksdale, Miss., 1959—Mixon's body was found lying on the side of the road, completely nude. Police claimed it was a hit-and-run, though family members cited his naked body and the extensive amount of flesh torn from his body as evidence of murder.

The Family of Nehemiah Montgomery of Merigold, Miss., 1964—Montgomery, 60, was shot by police after allegedly refusing to pay for gas. Police were acquitted, and the shooting was called justifiable homicide.

The Family of Sam O'Quinn of Centreville, Miss., 1959—O'Quinn, derided by some local whites for being ''uppity,'' was shot after joining the NAACP.

The Family of Hubert Orsby of Pickens, Miss., 1964—Orsby's body was found in the Black River. It was reported that he was wearing a t-shirt with ''CORE,'' written on it, representing the Congress of Racial Equality.

The Family of William Roy Prather of Corinth, Miss., 1959—Prather, 15, was killed in an anti-black Halloween prank. One of eight youths involved was indicted on manslaughter charges.

The Family of Johnny Queen of Fayette, Miss., 1965—A white off-duty constable was named in the pistol slaying of Johnny Queen. The shooting was not connected to any arrest.

The Family of Donald Rasberry of Okolona, Miss., 1965—Rasberry was shot to death by his plantation boss.

The Family of Jessie James Shelby of Yazoo City, Miss., 1956—Shelby, 23, was fatally wounded by a police officer who claimed he shot Shelby because he resisted arrest.

The Family of Ed Smith of State Line, Miss., 1958—A grand jury refused to indict L.D. Clark in the death of Smith, who was shot in his yard in front of his wife. Clark later reportedly bragged about the killing.

The Family of Eddie James Stewart of Crystal Springs, Miss., 1966—Stewart was reportedly beaten and shot while in police custody. Police claimed he was shot while trying to escape.

The Family of Isaiah Taylor of Ruleville, Miss., 1964—Taylor was shot by a police officer after allegedly lunging at him with a knife. The shooting was ruled a justifiable homicide.

The Family of Freddie Lee Thomas of LeFlore County, Miss., 1965—Federal investigators looked into the death of Thomas, 16. Thomas's brother believed he was murdered as a warning against black voter registration. The result of the investigation is unknown.

The Family of Saleam Triggs of Hattiesburg, Miss., 1965—The body of Mrs. Triggs was found mysteriously burned to death.

The Family of Clifton Walker of Adams County, Miss., 1964—Walker was killed by a shotgun blast at close range. The result of a federal investigation is unknown; and a host of others.

We must act—not only to bring these criminals to justice, but to also cleanse our Nation of this stain. The unsolved case of Emmett Till and other victims of the civil rights movement represent a terrible chapter in our Nation's history. Over the years there have been sporadic efforts to prosecute some of the civil rights era slayings that were ignored at the time. We need to address these injustices before it is too late—before they become permanent scars on our Nation's history. It is essential that Congress pass this legislation mandating a well-coordinated and well-funded effort to investigate and prosecute unsolved crimes from the civil rights era.

IN COMMEMORATION OF THE 100TH ANNIVERSARY OF SAVINGS BANK LIFE INSURANCE

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. DELAHUNT. Madam Speaker, I rise today to commemorate the 100th Anniversary of a financial service product that was unique to the United States when created in Massachusetts in 1907. I refer to Savings Bank Life Insurance, which was the brainchild of Louis D. Brandeis, then a prominent Boston attorney and subsequently, of course, an Associate Justice of the United States Supreme Court. Legislation authored by Brandeis that created Savings Bank Life Insurance of Massachusetts was signed into law 100 years ago today by Massachusetts Governor Curtis Guild, Jr.

At a time when life insurance was often too expensive for ordinary citizens and especially recent immigrants to afford, Louis Brandeis examined the ''delivery system,'' as we would call it in modem parlance, and concluded the Commonwealth's mutual savings banks could best fill this unmet need by selling life insurance policies directly to their depositors. Now, of course, financial services companies routinely offer banking and insurance products, but in 1907, this was a bold experiment. Indeed it was not until 1999 that this Congress passed legislation formally allowing banks and insurance companies to affiliate throughout the United States.

In the 100 years since its establishment in Massachusetts, Savings Bank Life Insurance has gained broad consumer acceptance to the point where the Savings Bank Life Insurance Company of Massachusetts has become the leading provider of ordinary life insurance in Massachusetts. The company, headquartered in Woburn, Massachusetts, has nearly $2 billion in assets and $70 billion of life insurance in force.

I am especially pleased to note that, as the centerpiece of its centennial celebration, the Savings Bank Life Insurance Company of Massachusetts has underwritten the production of a documentary entitled ''Louis Brandeis: The People's Attorney,'' that traces the life and achievements of Justice Brandeis through the use of archival footage, images and reenactments, and features commentary by U.S. Supreme Court Justice Stephen Breyer, U.S. District Court Judge Mark Wolf, and several noted Brandeis scholars, as well as personal recollections by his three grandchildren. Produced by Emmy-award-winning Stuart Television Productions, the documentary will air on selected PBS television stations later this year.

Gerald T. Mulligan and Robert K. Sheridan, who serve respectively as chairman and chief executive officer of the Savings Bank Life Insurance Company of Massachusetts, deserve our appreciation not only for being the stewards of what Justice Brandeis called his greatest achievement, but for their efforts in the form of this new documentary to preserve and promote the life story of Justice Brandeis himself.

PERSONAL EXPLANATION

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. WESTMORELAND. Madam Speaker, I stayed at home due to an ongoing 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:

Aye on H. Res. 189, expressing the sense of the House of Representatives that a ''Welcome Home Vietnam Veterans Day'' should be established. (Rollcall No. 549)

Aye on H.R. 2546, to designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the ''Charles George Department of Veterans Affairs Medical Center.'' (Rollcall No. 550)

INTRODUCTION OF PAYDAY LOAN REFORM ACT OF 2007

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. UDALL of New Mexico. Madam Speaker, I rise today to introduce the Payday Loan Reform Act of 2007. I want to thank original cosponsors LUIS GUTIERREZ, KEITH ELLISON, and JANICE SCHAKOWSKY for their support on this issue.

Payday loans are short-term cash loans based on the borrower's personal check held for future deposit or electronic access to the borrower's bank account. These loans range in size from $100 to $1,000 and average about 2 weeks in length. Finance charges can range from $15 to $30 for a $100 loan and the average annual percentage rate on payday loans ranges from 390 to 780 percent for a 2-week loan. Let me repeat that: the average annual percentage rate on payday loans ranges from 390 to 780 percent.

It is well known that payday lending is rapidly expanding. In fact, at the end of 2006, the Center for Responsible Lending reported that the approximately 25,000 payday loan outlets in the country had an annual loan volume of at least $28 billion. These lenders charged over $4 billion in loan fees to consumers.

All someone needs to get a payday loan is an open bank account in fairly good standing, a steady source of income, and a form of identification. Full credit checks, or even questions asked to establish if a person can afford to repay the loan, are rarely conducted. I believe lending that fails to assess a borrower's ability to repay, that requires consumers to write checks on insufficient funds, and that encourages perpetual debt is unacceptable.

As such, we are introducing this bill today, which addresses important aspects of payday lending. First, it addresses ''rent-a-banks,'' which are banks that partner with payday lenders to make single-payment and installment loans. These arrangements are designed to allow payday lenders to evade small loan laws in their respective states. This bill prohibits insured financial institutions from making payday loans, either directly or indirectly. Second, this bill prohibits payday loans based on checks drawn from depository institutions. Basing loans on personal checks that will be deposited to repay the loan on the next payday can be a key to the coercive collection tactics. This bill will prohibit the holding of a check as security for a loan and can help end these practices.

Congress has enacted legislation to address the personal responsibility of lenders and while I believe that individuals must take greater responsibility for their debt, the lending industry must also be held accountable for targeting those individuals who are unable to payoff their debts. Last Congress, as part of the National Defense Authorization Act, we included language that provided these important protections to members of the armed forces. I urge my colleagues to support this legislation to ensure that these protections are given to all consumers.

HONORING FAIRFAX AND PRINCE WILLIAM COUNTY PUBLIC LIBRARIES

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to celebrate the efforts of public library Fairfax and Prince William Counties.

Public libraries have always been a great source of knowledge for the community. Recognizing the importance and need of public libraries, Benjamin Franklin, founder of the United States' first public lending library, once said that ''an investment in knowledge always pays the best interest.'' Public libraries enrich our lives by providing society with educational resources, a communal gathering place, free access to the internet and interactive services that engage the public in the joys of reading. Libraries allow people of every age to independently self educate themselves by taking advantage of the great programs and services offered.

Madam Speaker, in closing, I would like to take this opportunity to commend public libraries in Fairfax and Prince William Counties for the invaluable services they provide to the community.

RECOGNIZING THE ACCOMPLISHMENTS OF BILL DEARMAN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor the accomplishments of Bill Dearman of Alexandria, VA. Bill Dearman's retirement will mark the conclusion of 10 years of extraordinary and dedicated leadership as executive director of the Alexandria Redevelopment and Housing Authority.

Mr. Dearman's professionalism and commitment to making quality homes affordable to Alexandria's neediest citizens has led to a number of great accomplishments. Among these was the redevelopment of the Samuel Madden Housing Project into what is now the nationally recognized award-winning Chatham Square. In addition he oversaw the development of various scattered site public housing replacements in middle class neighborhoods such as, Braddock Road, Quaker Hill, Cameron Valley and the rehabilitation and refinancing of Jefferson Village.

Mr. Dearman has improved the quality of life and economic opportunity of all Alexandrians by contributing in a major way to Alexandria's economic and racial diversity and affordability.

Mr. Dearman should be deeply appreciated by all Americans for his years of service to the city of Alexandria. I wish all the best to him on his retirement with his family in Atlanta, GA.

INTRODUCTION OF THE ''PREPARE ALL KIDS ACT'' OF 2007

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mrs. MALONEY of New York. Madam Speaker, today, I am pleased to introduce the ''Prepare All Kids Act,'' which would assist states in providing at least one year of high quality, full-day pre-kindergarten education to all children, targeting children from low-income families. Introduced in the Senate by my colleague on the Joint Economic Committee, Senator CASEY of Pennsylvania, I am happy to be introducing this House companion bill along with original cosponsors Representative HINCHEY of New York and Representative SCHWARTZ of Pennsylvania.

Tomorrow Senator CASEY and I will hold a hearing on the economic case for early childhood education. According to a landmark study on life outcomes of children who attended the Perry Preschool Program in Michigan, every dollar invested, high quality early education programs saves more than $17 in other costs, including crime, welfare and education costs.

Clearly, children are our Nation's greatest resource. The ''Prepare All Kids Act'' is not only the right thing to do for our children; it's a wise investment in our future.

FREEDOM FOR JOSÉ GABRIEL RAMÓN CASTILLO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about José Gabriel Ramón Castillo a political prisoner in totalitarian Cuba.

Mr. Ramón Castillo was a respected professor of mechanical theory at Álvaro Barriel Cruz Polytechnic. As a professor, he was committed to his students and to helping them advance in their studies. After becoming more and more aware of the propaganda mandated by the dictatorship, he was unable to continue with the charade of manipulating young students with the lies and treachery of a tyrannical regime. Because of his strong belief and commitment to truth and democracy for the Cuban people, Mr. Ramón Castillo eventually became the director of the Independent Culture and Democracy Institute. As part of his efforts to bring international attention to the crimes committed against the people of Cuba, he began to work as an independent journalist to chronicle the reality of deprivation and misery that characterizes life under the totalitarian regime.

Mr. Ramón Castillo was repeatedly subjected to persecution and harassment by the dictatorship from the beginning of his involvement in the movement to make possible a free and democratic Cuba. On March 19, 2003, Mr. Ramón Castillo was arrested as part of the dictatorship's monstrous crackdown of that year on peaceful pro-democracy activists. In a sham trial, he was unjustly ''sentenced'' to 20 years in the tyrant's sub-human dungeons.

Confined in the infernal squalor of Boniato prison in eastern Cuba, Mr. Ramón Castillo

currently suffers from numerous medical afflictions, afflictions only worsened by the grotesquely inhuman quarters in which he is forced to survive. In November 2005, Mr. Ramón Castillo was diagnosed with cirrhosis of the liver. His family pleaded to prison officials that he be conditionally released to attend to his rapidly deteriorating health. Their pleas went unanswered and in February 2007 prison personnel explained that he would be scheduled to undergo a laparoscopic biopsy of his liver; a procedure that Mr. Ramón Castillo had already endured in 2005 and that the prison thugs knew he would be forced to refuse because he is too weak to undergo the procedure because of malnutrition, lack of medical attention, and the seriousness of his diabetes and other illnesses.

It is unconscionable for any man to be confined in the grotesquely inhuman Castro dungeons for his belief in democracy. Mr. Ramón Castillo is one of the many heroes of the Cuban pro-democracy movement who are chained in the dungeons of the dictatorship for their beliefs. Mr. Ramón Castillo represents the best of the Cuban nation, a nation oppressed but not destroyed, bound and gagged but not resigned to live in tyranny.

Madam Speaker, it is intolerable that Mr. Ramón Castillo is languishing in the totalitarian gulag 90 miles from our shore simply because he believes in freedom and democracy. He is a symbol of freedom and democracy who will always be remembered when freedom reigns again in Cuba. My colleagues, we must demand the immediate release of José Gabriel Ramón Castillo, and every prisoner of conscience suffering in totalitarian Cuba.

PERSONAL EXPLANATION

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. ISSA. Madam Speaker, on Monday, June 25, 2007, I was absent from the House.

Had I been present I would have voted: On rollcall No. 548—"yea"—H. Res. 189—Expressing the sense of the House of Representatives that a "Welcome Home Vietnam Veterans Day" should be established. On rollcall No. 549—"yea"—H.R. 2546—To designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the "Charles George Department of Veterans Affairs Medical Center."

A TRIBUTE TO FORMER NEW JERSEY STATE SENATOR BYRON BAER

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. ROTHMAN. Madam Speaker, I rise today to pay tribute to my good friend, Byron M. Baer, a successful and beloved figure in New Jersey politics. Mr. Baer died Sunday, June 24, 2007 of complications from congestive heart failure.

Byron Baer, a 50-year resident of Englewood, NJ, was a legendary figure in Bergen County, and indeed, the entire Garden State. He served 11 terms in the New Jersey State Assembly before winning the District 37 State Senate seat in 1993. He served in this capacity with great distinction until illness forced his resignation in September 2005.

He is perhaps best known for legislation he introduced in 1974, the "Open Pubic Meeting Act" (or Sunshine Law), an Act requiring that official business be conducted in public forums and not behind closed doors. As a champion of open government, Byron Baer worked tirelessly with the media and his colleagues in the State government to ensure that open meetings would become a national model for all States. He was singularly honored in 2006 when the Act was renamed the "Byron M. Baer Open Public Meetings Act." He was also inducted in the Open Government Hall of Fame on the recommendation of the National Freedom of Information Coalition and the Society of Professional Journalists.

Among his many notable legislative accomplishments were the enactment of the Toxic Catastrophe Prevention Act, a law establishing safeguards to prevent chemical industry disasters; a truth-in-pricing law; and reestablishment of the Office of the Child Advocate, an independent watchdog of the state's child welfare system; and he was a primary sponsor of New Jersey's Identity Theft Prevention Act.

His passing will leave an enormous void in the New Jersey political arena. Although declining health contributed to his retirement two years ago, he remained a respected and revered resource for state legislators in Trenton. Byron Baer was devoted to his constituency, and he was a full-time lawmaker. As such, he understood every word and nuance in the legislative process and he never gave up in his efforts to fight for the environment, organized labor, children, migrant workers, and the less fortunate in our society.

I join with his many friends and colleagues in mourning his passing and I extend my heartfelt condolences to his beloved wife, Linda, his brother, Donald, his children David Baer and Laura Baer Levine, his stepchildren Lara Rodriguez and Roger Pollitt, and his three grandchildren. He was a great man and he will be greatly missed.

EDMUND MUSKIE AWARD FOR NANCY PELOSI

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Ms. ESHOO. Madam Speaker, the following remarks were delivered by Peter Kovler, Chairman of the Board of the Center for National Policy in Washington, DC, on June 19, 2007, on the occasion of Speaker NANCY PELOSI being the recipient of the Center's prestigious Edmund Muskie Award.

In the entire history of the United States, I believe there have been three powerful Speakers of the House during moments of war. Henry Clay in the nineteenth century, Sam Rayburn during World War II and now Nancy Pelosi during our simultaneous wars on terror and the war in Iraq.

But there is one stark difference between Speaker Pelosi and Speakers Clay and Rayburn; and that is she has an opposing view to the contemporaneous President of the United States on how those wars should be run; and her courage and her steadfastness in those views arguably make her the single most significant Speaker in our Nation's history.

How did Nancy Pelosi get to this point; and how this nation is so fortunate to have her; and how an award named for Ed Muskie is so appropriate are a few of the points I would quickly like to address.

In my view Nancy Pelosi has come to be our most important foreign policy Speaker in part because of how she served in the House before her rise to this position. As a 10 year member of the House Permanent Select Committee on Intelligence, she was its longest continuous serving member. The experience and knowledge gained there has made her able to deal with these issues in a sophisticated way, rather than just guessing or speculating at what might be important. No wonder she had the knowledge and skepticism that comes with knowledge to oppose initially the Iraq invasion and occupation, even when that kind of vote was so difficult in those political and cultural circumstances. And no wonder she knew so much about terrorism issues that she would have the confidence to make implementation of the 9/11 Commission recommendations her very first piece of legislation in her first five months.

How fortunate are we to have her as the Speaker of the House is one way to pose a question, but a second way is to ask what it would be like if we had a speaker who had no background in foreign policy analysis or in intelligence analysis and not even any curiosity about the subject. I think the answer is obvious, and we would have a House of Representatives that was at best disinterested, but most likely passive in the face of the Executive Branch and passive in the face of an American public that is crying out for better alternatives.

Finally, I would like to address why the Muskie Award is especially appropriate for Speaker Pelosi.

For those of us in this room of a certain age, we know that Ed Muskie's public life was inextricably tied to the Vietnam War. He wrestled with that as the vice presidential candidate in 1968. It happened again in his seeking the presidential nomination in 1972. And though not getting wide public notice, he did so again in the 1980s when as chairman of this organization he ran numerous meetings on Vietnam policy, led a delegation to Hanoi and, though still controversial, advocated a new policy towards that country that included their recognition.

I bring this up because the Vietnam War has played such an enormous part in our thinking on the Iraq War. For better or worse, it is the single most significant historical parallel we use in trying to come to grips with the Iraq War.

And I believe that I can say with enormous confidence that Ed, first a believer in the Vietnam mission and then a skeptic about the choices we made, would have been so very proud to have Speaker Pelosi as the recipient of an award named after him.

Ladies and Gentlemen, I present to you this year's winner of the Center For National Policy's Edmund Muskie Award, Speaker Nancy Pelosi.

TRIBUTE TO KIMBERLY HIGH SCHOOL

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. PETRI. Madam Speaker, I want to pay tribute to Kimberly High School, located in Wisconsin's Sixth Congressional District, for accomplishing a feat unprecedented in the history of the Wisconsin Interscholastic Athletic Association (WIAA).

The Kimberly High School Papermakers were victorious in the WIAA Division 1 championship in both girls' softball and boys' baseball, marking the first time in Wisconsin history that this title has been won in the same year by two sports teams from one high school. For these high school students to have achieved this is nothing short of remarkable.

During the season, the softball team celebrated a 23–4 record, capturing the state title and earning the Fox Valley Association Conference title. Equally as impressive, the baseball team posted a 20–6 record, winning the WIAA Division 1 Boys' Baseball State Tournament.

The hard work, dedication and teamwork of these young men and women is commendable and enabled them to become the best softball and baseball teams in the State of Wisconsin this year. These students are a source of pride and inspiration for the Village of Kimberly and the entire Kimberly Area School District.

Madam Speaker, it is because of this unique accomplishment that I extend congratulations and celebrate the championship wins of the Kimberly Papermakers.

TRIBUTE TO MR. RICHARD J. (JIM) BAILEY

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. FORBES. Madam Speaker, I rise today to pay tribute to Mr. Richard J. (Jim) Bailey, who will retire from the Defense Logistics Agency's (DLA), Defense Supply Center Richmond (DSCR), Richmond, VA, on July 31, 2007. Mr. Bailey's distinguished government career spans 32 years, and his record of achievement during this period reflects greatly upon himself and upon the organizations with which he has served. His contributions to national defense will be missed as he moves on to new and exciting opportunities.

Mr. Bailey was appointed to the Senior Executive Service position of Deputy Commander, DSCR in July 2000. The DSCR is DLA's Managing Center for the Aviation Supply and Demand Chain that manages more than 25 percent of DLA's 4 million consumable items. He provided leadership to more than 2,900 civilian and military personnel, located at 11 different locations, performing logistics support management for over 1.25 million national stock numbers. The customer base for the Aviation Supply and Demand Chain reaches worldwide with over 24,000 customers throughout the Department of Defense (DOD), other government agencies, and foreign militaries.

A native of Philadelphia, PA, Mr. Bailey has followed a diverse career path of increasing responsibility culminating in his appointment as Deputy Commander. In 1975, he entered the Federal service as an inventory management specialist trainee a the Defense Industrial Supply Center in Philadelphia, PA, where his assignments included inventory management specialist, supply systems analyst, and senior supply systems analyst. In 1986, Mr. Bailey moved to the Defense Supply Center Richmond to serve as the Chief of the Requirements Systems Management Branch of the Supply Operations Directorate. He subsequently held positions as Chief of the Distribution Systems Management Branch, the Logistics Programs Division Chief, and Deputy Director.

In 1995, Mr. Bailey became the Director of the Business Management Directorate, where he served for 2 years. He moved to become the Director of Planning and Resource Management in 1997. Mr. Bailey was selected as Deputy Executive Director for Procurement in 1998 and then Deputy Director of Business Operations. He also served as the Deputy Administrator of the Information Processing Center, Richmond, before this mission was transferred to the Defense Information Systems Agency.

In 1999, Mr. Bailey was appointed as DSCR's Business Supply Manager and served as DSCR's representative on the core integrated processing team for Business Systems Modernization. In this capacity, he played an important role in developing a recommendation for using Commercial-Off-The-Shelf software for an Enterprise Resource Planning (ERP) system to replace the Standard Automated Material Management System. Today, DLA is the only agency in the entire Department of Defense that has a successful ERP implementation, and Mr. Bailey played a critical role throughout the entire process.

Mr. Bailey attended St. Joseph's University in Philadelphia, graduating in 1973 with a bachelor of science in Marketing-Management. He earned a master of business administration from La Salle University in 1988. He attended the Office of Personnel Management Federal Executive Institute in 1995 and the Senior APEX Orientation Program in 2002. He is the recipient of numerous special achievement and performance awards.

Madam Speaker, I am honored to ask my colleagues to join me in congratulating Jim Bailey on his retirement from Federal civil service. He is a remarkable public servant who has served our Nation, the Department of Defense, and the Defense Logistics Agency and continually epitomized the dedication and professionalism that make our Federal Government a model all over the world.

HONORING MAJOR GENERAL SCHUYLER BISSELL

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mrs. BLACKBURN. Madam Speaker, I rise today to celebrate the life of MG Schuyler Bissell, USAF (Ret.), who passed away on June 13, 2007 at the age of 76. Major General Bissell lived his life with honor. He exemplified dedication, and he committed himself to serving others. This is the inheritance he leaves his family and all those who knew him.

A fellow native of my hometown of Laurel, MS, General Bissell began his service in the Air Force in 1952. He would eventually complete 119 combat missions over North Vietnam at the controls of his F–4C Phantom. For his heroism he received three Distinguished Flying Crosses and was awarded the Air Medal a remarkable 10 times. A Command Pilot, he would eventually accumulate over 5,500 flying hours.

After several commands in the fighter community, General Bissell transitioned into the field of military intelligence. He would go on to serve as the U.S. Defense Attaché in Israel, as Deputy Assistant Chief of Staff of the Air Force for Intelligence, and would conclude his career as the Deputy Director of the Defense Intelligence Agency.

General Bissell and his wife Polly settled in the Nashville area in 1992 as he began a second career in service to our community. At St. George's Episcopal Church, he served as a lay Eucharist Minister, as an usher and greeter, as Chairman of the Parish Life Committee, and as a member of the Capital Campaign Committee. General Bissell would found a group called Champions in Christ at St. George's in 1999. His leadership led to the exponential growth of this program. Most recently, he felt God's call to begin working on a Pastoral Healing Ministry.

General Bissell was dedicated to his country and community, but above all to his family. In addition to Polly, he leaves behind two daughters and six grandchildren.

Madam Speaker, I ask my colleagues to join me in celebrating the life of MG Schuyler Bissell.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. NEUGEBAUER. Madam Speaker, on Monday, June 25, I was absent from rollcall votes 549 and 550 due to a weather-related flight delay.

Had I been present, I would have voted "yea" on rollcall vote 549 in favor of H. Res. 189, expressing the sense of the House of Representatives that a "Welcome Home Vietnam Veterans Day" should be established.

On rollcall 550 on passage of H.R. 2546, designating the Charles George Department of Veterans Affairs Medical Center, I would have voted "yea."

IN HONOR OF LOU FALCONI

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. ALTMIRE. Madam Speaker, I rise today to honor Mr. Lou Falconi. Lou was born and raised in Farrell, Pennsylvania, a small steel town located in my district. After Lou attended college and served a tour of duty in Vietnam, he returned home to Farrell and began what

would become a long and successful career as a teacher and a football coach.

Named as the Farrell High School head football coach in 1980, Lou spent the next 27 years raising the spirits of Farrell residents through his team's excellence on the field. Lou compiled a career record of 210 wins versus 91 losses and 6 ties. Under Lou's leadership, the Farrell Steelers won two PIAA Class A State Championships, four WPIAL Championships, and a District 10 title. Lou was named Coach of the Year three times by the Pennsylvania Scholastic Football Coaches Associated and was recognized as Conference Coach of the Year eight times by his coaching peers.

On June 19th, 2007, Lou received the ultimate reward for his distinguished career—an induction into the Pennsylvania Scholastic Football Coaches Association Hall of Fame.

I want to commend Lou for his commitment to the community of Farrell both in the classroom and on the football field and congratulate him on this well deserved achievement.

IN RECOGNITION OF METLIFE CHAIRMAN OF THE BOARD, PRESIDENT AND CHIEF EXECUTIVE OFFICER C. ROBERT HENRIKSON'S 35TH ANNIVERSARY AT THE COMPANY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mrs. MALONEY OF NEW YORK. Madam Speaker, I rise today to congratulate C. Robert (Rob) Henrikson upon the occasion of his 35th Anniversary with MetLife. Mr. Henrikson has been a remarkable corporate executive who has excelled at leading one of our Nation's premiere insurance companies while at the same time helping to shape the national dialogue about retirement security.

Mr. Henrikson is one of the rare executives to have risen through the ranks to lead the company. Currently, chairman of the board, president and chief executive officer of MetLife, he started his career at the company as a sales representative. He began by selling individual polices to consumers and soon was selling multi-million dollar insurance and investment contracts to the largest employers in the country. His talent was quickly recognized and he was promoted to roles of increasing breadth and responsibility, eventually heading up MetLife's pensions business, group insurance and retirement and savings businesses, auto and home, asset management and MetLife Bank.

A leader of great vision, Mr. Henrikson has been the architect of aggressive growth and strategic investment for MetLife and has greatly aided its expansion and dominance as one of the world's premier and successful companies. With great intelligence, skill and insight, Mr. Henrikson has been instrumental in maintaining MetLife's supremacy in an increasingly competitive global market. Throughout his career, he has earned the admiration, esteem and affection of his colleagues.

Mr. Henrikson received his B.A. degree from the University of Pennsylvania and a J.D. from Emory University School of Law. His dedication to both institutions continues, and he is currently serving as chairman of the board of Wharton's S.S. Huebner Foundation for Insurance Education, and as a member of both the Emory Law School Council and the Emory Campaign Steering Committee.

Mr. Henrikson has been a leader in the success and evolution of the insurance industry today. He was an active member of the Committee on Economic Development's Subcommittee on Social Security Reform and a guest speaker at the Economist-sponsored international convention on that topic in Madrid, Spain. At a 2004 hearing of the House Education and the Workforce Committee, Mr. Henrikson testified about the degree to which Americans have underestimated the amount of savings they need for retirement and overestimated the rate at which they can safely withdraw from savings if they want to make their money last throughout their retirement. Mr. Henrikson is a board member of the American Council of Life Insurers and a board member emeritus of the American Benefits Council.

While Mr. Henrikson has contributed much to the Nation in his professional life, he has also been dedicated to his community in his private life. Mr. Henrikson serves on the National Board of Advisors at the Morehouse School of Medicine, the board of directors of The New York Botanical Garden, the board of directors of the New York Philharmonic and is a trustee of the American Museum of Natural History.

Madam Speaker, I ask my distinguished colleagues to join me in congratulating Mr. Henrikson for his 35 years of service at MetLife and to recognize the dedication and commitment Mr. Henrikson has shown to our great Nation throughout his esteemed career.

CONGRATULATING THE ASTOR RESTAURANT ON ITS 50TH YEAR IN OPERATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. ORTIZ. Madam Speaker, I rise to congratulate the Astor Restaurant in south Texas, and its owners, on the restaurant's 50th anniversary.

In reaching its 50th year in operation, the Astor stands as both a symbol of Corpus Christi's commercial growth and as a tribute to the city's hospitality and diversity.

Opened by Bill Sissamis and his father Louis, on Father's Day, June 16, 1957, just 10 years after their emigration from Greece, the Astor offers recipes that are unique to the Corpus Christi area. The family-owned restaurant is renowned for its mesquite-broiled steaks that are basted with a secretly blended sauce and its owners' hospitality.

The restaurant has remained successful during its 50-year history because its owners have remained part of the kitchen and the front counter, ensuring that family members are always part of the food and service.

The Astor exemplifies the importance of diversity in a community. It is the oldest of several Greek-owned Corpus Christi restaurants. The small society of Greek-American restaurateurs within the city represents the genius and industriousness of America and the immigrant families who improve our Nation every day.

Greek-American restaurateurs now employ hundreds of Corpus Christi residents while offering great food and spirit. This community of entrepreneurs is an inspiration to millions of immigrants worldwide but especially to those in south Texas who stand to contribute to their new home and benefit through hard work and discipline.

I commend the owners of the Astor on this special moment in their history, for being part of the economic development in Corpus Christi, and for five decades of making special food and occasions for their customers in south Texas.

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. FORTENBERRY. Madam Speaker, on Monday, June 25, 2007, I was unavoidably detained and thus I missed rollcall votes Nos. 549 and 550. Had I been present, I would have voted "yea" on both votes.

TRIBUTE TO WORTHINGTON LIBRARIES

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Ms. PRYCE of Ohio. Madam Speaker, it is a distinct honor to rise and recognize Worthington Libraries, recently named the 2007 Library of the Year by Library Journal and Gale.

The roots of Worthington Libraries can be traced to 1803 and the small town of Granby, CT, where a group of 100 men, women and children set out to begin a new life in Worthington, OH, bringing their collections of books with them. The library which was formed to manage those books was the first in Franklin County and only the third in Ohio.

The first building to actually house the collection came in 1927 when Elizabeth Jones Deshler donated money for a library building on the northeast comer of the Village Green, the area set aside by Worthington's founders for the public pursuit of learning and education. Mrs. Deshler dedicated the building to the memory of her grandfather, Worthington founder James Kilbourne. In 1931, Mrs. Deshler funded the addition of north and south wings on the James Kilbourne Memorial Library Building.

With a new location and an additional building, the current Library offers the world-class service and learning environment to match its storied past. The library is still the focal point of the community, emphasizing accountability to its patrons through rigorous, forward-looking planning and quality service that embraces not just adults but also children and teens. The community returns the compliment with strong financial support, giving the library 65.5 percent of its funding, even though three-quarters of Ohio's public libraries get most or all of their funding from the State.

Innovations which contributed to Worthington Libraries' selection for Library of the

Year included a roving reference librarian, new ways to promote high-traffic items like popular fiction, a teen blog and "MySpace" page, adult programming that extend to forums sponsored with the town's Council for Public Deliberation, and strong e-assets that include not only 164 top-notch electronic resources and more than 8,000 full-text periodicals but also TumbleBooks, which provides animated stories for children.

It is an honor to represent a community which prides itself upon the pursuit of knowledge, and the Worthington Libraries nobly provides that endeavor for its residents. Congratulations to all the staff of Worthington Libraries for continuing to find new ways to promote reading and learning.

CHARLES W. LINDBERG—AMERICAN HERO

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. RAMSTAD. Madam Speaker, I rise to pay special tribute to Charles W. Lindberg, who passed away Sunday in Minnesota. Today would have been Chuck's 87th birthday.

Chuck Lindberg was a real American hero and a great patriot. He was a Marine who carried a 72-pound flamethrower into some of the most horrific battles in the Pacific during World War II. He earned the Silver Star for valor, was shot in the arm and was honored with the Purple Heart.

Chuck was a true profile in courage. And if you do not know his name, I guarantee you know of one of his heroic acts. Chuck Lindberg, you see, helped raise the first American flag atop Mount Suribachi on February 23, 1945, during the Battle of Iwo Jima. That historic moment is captured in the famous sculpture at the Marine Corps Memorial by the Pentagon.

Chuck Lindberg truly represented the best of Duty, Honor, and Country and personified our nation's commitment to freedom.

On a personal level, I considered Charles Lindberg a good friend and very much appreciated and enjoyed our visits over the years. I was deeply inspired by hearing about his historic flag raising on Iwo Jima. I will always remember Chuck and that famous depiction of the flag raising will keep his spirit alive forever.

Madam Speaker, Chuck Lindberg will go down in history as one of the greatest Minnesota patriots of all time. He was the last survivor among the men who raised that first flag. Before Iwo Jima, Chuck Lindberg bravely fought at Guadalcanal and Bougainville as part of Carlson's Raiders, an elite unit that operated behind enemy lines.

Chuck was a hero in every way, and he never stopped being a hero. He dedicated his life to raising awareness of the sacrifices made by our Nation's brave fighting men and women.

He reached out to other veterans and he spoke to veterans' groups and at schools. The Minnesota Legislature has passed a resolution in Lindberg's honor and Chuck is mentioned on several Minnesota war memorials.

Madam Speaker, Chuck Lindberg was a modest man, like so many members of the Greatest Generation. Today, in Minnesota and here in our Nation's Capital, we honor him by not being so modest about his great accomplishments. We are deeply grateful for his many selfless contributions to our freedom and liberty.

Our thoughts and prayers go out to Chuck's wife of 59 years, Violette, and daughters Diane Steiger and Karen Davidson and sons Rod, Rick, and Jeff.

IN COMMEMORATION OF CAPTAIN ALLISON D. WEBSTER-GIDDINGS' NAVY CAREER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. STARK. Madam Speaker, I rise today to commend CAPT Allison D. Webster-Giddings, U.S. Navy, for an exemplary and honorable Naval career. Captain Webster-Giddings, a native of Birmingham, MI, is a 1984 graduate of the United States Naval Academy.

After earning her Naval Aviator wings in January 1986, Captain Webster-Giddings deployed to Helicopter Combat Support Squadron SIX, NAS Norfolk, VA, where she completed tours to the Mediterranean Sea aboard SNS *Sirius,* USS *Concord* and USNS *Saturn.* In 1989, Captain Webster-Giddings was assigned to the Commander, Naval Air Force, Atlantic, Air Operations Staff. In 1991, she was selected for Class 101 of the USN Test Pilot School, NAS Patuxent River, MD. Upon completion, she was assigned as the Dynamic Interface Department Head and H–46 project pilot of Rotary Wing Aircraft Test Directorate.

In 1994, Captain Webster-Giddings transitioned into the Aerospace Engineering Duty Officer community and was assigned as the Avionics Systems Project Officer for H–60/H–3/H–3 aircraft at the Naval Air Systems Command. During this tour, she led the PMA–299 avionics team for the MH–60R/S aircraft and existing fleet avionics programs. Captain Webster-Giddings returned to the Test Pilot School in 1997, this time as an instructor.

Captain Webster-Giddings commanded the Defense Contract Management Agency, Lockheed Martin Systems Integration, Oswego, NY, from 1998–2001. Her command was responsible for the oversight and esxecution of $4 billion of Defense Department contracts. During this tour, the command received the DCMA Flight Award "Small Activity" and the Federal Service John N. Sturdivant Award.

In October 2001, Captain Webster-Giddings returned to the United States Naval Academy. She currently serves as the Director, Faculty and Staff Programs, Center for Ethical Leadership. She has served as Deputy Director, Officer Development Division and Associate Chairman of the Weapons and Systems Department. She has taught several engineering, ethics, and leadership courses. She has served as the Officer Representative of the Women's Crew team and the Captain Joy Bright Hancock Organization (a women's professional organization).

Captain Webster-Giddings education includes a master's degree in aviation systems from the University of Tennessee, Space Institute, with qualifications in test and evaluation, program management, systems engineering and production, and maintenance and quality assurance.

Her personal awards include the Defense Meritorious Service Medal, the Navy Commendation Medal (three awards), and the Navy Expert Pistol Medal. She has been lauded twice by the National Aviation Club at its annual "Women in Aviation" recognition ceremony. Over the course of her career, Captain Webster-Giddings has logged over 2200 flight hours and flown over 35 different aircraft, including the first flight on the SH–60S. She holds commercial aviation ratings in helicopter, single-engine fixed-wing, and dual-engine fixed-wing aircraft.

I would like to personally thank and congratulate her for her distinguished service to our Nation.

LIST OF PROJECTS REQUESTED TO RECEIVE FEDERAL FUNDING AS PART OF THE FY08 APPROPRIATIONS PROCESS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Ms. LOFGREN of California. Madam Speaker, I rise today to submit into the CONGRESSIONAL RECORD a list of projects that I have requested receive federal funding as part of the FY08 appropriations process. The projects requested in the list below were presented to me by constituents, local groups and local governments.

Project Name: AACI Community Health Clinic. While approximately 30 percent of Santa Clara County residents are Asian, AACI provides the only Asian-focused community health clinic in the County. Funding would help create negative pressure rooms, and create infection control and respiratory protection equipment. It would also help to retain staff, help them advance professionally, and ensure that they are knowledgable about best practices in the field.

Project Name: Advanced IED Jammer Research & Development Program. The Advanced IED Jammer Research & Development Program will substantially advance the U.S. Military's ability to combat and defend our troops against roadside bombs.

Project Name: Anti-Microbial Nanomaterial for Battlefield Medical and Dental Use. Funding will help in developing an antimicrobial nanomaterial which would be used to destroy bacteria and fungi affecting U.S. service members

Project Name: ATTWR Special Module. The Advanced Tactical Threat Warning Radio (ATTWR) Special Module Project will provide Special Operations Forces with the ability to clandestinely identify and locate IED bomb making factories, terror cells, and insurgent commanders.

Project Name: Blossom Hill/Monterey Highway Crossing, San José. This funding will complete construction of a pedestrian overpass across railroad tracks and a four-lane highway in the vicinity of Blossom Hill Road and Monterey Highway (State Route 82), which divide rapidly growing residential and commercial sites into four quadrants.

Project Name: Bus Rapid Transit Alternatives Analysis. This funding request is for conducting an alternatives analysis to allow the Santa Clara Valley Transportation Authority (VTA) to develop an integrated Bus Rapid Transit (BRT) network that would

link major activity and employment centers throughout Santa Clara County, and offer high-quality public transit service to areas that are not served by VTA's light rail system.

Project Name: California Bay-Delta Restoration Program. The mission of the CALFED Bay-Delta Program is to develop and implement a long-term comprehensive plan that will restore ecological health and improve water management for beneficial uses of the Bay-Delta System.

Project Name: Collaborative Affordable Homes for San Jose Families. These funds would be used for the building of homes for low income families and providing vocational skills to at-risk young men and women.

Project Name: Collaborative Response to Victims of Domestic Violence. This project will initiate a new model of collaborative education, training and community response to victims of domestic violence.

Project Name: Coyote and Berryessa Creek Project. The Coyote Creek project provides protection to the area downstream of Montague Expressway in Milpitas and San Jose where potential damages from a 1 percent flood exceed $250 million.

Project Name: Coyote Creek Watershed Study. The Coyote Creek Watershed Study will examine ways to provide flood protection for the cities of San Jose, Milpitas, and Morgan Hill, including a major portion of the Silicon Valley's high-tech area.

Project Name: Development & Testing of Advanced Paraffin-based Hybrid Rockets for Space Applications. SPG will use the requested funds to design, build and initiate testing of 24-inch diameter, 30,000 pound thrust-class motors.

Project Name: DeWitt Avenue S-Curve Realignment, Santa Clara County. The project would straighten an S-Curve on DeWitt Avenue to enhance the line of sight for motorists, bicyclists, and pedestrians, thereby improving overall safety.

Project Name: Digital Heads-Up Display (DHUD) Upgrade for the ANG F–15s. The Heads-Up Display (HUD) system was designed to provide a pilot with the ability to acquire superior Situational Awareness (SA) by projecting critical flight information into the pilot's forward field of view serving as the aircraft's primary targeting system.

Project Name: Drug Court Discretionary Grant Program. This language supports restored funding to the Drug Court Discretionary Grant Program.

Project Name: Early Childhood Development Initiative-National Hispanic University. Funding will enable creation of a National Hispanic University (NHU) program in early childhood development to formalize the process of certifying ''Smart Start'' graduates, improving the number and quality of early childhood educators in San José.

Project Name: Early Warning IED Detection System. The Early Warning IED Detection System program will develop an advanced IED detection system that not only can detect the presence of IED's hidden along roadsides, but can also do so in a low profile and disguised manner.

Project Name: East Wing expansion—Guadalupe River and Silicon Valley History Project. This project would create a 30,000 square foot outdoor exhibit gallery with interactive exhibits and educational program spaces.

Project Name: Electronic Warfare Concept Demonstrator for the Littoral Combat Ship. The Electronic Warfare Concept Demonstrator (EWCD) will integrate commercial off the shelf Electronic Warfare antenna/receiver technology, the ES 3701 Tactical ESM System, with the Navy's current display and control systems.

Project Name: Fire Disaster Recovery project. This will provide the Foothill Family Community Clinic with a permanent home for its community health center program in the high need area of east San Jose.

Project Name: First-time Homebuyer Assistance Program. The First-time Homebuyer Assistance Program provides interest free closing cost loans to low and moderate income households for their first home purchase in the county.

Project Name: Guadalupe River Flood Control Project. The project extends through downtown San Jose from Interstate 880 to Interstate 280 and protects the area from $576 million in damages from a one percent flood.

Project Name: High Power Fiber Laser Program. This years funding request will drive the power output and improved beam quality of fiber lasers to technological levels that have never previously been met, providing new and unique capabilities to our warfighting personnel.

Project Name: Job Training for the Homeless Initiative. Funding will enable development and implementation of a job training and placement initiative to provide homeless persons in San Jose with remedial education, peer counseling, access to temporary shelter, transportation, childcare, vocational training, and job placement assistance.

Project Name: Llagas Creek Project. It will serve a 104 mile watershed by providing flood protection for 1,100 homes, 500 businesses, and over 1,300 acres of agricultural land in Santa Clara County.

Project Name: Martin Luther King, Jr. Library Community/Teen Center. Federal funding will support the redesign, construction, and equipping of a 2,600 sq. ft. Community and Teen Center, co-located with the San Jose main library, to provide a combination educational, performance, and public gathering space, with special attention to the needs and interests of teens.

Project Name: Mounted Warrior Equipment for the 4th Stryker Brigade. The Mounted Warrior Soldier System (MWSS) is the U.S. Army's integrated soldier fighting system, which permits the vehicle commander and driver to view the Force XXI Battle Commander, brigade-and-below (FBCB2) display, Driver's Vision Enhancer (DVE), and Remote Weapon System (RWS).

Project Name: National Transportation Security Center. This language directs the Secretary of Homeland Security to establish a National Transportation Security Center of Excellence at San Jose State University.

Project Name: OPAL (Optically Pumped Atomic Laser for Defense Microelectronics). OPAL will develop sub 200nm light source technology known as Optically Pumped Atomic Lasers (OPALs). Funds will be used for the demonstration of the sub 200nm at Newport-Spectra Physics and will be used to design the semiconductor inspection tool into which it will be integrated for inspection of advanced silicon chips.

Project Name: Roll-to-Roll Microelectronics Manufacturing in Support of the Flexible Display Initiative. The U.S. Display Consortium is under contract to the Army Research Laboratory (ARL) to organize the commercial display industry to develop the materials and supply chain required to enable volume production of flexible displays.

Project Name: San Francisquito Creek Flood Damage Reduction and Ecosystem Restoration Project. The study is examining possible flood protection measures for the cities of Palo Alto, East Palo Alto, Menlo Park and portions of San Mateo and Santa Clara Counties.

Project Name: San Luis Reservoir Low point Improvement Project. The San Luis Reservoir Low Point Improvement Project is to increase the operational flexibility of storage in San Luis Reservoir and ensure a high quality, reliable water supply for San Felipe Division contractors.

Project Name: San Jose Courthouse. This money would be used for site acquisition for a new Federal Courthouse in San Jose.

Project Name: San Jose Area Water Reclamation and Reuse Project. The San Jose Water Reclamation and Reuse Program will increase water supply reliability and protect endangered species by reducing wastewater discharges into San Francisco Bay.

Project Name: San Jose BEST Gang Intervention Program Expansion. B.E.S.T. coordinates and funds a continuum of prevention, intervention, and suppression programs targeted at youth demonstrating at-risk, high-risk, and gang-involved behaviors.

Project Name: San Jose Steam Railroad Museum. The funding will be used to help pay for the first two phases of construction of the San Jose Steam Railroad Museum.

Project Name: San José/Santa Clara Wastewater Pollution Control Plant Solar Research and Development. This project will demonstrate how municipalities around the country can improve air quality and reduce pressure on the electrical grid while saving taxpayers' dollars and reducing dependence on foreign fuel supplies.

Project Name: San Jose Women's Business Incubator and Training Center. Women's Initiative will own and operate a fully bilingual and culturally-competent Women's Business Incubator and Training Center in San Jose, where low-income and immigrant women in Silicon Valley can access business plan training and ongoing support.

Project Name: Santa Clara County HIV Test Counseling Program. In partnership with the Santa Clara County Department of Public Health, the DeFrank Center developed a pilot fixed-site HIV counseling and testing program to serve Santa Clara County.

Project Name: Santa Clara County: Juvenile Detention Reform: Evening Reporting Center (South County). The Evening Reporting Center is a comprehensive community-based intervention program designed to further Juvenile Detention Reform goals.

Project Name: Semiconductor Focus Center Research Program (FCRP). Funding will continue to support The Focus Center Research Program (FCRP) which conducts mid- to long-term (8–12 year time horizon) basic research in semiconductor technology at 38 universities across the country.

Project Name: ShotSpotter Gunshot Location and Detection Systems. The requested legislative language would broaden DHS' research and development priorities to include gunshot detection and qualifier systems.

Project Name: ShotSpotter Individual Protection System (SIPS). DOD R&D funding is needed for work to reduce the size and enhance the capability of the ShotSpotter Individual Protection System (SIPS). The sensor identifies the gunshot and radios the information back to a portable base station where the location is displayed on a lap top or PDA screen.

Project Name: Sobrato House youth facility. The Sobrato House will be able to provide 10 bed shelter for homeless, runaway youth. Also available will be a multi Service Center that is open daily for homeless youth, providing medical care, food, case management and other basic services.

Project Name: South San Francisco Bay Salt Ponds Restorations (FWS). The project will restore the health of the San Francisco Bay. The project will also provide tidal and fluvial flood protection in the Bay, including approximately 42,800 acres, 7,400 homes and businesses and significant urban infrastructure including major highways, parks and airports.

Project Name: South San Francisco Bay Salt Ponds Restorations (USGS). This funding request would provide $900,000 to the United States Geological Survey. USGS would use these funds to conduct interdisciplinary monitoring (biological, hydrological, and water quality studies) of Salt Ponds in San Pablo Bay and San Francisco Bay.

Project Name: South San Francisco Bay Shoreline Study. The project will restore the health of the San Francisco Bay, one of the nation's largest estuaries, by creating the largest restored wetlands on the West Coast.

Project Name: Student Partners Reaching Kids. The Students Partners Reaching Kids (SPRK) program serves more than 1,000 young adolescents through a series of offerings which form a continuum of opportunities throughout the year for students in the fourth through ninth grade age range such as: Discovery Youth, Getchy.com, CDMedia Studio, Safe Nights and Summer of Service.

Project Name: The Japanese American Experience: Making it Available. This museum will allow the broader community better access to and, understanding of the history, culture and arts of Japanese Americans in Santa Clara Valley.

Project Name: Trades JOBS for At-Risk Out-of-School Youth. The Center for Employment Training's Building Trades JOBS Program will provide comprehensive occupational skills training and employment services to 50 at-risk out-of school youth (age 17–24) and place 85% of them in demand jobs in the building trades.

Project Name: Upper Guadalupe River Flood Control Project. All proposed flood protection improvements include long-term environmental benefits for fish and wildlife habitat and continuous creekside trail access. The Upper Guadalupe River Flood Protection project will provide flood protection for 7,500 homes in Santa Clara County with potential damages from a 100-year flood event exceeding $280 million.

Project Name: Upper Penitencia Creek Project. The Upper Penitencia Creek Flood Protection project will provide flood protection to over 5,000 homes, schools and businesses in Santa Clara County, specifically the communities of San Jose and Milipitas.

Project Name: Yu-Ai Kai/Boys & Girls Club Senior Youth Wellness Center. The funds will establish a Senior Youth Wellness Center. The new Senior Youth Wellness Center will offer the following programs: preventive health programs through education, i.e., stroke prevention, diabetes prevention, cognitive wellness, nutrition education, heart disease prevention, etc.; therapeutic support groups and recreational activities; caregiver support groups with short term individual and family counseling, outreach, prevention and resource referral; M.D. and nurse visits/consultation for foot care/diagnosis, and preventive education; physical therapist visits/consultation and alternative health programs such as Tai-chi, Qi-gong, Yoga and Reiki; and indoor and outdoor physical fitness programs.

Project Name: Yu-Ai Kai/Boys & Girls Club Senior Youth Wellness Center Gymnasium. The new Senior Wellness Center and the Boys & Girls Club gymnasium will offer the following programs: physical fitness programs for seniors from the Minority Senior Providers Consortium; recreational and physical rehab programs for seniors, i.e., basketball, volleyball, handball, badminton, etc.; physical fitness for youths; recreational programs for youth, i.e., basketball, volleyball, badminton, handball, indoor soccer, indoor flag football, etc.; alternative health programs such as Tai-chi, Qi-gong, Yoga and Reiki; annual cultural events, i.e. Keiro Kai (honoring seniors 75 years and older), Bonen Kai (end of the year party for seniors), Shinnen Kai (Recognition of the New Year); and offer the gym to Japanese American youth who have tournaments and practice during the evenings and weekends.

HONORING THE MEMORY OF MRS. DOROTHY MOORE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. BONNER. Madam Speaker, the city of Mobile and indeed the entire state of Alabama, recently lost a dear friend, and I rise today to honor her memory and pay tribute to her for a lifetime of exemplary service.

Mrs. Dorothy "Dot" Moore, a dedicated mother, grandmother, and great grandmother was a devoted family matriarch. A native of Pensacola, Florida, Dot attended Leinkauf Elementary before attending Murphy High School in Mobile.

Dot's professional career began in the steamship business where she worked as a secretary. She then went on to become a registrar at the University of Alabama Expansion Center. While working for the Expansion Center, she was offered a job with the U.S. Corps of Engineers and the U.S. Air Force. Dot then went on to open "Dot's Dress Shoppe." It was in this dress shop where she met a radio personality and TV chef who helped her launch her radio and television career.

Dot was a receptionist at WABB in 1958, and it was this position that led to her speaking before a wide radio audience. With her trademark low tone voice, Dot was the voice of many radio and television commercials, and she later became the host of WALA's daily half-hour program "Channel 10 Kitchen."

On May 14, 1963, "Dot Moore & Company" went on the air, and viewers across the central gulf coast welcomed Dot into their homes. The show remained on the air with various names, including "The Dot Moore Show" well into the 21st century. Dot also became well-known for her coverage of Mobile's Mardi Gras celebration for over 33 years on WALA.

For five decades, Dot was a fixture on Mobile's WALA–TV, and she was an outstanding example of the quality of individuals who have devoted their lives to the field of broadcast journalism.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout Alabama. On behalf of all those who have benefited from her good heart and generous spirit, permit me to extend thanks for her many efforts in making Mobile and south Alabama a better place.

Mrs. Dorothy "Dot" Moore will be deeply missed by her family—her son, Robert J. Miller Jr.; her grandson, Robert J. Miller III; and her great grandson Carter B. Miller—as well as the countless friends she leaves behind. Our thoughts and prayers are with them all at this difficult time.

A TRIBUTE TO BATTLE FOR IWO JIMA VETERAN CORPORAL CHARLES W. LINDBERG

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Ms. BORDALLO. Madam Speaker, I rise today to honor the life and accomplishments of Cpl Charles W. Lindberg (Retired). Corporal Lindberg is one of six United States Marine Corps servicemembers that climbed Mount Suribachi on Iwo Jima and raised the American flag. At 10:20 a.m. on February 23, 1945, the 3rd Platoon, E Company, 2nd Battalion, 28th Regiment, 5th Marine Division were the first group of Americans during World War II to raise the American flag on Japanese soil. This momentous occasion demoralized the Japanese and signaled the beginning of the end of the war in the Pacific Theater.

According to several accounts, Corporal Lindberg along with about 40 other members of the 3rd Platoon climbed Mount Suribachi to secure the highest point on the island. Despite clear danger to life and limb, Corporal Lindberg, carrying a 72-pound flamethrower and his platoon captured Mount Suribachi, forcing many enemy combatants out from their entrenched positions in tunnels on the hill. After raising the flag, Corporal Lindberg and members of the platoon continued to fight Japanese forces to gain complete control of the strategic location. Nearly a week later, on March 1, 1945, Corporal Lindberg was shot in the stomach while fighting on other parts of the island. Corporal Lindberg received a Purple Heart for his injury and Silver Star Medal for valor for his heroism on Iwo Jima. He was a member of the elite Carlson's Raiders, a group of Marines that operated behind enemy lines, and was also a part of the Guadalcanal and Bougainville campaigns.

History was not always fair to the 3rd Platoon. History has immortalized the second raising of the U.S. flag rather than the first raising. The well-known photo taken by Associated Press Photographer Joe Rosenthal occurred nearly 4 hours after the initial raising of the U.S. flag and has been commemorated by the United States Marine Corps Memorial and is depicted in history books across the Nation. After his discharge from the United States Marines in January 1946, Corporal Lindberg returned to Grand Forks, North Dakota, and eventually Minneapolis, Minnesota. He began to raise awareness of the initial raising of the U.S. flag but was rebuffed time after time. Finally, in 1995 the United States Marines officially set the record straight and had Corporal Lindberg flown to a reunion of war veterans on Iwo Jima.

Corporal Lindberg's heroism in securing Mount Suribachi from Japanese forces symbolized the strength, perseverance and fortitude of American servicemembers during World War II. Raising the American flag demoralized the enemy and gave hope to the beleaguered Marines on the beach. The hope rallied the U.S. Marine forces to fully secure the island by March 26, 1945. The efforts of Corporal Lindberg are also similar to the efforts of other United States Armed Forces when they liberated Guam and the Mariana Islands in July 1944. Let us pause and honor another outstanding member of the Greatest

Generation and his contributions to our Nation's defense. His patriotism, bravery, and sacrifices for our country should never be forgotten.

HONORING THE ACADEMIC ACHIEVEMENTS OF JOSHUA MICHAEL BROWN

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. ALEXANDER. Madam Speaker, I rise today to celebrate the accomplishments of Joshua Michael Brown, the world's first person to earn a bachelor's degree in nanosystems engineering. Brown, a native of West Monroe, LA., graduated from Louisiana Tech University in Ruston, LA., May 19, earning a degree in electrical engineering in addition to his history-making degree in the up-and-coming field of nanotechnology.

Few universities in the United States offer a curriculum in nanotechnology, the science of manipulating materials on an atomic or molecular scale to build microscopic devices, and I am proud to say that Louisiana Tech, located in the 5th Congressional District of Louisiana, is one of those pioneering universities.

In 2005, Louisiana Tech launched its nanosystems engineering degree program, becoming the first university in our Nation to offer such a degree. Recently, Louisiana Tech was ranked 10th in the Nation for commercializing nanaotechnology inventions by Small Times magazine, a trade periodical for micro and nanotechnologies.

Surely, Brown's efforts as a Louisiana Tech scholar were a factor in the university's gaining this honor. While working toward his degree, Brown, along with Tech professor Chester Wilson, co-invented a device that is currently in the process of being patented. The invention is a nanocatalyst considered superior to those currently being used in the production of biofuels from biomass waste, an invention that is both exciting and inspiring as our Nation's top scientists and researchers continue to search for ways to increase the production of quality biofuels in the quest to lessen the United State's dependence on oil.

Madam Speaker, I ask my colleagues to join me in honoring Joshua Michael Brown, whose knowledge and dedication to this revolutionary technology will be a great asset to the future of this field and to our longstanding commitment of keeping the United States on the forefront of science and technology.

HONORING AMERICA'S JUNIOR MISS ON THE OCCASION OF ITS 50TH YEAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. BONNER. Madam Speaker, today I rise to pay tribute to America's Junior Miss on the occasion of the 50th anniversary of America's Junior Miss scholarship program. This year's national finals will be held June 28, 29 and 30th in Mobile, Alabama.

America's Junior Miss scholarship program has been vital to young women across the United States. Founded in Mobile, Alabama, in 1958, by the city's Junior Chamber of Commerce, the program held its first national program with 15 states represented. Participants are evaluated in five categories: interview, talent, scholastics, self-expression and fitness.

America's Junior Miss aims to promote self-esteem through its ''Be Your Best Self'' program. This program, adopted in 1987, is a way for Junior Miss participants to share a positive, personal approach to young people and help them lead successful and productive lives. The program encourages making a commitment to self-improvement with a focus on education, community service, proper nutrition, staying fit, living by moral principles, setting goals, and striving to reach those goals.

Since its founding, over $87.7 million has been awarded to over 700,000 contestants. Last year, more than $2 million was awarded in cash scholarships with almost 200 universities and colleges offering college-granted scholarships to participants. Former participants in the program include Diane Sawyer, Deborah Norville, E.D. Hill, Kim Basinger, Dr. Linda Rutledge Delbridge, and Debra Messing.

It is my sincere hope that America's Junior Miss will continue to be a source of inspiration to young women across the United States for another 50 years. I rise today to salute this organization and the many contributions it has made toward the enrichment of young women across the United States.

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. POE. Madam Speaker, due to delays in air travel coming back from my Congressional district yesterday, I was one of six Members on a flight that was delayed by several hours in arriving to Washington, DC. I unfortunately missed recorded votes on the House floor on Monday, June 25, 2007.

Had I been able to vote that day, I would have voted ''yea'' on Rollcall votes Nos. 549 and 550.

HONORING JACK VALENTI

SPEECH OF

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. GOODLATTE. Mr. Speaker, yesterday the House of Representatives passed H. Res. 361, honoring the life of Jack Valenti. I rise today to express support for that resolution and to join in honoring Jack's life and accomplishments.

Mr. Speaker, Jack Valenti was the poster child for what it means to be a great American. Jack was a true patriot and served our country valiantly as a pilot in the armed forces during World War II, where he flew over 50 combat missions. He later served as special assistant to President Lyndon Johnson during the tumultuous period in American history following the assassination of President Kennedy.

Following his public service, he became president of the Motion Picture Association of America, where he instituted the first movie rating system, which gave parents more information about the content of movies. It is during his tenure at the MPAA that I came to know and become friends with Jack.

One thing that always impressed me about Jack was his commitment to serving others. I remember a recent story I heard about Jack where he gave a lesson to a waiter at one of his favorite local restaurants. He told the waiter how important it was to remember the particulars of his clients, including their names and what they like to order. It is with this attention to detail that he succeeded in his mission of educating Members of Congress about the importance of copyright laws and the details of the motion picture industry.

Jack's policy was to return every call from every person who contacted him. He also emphasized the importance of telling the truth in all circumstances. These attributes explain why both those who agreed with and disagreed with his policy positions respected Jack and his work.

I am indebted to Jack for befriending this green, freshman lawmaker back in 1993, and treating me with the same respect and kindness that he would give a President.

I join with all Members of this House to send my deepest condolences to Jack's family and also to honor and celebrate the life and accomplishments of Jack Valenti.

PERSONAL EXPLANATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. BONNER. Madam Speaker, on Thursday, June 21, 2007, I accompanied President George W. Bush to the State of Alabama to tour a nuclear facility and was subsequently absent for 22 votes on June 21 and June 22. Had I been present, I would have voted ''nay'' on rollcall No. 542 and ''nay'' on rollcall No. 548.

THE DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008

SPEECH OF

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes:

Mr. ANDREWS. Mr. Chairman, I rise in strong support of the Foreign Affairs Appropriations bill passed last week, which included language authored by myself and Congressman MARK KIRK ordering the State Department to report to Congress on the feasibility of

restricting gasoline to Iran. Restricting refined gasoline to Iran is one way to pressure the regime to give up its efforts to develop nuclear weapons.

Due to economic mismanagement by the Iranian government, this leading OPEC nation now heavily depends on refined gasoline from abroad to run its economy. One Dutch company, Vitol, is the main broker of Iranian gasoline imports and one British company, Lloyd's of London, insures most of the tankers transporting gasoline to Iran.

I have long advocated for economic sanctions against Iran as part of an international diplomatic effort to halt the regime's pursuit of nuclear weapons in defiance of the United Nations. An international restriction on the supply of gasoline would serve as a critical diplomatic tool to deny Iran the ability to further its efforts to acquire nuclear weapons. Therefore, I strongly urge the State Department to advocate for a gasoline embargo on Iran as a sanction at the United Nations Security Council.

RECOGNIZING WORTHINGTON LIBRARIES

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

Mr. TIBERI. Mr. Speaker, it is a distinct honor to rise and recognize Worthington Libraries, recently named the 2007 Library of the Year by Library Journal and Gale.

The roots of Worthington Libraries can be traced to 1803 and the small town of Granby, Connecticut, where a group of 100 men, women and children set out to begin a new life in Worthington, Ohio, bringing their collections of books with them. The library which was formed to manage those books was the first in Franklin County and only the third in Ohio.

The first building to actually house the collection came in 1927 when Elizabeth Jones Deshler donated money for a library building on the northeast corner of the Village Green, the area set aside by Worthington's founders for the public pursuit of learning and education. Mrs. Deshler dedicated the building to the memory of her grandfather, Worthington founder James Kilbourne. In 1931, Mrs. Deshler funded the addition of north and south wings on the James Kilbourne Memorial Library Building.

With a new location and an additional building, the current Library offers the world-class service and learning environment to match its storied past. The library is still the focal point of the community, emphasizing accountability to its patrons through rigorous, forward-looking planning and quality service that embraces not just adults but also children and teens. The community returns the compliment with strong financial support, giving the library 65.5 percent of its funding, even though three-quarters of Ohio's public libraries get most or all of their funding from the state.

Innovations which contributed to Worthington Libraries' selection for Library of the Year included a roving reference librarian, new ways to promote high-traffic items like popular fiction, a teen blog and ''MySpace'' page, adult programming that extends to forums sponsored with the town's Council for Public Deliberation, and strong e-assets that include not only 164 topnotch electronic resources and more than 8000 full-text periodicals but also TumbleBooks, which provides animated stories for children.

It is an honor to represent a community which prides itself upon the pursuit of knowledge, and the Worthington Libraries nobly provides that endeavor for its residents. Congratulations to all the staff of Worthington Libraries for continuing to find new ways to promote reading and learning.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8377–S8522

Measures Introduced: Eight bills and three resolutions were introduced, as follows: S. 1693–1700, and S. Res. 255–257. **Pages S8411–12**

Measures Reported:

S. 185, to restore habeas corpus for those detained by the United States. (S. Rept. No. 110–90)

S. 1696, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008. (S. Rept. No. 110–91)

S. 1538, to authorize appropriations for fiscal year 2008 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, with amendments. (S. Rept. No. 110–92)

S. 126, to modify the boundary of Mesa Verde National Park, with an amendment. (S. Rept. No. 110–93)

S. 553, to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System. (S. Rept. No. 110–94)

S. 580, to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails. (S. Rept. No. 110–95)

S. 686, to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historical Trail. (S. Rept. No. 110–96)

S. 890, to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, with amendments. (S. Rept. No. 110–97)

S. 797, to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail, with amendments. (S. Rept. No. 110–98)

S. 1152, to promote wildland firefighter safety, with an amendment. (S. Rept. No. 110–99)

S. Con. Res. 6, expressing the sense of Congress that the National Museum of Wildlife Art, located in Jackson, Wyoming, should be designated as the "National Museum of Wildlife Art of the United States". (S. Rept. No. 110–100)

H.R. 161, to adjust the boundary of the Minidoka Internment National Monument to include the Nidoto Nai Yoni Memorial in Bainbridge Island, Washington, with an amendment in the nature of a substitute. (S. Rept. No. 110–101)

H.R. 376, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System, and for other purposes. (S. Rept. No. 110–102)

H.R. 497, to authorize the Marion Park Project, a committee of the Palmetto Conservation Foundation, to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion. (S. Rept. No. 110–103)

H.R. 512, to establish the Commission to Study the Potential Creation of the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC. (S. Rept. No. 110–104)

H.R. 658, to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System. (S. Rept. No. 110–105)

H.R. 1047, to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System. (S. Rept. No. 110–106) **Pages S8409–10**

Measures Passed:

Condemning Violence in Zimbabwe: Senate agreed to S. Con. Res. 25, condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society. **Pages S8519–20**

International Emergency Economic Powers Enhancement Act: Senate passed S. 1612, to amend the penalty provisions in the International Emergency Economic Powers Act, after agreeing to the following amendment proposed thereto: **Page S8520**

Salazar (for Dodd) Amendment No. 1947, to modify the effective date provision. **Page S8520**

National Medicine Abuse Awareness Month: Senate agreed to S. Res. 225, designating the month of August 2007 as "National Medicine Abuse Awareness Month". **Pages S8520–21**

National Teen Safe Driver Month: Senate agreed to S. Res. 230, designating the month of July 2007, as "National Teen Safe Driver Month". **Page S8521**

National Boating Day: Senate agreed to S. Res. 235, designating July 1, 2007, as "National Boating Day". **Page S8521**

National Aphasia Awareness Month: Senate agreed to S. Res. 256, designating June 2007 as "National Aphasia Awareness Month" and supporting efforts to increase awareness of aphasia. **Page S8521**

Congratulating the University of California at Los Angeles: Senate agreed to S. Res. 257, congratulating the University of California at Los Angeles for becoming the first university to win 100 National Collegiate Athletic Association Division I team titles. **Pages S8521–22**

Employee Free Choice Act: Senate continued consideration of the motion to proceed to consideration of H.R. 800, to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts. **Pages S8378–98**

During consideration of this measure today, Senate also took the following action:

By 51 yeas to 48 nays (Vote No. 227), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Page S8398**

Comprehensive Immigration Reform: Senate resumed consideration of the motion to proceed to consideration of S. 1639, to provide for comprehensive immigration reform, and pursuant to the order of June 21, 2007, the motion was agreed to, and Senate began consideration of the bill, taking action on the following amendment proposed thereto: **Pages S8378–98, S8403–04**

Pending:

Reid Amendment No. 1934, of a perfecting nature. **Pages S8403–04**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, June 28, 2007. **Page S8398**

During consideration of this measure today, Senate also took the following action:

By 64 yeas to 35 nays (Vote No. 228), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill. **Page S8398**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10 a.m., on Wednesday, June 27, 2007. **Page S8522**

Messages from the House: **Page S8408**

Measures Referred: **Page S8408**

Measures Placed on the Calendar: **Page S8408**

Enrolled Bills Presented: **Page S8408**

Executive Communications: **Page S8408–09**

Executive Reports of Committees: **Pages S8410–11**

Additional Cosponsors: **Pages S8412–14**

Statements on Introduced Bills/Resolutions: **Pages S8414–19**

Additional Statements: **Pages S8406–08**

Amendments Submitted: **Pages S8419–73**

Authorities for Committees to Meet: **Page S8473**

Privileges of the Floor: **Page S8473**

Text of H.R. 6 as previously passed: **Pages S8473–S8519**

Record Votes: Two record votes were taken today. (Total—228) **Page S8398**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:06 p.m., until 10 a.m. on Wednesday, June 27, 2007. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8522.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies approved for full committee consideration an original bill making appropriations for Commerce, Justice, Science, and Related Agencies for the fiscal year ending September 30, 2008.

APPRORIATIONS: ENERGY AND WATER DEVELOPMENT

Committee on Appropriations: Subcommittee on Energy and Water Development approved for full committee consideration an original bill making appropriations for Energy and Water Development for the fiscal year ending September 30, 2008.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT ORGANIZATION

Committee on Armed Services: Committee met in closed session to receive a briefing to discuss the Joint Improvised Explosive Device Defeat Organization (JIEDDO) from General Montgomery C. Meigs, USA (Ret.), Director, Joint Improvised Explosive Device Defeat Organization, United States Army, Department of Defense.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the following:

S. 1538, to authorize appropriations for fiscal year 2008 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, with amendments; and

The nominations of Preston M. Geren, of Texas, to be Secretary of the Army, Michael G. Vickers, of California, to be an Assistant Secretary of Defense, Thomas P. D'Agostino, of Maryland, to be Under Secretary for Nuclear Security, Department of Energy, Vice Adm. Eric T. Olson, USN to be admiral and Commander, U.S. Special Operations, Douglas E. Lute, USA to be lieutenant general and Assistant to the President/Deputy National Security Advisor for Iraq and Afghanistan and 2,834 nominations in the Army, Navy, Air Force, and Marine Corps.

MORTGAGE ABUSE

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing, Transportation and Community Development concluded a hearing to examine ending mortgage abuse, focusing on safeguarding homebuyers, after receiving testimony from David Berenbaum, National Community Reinvestment Coalition, Anthony M. Yezer, George Washington University Department of Economics, John M. Robbins, Mortgage Bankers Association, Pat V. Combs, National Association of Realtors, and Wade Henderson, Leadership Conference on Civil Rights, all of Washington, D.C.; Denise Leonard, Constitution Financial Group Inc., Wakefield, Massachusetts, on behalf of the National Association of Mortgage Brokers; Alan E. Hummel, Saint Paul, Minnesota, on behalf of sundry organizations; and Michael D. Calhoun, Center for Responsible Lending, Durham, North Carolina.

HEALTH CARE AND THE BUDGET

Committee on the Budget: Committee concluded a hearing to examine health care and the federal budget, focusing on the Healthy Americans Act and other options for reform, after receiving testimony from Senators Wyden and Bennett; Len Nichols, New America Foundation, Washington, D.C.; Sara R. Collins, Commonwealth Fund, New York, New York; and Arnold Milstein, Pacific Business Group on Health (PBGH), San Francisco, California.

MEDIA VIOLENCE

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the impact of media violence on children, after receiving testimony from Timothy F. Winter, Parents Television Council, Alexandria, Virginia; Peter Liguori, Fox Broadcasting Company, Los Angeles, California; Dale Kunkel, University of Arizona Department of Communication, Tucson; Jeff J. McIntyre, American Psychological Association, Washington, D.C.; and Laurence H. Tribe, Harvard Law School, Cambridge, Massachusetts, on behalf of the Ad Hoc Media Coalition.

WILDFIRE SEASON AND MANAGEMENT ACTIVITIES

Committee on Energy and Natural Resources: Committee concluded 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, after receiving testimony from Mark Rey, Under Secretary of Agriculture for Natural Resources and the Environment; C. Stephen Allred, Assistant Secretary of the Interior for Land and Minerals Management; and Robin M. Nazzaro, Director, Natural Resources and the Environment, Government Accountability Office.

SMITHSONIAN INSTITUTION GOVERNANCE REFORM

Committee on Rules and Administration: Committee concluded a hearing to examine Smithsonian Institution governance reform, focusing on a report by the Smithsonian's Independent Review Committee, after receiving testimony from Representative Matsui; and Charles Bowsher, Independent Review Committee, Roger W. Sant, Executive Committee Board of Regents, Cristian Samper, Acting Secretary, and Diana Aviv, Governance Committee, all of the Smithsonian Institution.

BUSINESS MEETING

Committee on Small Business and Entrepreneurship: Committee ordered favorably reported the following:

S. 1662, to amend the Small Business Investment Act of 1958 to reauthorize the venture capital program, with an amendment in the nature of a substitute (as approved by the committee, the substitute amendment incorporates provisions of S. 1663); and

S. 1671, to reauthorize and improve the entrepreneurial development programs of the Small Business Administration, with an amendment in the nature of a substitute.

BUSINESS MEETING

Select Committee on Intelligence: Committee ordered favorably reported the following:

S. 1547, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, with amendments; and

S. 1548, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, with amendments.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 17 public bills, H.R. 2857–2873; and 3 resolutions, H. Con. Res. 175; and H. Res. 518–519; were introduced. **Pages H7201–02**

Additional Cosponsors: **Pages H7202–03**

Reports Filed: Reports were filed today as follows:

Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2008 (H. Rept. 110–212) and

H. Res. 517, providing for consideration of the bill (H.R. 2829) making appropriations for financial services and general government for the fiscal year ending September 30, 2008 (H. Rept. 110–213). **Page H7201**

Speaker: Read a letter from the Speaker wherein she appointed Representative Sires to act as Speaker Pro Tempore for today. **Page H7079**

Recess: The House recessed at 9:07 a.m. and reconvened at 10 a.m. **Page H7079**

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008: The House began consideration of H.R. 2643, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008. Further consideration is expected to resume tomorrow, June 27th. **Pages H7087–H7197**

Agreed by unanimous consent that during further consideration of H.R. 2643 in the Committee of the Whole pursuant to the provisions of H. Res. 514, no further amendment to the bill will be in order except those provided on a list at the desk. **Pages H7134–35**

Agreed to:

Hastings (FL) amendment (No. 16 printed in the Congressional Record of June 25, 2007) that redirects $1 million within the Operation of the National Park System account; **Pages H7100–01**

Weiner amendment (No. 32 printed in the Congressional Record of June 25, 2007) that increases funding, by offset, for the Operation of the National Park System by $1 million; **Pages H7101–02**

Shays amendment (No. 32 printed in the Congressional Record of June 25, 2007) that redirects $1 million within the Operation of Indian Programs account; **Pages H7105–06**

Dicks amendment (No. 14 printed in the Congressional Record of June 25, 2007) that increases

funding, by offset, for State and Tribal Assistance Grants by $30 million; **Pages H7106–07**

Cannon amendment that decreases funding for the Office of the Secretary (Bureau of Indian Affairs) by $23,148,000 and increases funding for Department-Wide Programs by $20,148,000; **Pages H7107–08**

McHugh amendment (No. 25 printed in the Congressional Record of June 25, 2007) that redirects $1 million in funding for Science and Technology under the Environmental Protection Agency account; **Pages H7125–26**

Price (GA) amendment that redirects $3,884,000 million in funding within Science and Technology under the Environmental Protection Agency account; **Pages H7126–27**

Jindal amendment (No. 21 printed in the Congressional Record of June 25, 2007) that redirects $2.5 million in funding for Environmental Programs and Management; **Pages H7129–30**

LoBiondo amendment (No. 24 printed in the Congressional Record of June 25, 2007) that redirects $1 million in funding regarding Toxic Substances and Environmental Public Health; **Pages H7139–42**

Bishop (UT) amendment that prohibits funds from being used to condemn land; **Page H7145**

Jackson-Lee (TX) amendment (No. 20 printed in the Congressional Record of June 25, 2007) that prohibits funds from being used to eliminate or restrict programs that are for the reforestation of urban areas; **Pages H7148–50**

Jackson-Lee (TX) amendment (No. 19 printed in the Congressional Record of June 25, 2007) that prohibits funds from being used to limit outreach programs administered by the Smithsonian Institution; **Pages H7170–72**

Harman amendment (No. 31 printed in the Congressional Record of June 25, 2007) that prohibits funds from being used to purchase light bulbs unless the light bulbs have the ''ENERGY STAR'' or ''Federal Energy Management Program'' designation; **Page H7185**

Eddie Bernice Johnson (TX) amendment (No. 7 printed in the Congressional Record of June 13, 2007) that prohibits funds from being used to promulgate or implement the Environmental Protection Agency proposed regulations published in the Federal Register on January 3, 2007 (by a recorded vote of 252 ayes to 178 noes, Roll No. 556); and **Pages H7145–48, H7192–93**

Andrews amendment that prohibits funds from being used to plan, design, study, or construct, for the purpose of harvesting timber by private entities or individuals, a forest development road in the Tongass National Forest (by a recorded vote of 283 ayes to 145 noes, Roll No. 563). **Pages H7177–80, H7197**

Rejected:

Bishop (UT) amendment that sought to reduce funding for land acquisition under the Bureau of Land Management by $17,015,000; **Pages H7096–97**

Peterson (PA) amendment that sought to include areas within 100 miles of the coastline under the President's moratorium statement of June 12, 1998 and to include areas within 100 miles of the coastline in the funding restrictions regarding oil and natural gas preleasing activities; **Pages H7121–23**

Gingrey en bloc amendment that sought to strike provisions relating to the Commission on Climate Change Adaptation and Mitigation and to strike the $50 million appropriated for such commission; **Pages H7127–29**

Bishop (UT) amendment that sought to prohibit funds from being made available through a grant to any Internal Revenue Code 501(c)(3) organization who is a party to a lawsuit against the dispensing agency; **Page H7148**

Gary G. Miller (CA) amendment that sought to prohibit funds from being obligated or expended to conduct the San Gabriel Watershed and Mountains Special Resource Study in the cities of Diamond Bar, La Habra, Industry, Chino Hills, and the community of Rowland Heights in Los Angeles County, California; **Pages H7180–82**

King (IA) amendment that sought to increase funds by $100,000,000 for the Operation of the National Park System and reduce funds for the EPA by $163,000,000 (by a recorded vote of 156 ayes to 274 noes, Roll No. 551); **Pages H7102–03, H7188**

Peterson (PA) amendment that sought to insert language on page 50, line 3, after the period and page 50, line 7, after the period stating ''The preceding sentence shall not apply with respect to natural gas offshore preleasing, leasing, and related activities beyond 25 miles from the coastline'' (by a recorded vote of 196 ayes to 233 noes, Roll No. 552); **Pages H7113–21, H7189**

Conaway amendment that sought to strike section 104 regarding the conduct of offshore preleasing, leasing and relative activities and section 105 regarding funds to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic (by a recorded vote of 167 ayes to 264 noes, Roll No. 553); **Pages H7123–25, H7190–91**

Bishop (UT) amendment that sought to increase funding by $13 million for Forest and Rangeland Research and decrease funding by $31,588,000 for

Grants and Adminstration under the National Endowment for the Arts (by a recorded vote of 156 ayes to 270 noes, Roll No. 554);

Pages H7132–34, H7191

Barton (TX) amendment that sought to strike section 501 (relating to global climate change) (by a recorded vote of 153 ayes to 274 noes, Roll No. 555);

Pages H7143–45, H7191–92

Dent amendment (No. 13 printed in the Congressional Record of June 25, 2007) that sought to prohibit funds from being used to implement, administer, or enforce section 20(b)(1) of the Indian Gaming Regulatory Act (by a recorded vote of 194 ayes to 236 noes, Roll No. 557); **Pages H7150–51, H7193**

Pearce amendment that sought to prohibit the use of funds for the continued operation of the Mexican Wolf Recovery program (by a recorded vote of 172 ayes to 258 noes, Roll No. 558);

Pages H7152–70, H7193–94

Hensarling amendment (No. 34 printed in the Congressional Record of June 25, 2007) that sought to prohibit the use of funds for the Clover Bend Historic Site (by a recorded vote of 98 ayes to 331 noes, Roll No. 559); **Pages H7172–73, H7194–95**

Hensarling amendment (No. 44 printed in the Congressional Record of June 25, 2007) that sought to prohibit funds from being used for the St. Joseph's College Theater (by a recorded vote of 97 ayes to 328 noes, Roll No. 560); **Pages H7173–75, H7195**

Hensarling amendment (No. 56 printed in the Congressional Record of June 25, 2007) that sought to prohibit funds from being used for the Maverick Concert Hall (by a recorded vote of 114 ayes to 316 noes, Roll No. 561); and **Pages H7175–76, H7195–96**

Hensarling amendment (No. 74 printed in the Congressional Record of June 25, 2007) that sought to prohibit funds from being used for the Bremerton Public Library (by a recorded vote of 98 ayes to 333 noes, Roll No. 562). **Pages H7176–77, H7196–97**

Withdrawn:

Lamborn amendment that was offered and subsequently withdrawn that sought to increase funding for Department-Wide Programs (Indian Affairs) by $160,000,000 and reduce funding for the National Endowment for the Arts by $60,000,000; **Page H7111**

Conaway amendment (No. 9 printed in the Congressional Record of June 25, 2007) that was offered and subsequently withdrawn that sought to reduce funds appropriated for Environmental Programs and Management by $2; to increase funds appropriated for Environmental Programs and Managment by $1; to increase funds appropriated for State and Tribal Assistance Grants by $1; and to increase funds appropriated for State and Tribal Assistance Grants by $1; and **Pages H7130–32**

Conaway amendment that was offered and subsequently withdrawn that sought to express the sense of the House that any reduction in the amount appropriated as a result of amendments adopted by the House should be dedicated to deficit reduction.

Pages H7187–88

Point of Order sustained against:

Bishop (UT) amendment that sought to increase funding, by offset, for the Bureau of Land Management, U.S. Fish and Wildlife Service, National Park Service, and Forest Service; **Page H7096**

Lamborn amendment that sought to increase funding for Department-Wide Programs (Indian Affairs) by $52,000,000 and to reduce funds for the National Endowment for the Arts by $160,000,000;

Pages H7111–12

Sullivan amendment that sought to strike section 501 and insert language stating that no Federally-mandated steps should be taken to mitigate global climate change if those steps would harm American consumers, workers, or businesses in any way; and

Pages H7142–43

Kingston amendment that sought to prohibit funds from being used to enter into a contract with an entity that does not participate in the basic pilot program. **Page H7151**

Proceedings Postponed:

Ginny Brown-Waite (FL) amendment that seeks to reduce funds for the National Endowment for the Arts by $32 million; **Pages H7182–84**

Campbell (CA) amendment (#51 printed in the Congressional Record of June 25, 2007) that seeks to prohibit funds from being used for the Wetzel County Courthouse, New Martinsville, West Virginia; and **Pages H7184–85**

Campbell (CA) amendment that seeks to prohibit funds from being used for the Conte Anadromous Fish Laboratory. **Pages H7185–87**

H. Res. 514, the rule providing for consideration of the bill, was agreed to by voice vote after agreeing to order the previous question. **Pages H7083–87**

Moment of Silence: The House observed a moment of silence in honor of William Hungate, former Member of Congress. **Pages H7188–89**

Senate Messages: Messages received from the Senate today appear on pages H7110 and H7177.

Senate Referrals: S. Con. Res. 25 was held at the desk and S. 1612 was referred to the Committee on Foreign Affairs. **Page H7200**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H7203–05.

Quorum Calls—Votes: Thirteen recorded votes developed during the proceedings of today and appear on pages H7188, H7189–90, H7190–91, H7191,

H7191–92, H7192–93, H7193, H7193–94, H7194–95, H7195, H7195–96, H7196–97, and H7197. There were no quorum calls.

Adjournment: The House met at 9:00 a.m. and adjourned at 11:05 p.m.

Committee Meetings

DOD MANAGEMENT

Committee on Armed Services: Held a hearing on structure, process and tools for improving Department of Defense Management. Testimony was heard from the following officials of the Department of Defense: Gordon R. England, Deputy Secretary; Jack D. Patterson, Principal Deputy Under Secretary, Comptroller; and Paul A. Brinkley, Deputy Under Secretary, Business Transportation.

WALTER REED PROGRESS REVIEWS

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on findings of the Independent Review Group and an in-progress review of actions at Walter Reed. Testimony was heard from the following officials of the Independent Review Group: John O. Marsh, Co-Chair and former Secretary of the Army; and Togo D. West, Jr., former Secretary of the Army and former Secretary of the Department of Veterans Affairs; the following officials of the Department of the Army: GEN Richard A. Cody, USA, Vice Chief of Staff; MG Gale S. Pollock, USA, Acting Surgeon General; MG Eric B. Schoomaker, USA, Commander and BG Michael S. Tucker, USA, Deputy Commanding General, both with the North Atlantic Regional Medical Command and Walter Reed Army Medical Center; and COL Terrence McKenrick, USA, Commander, Warrior Transition Brigade, Walter Reed Army Medical Center.

EXPEDITIONARY FIGHTING VEHICLE PROGRAM

Committee on Armed Services: Subcommittee on Seapower and Expeditionary Forces held a hearing on the Expeditionary Fighting Vehicle Program. Testimony was heard from the following officials of the Department of Defense: Roger Smith, Deputy Assistant Secretary of the Navy, Expeditionary Warfare; LTG Emerson Gardner, USMC, Deputy Commander, Marine Corps, Program and Resources; David Ahern, Director, Portfolio Systems Acquisition, Office of the Under Secretary, Acquisition, Technology, and Logistics; and COL. William Taylor, USMC, Program Executive Officer, Marine Corps Land Systems.

U.S. DEBT—FOREIGN HOLDINGS

Committee on the Budget: Hearing on Foreign Holdings of U.S. Debt: Is Our Economy Vulnerable? Testimony was heard from Peter Orszag, Director, CBO; and public witnesses.

MEDICARE ADVANTAGE PREDATORY SALES

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''Predatory Sales Practices in Medicare Advantage.'' Testimony was heard from Abby Block, Director, Center for Beneficiary Choices, Centers for Medicare and Medicaid Services, Department of Health and Human Services; Kathleen Healey, Director, Health Insurance Assistance Program, Department of Senior Services, State of Alabama; Jim Poolman, Commissioner, Department of Insurance, State of North Dakota; Kim Holland, Commissioner, Department of Insurance, State of Oklahoma; Lee Harrell, Deputy Commissioner, Department of Insurance, State of Mississippi; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Financial Services: Ordered reported the following measures: H.R. 2547, FDIC Enforcement Enhancement Act; H. Con. Res. 140, as amended, Recognizing the low presence of minorities in the Financial services industry and minorities and women in upper level positions of management, and expressing the sense of the Congress that active measures should be taken to increase the demographic diversity of the financial services industry; and H.R. 2786, Native American Housing Assistance and Self-Determination Reauthorization Act of 2007.

SEC INVESTOR PROTECTION/MARKET OVERSIGHT

Committee on Financial Services: Held a hearing entitled ''A Review of Investor Protection and Market Oversight With the Five Commissioners of the Securities and Exchange Commission.'' Testimony was heard from the following members of the SEC: Christopher Cox, Chairman; Paul S. Atkins; Roel C. Campos; Annette L. Nazareth; and Kathleen L. Casey, all Commissioners.

MISCELLANEOUS MEASURES

Committee on Foreign Affairs: Ordered reported the following measures: H.R. 176, amended, Shirley A. Chisholm United States-Caribbean Educational Exchange Act of 2007; H.R. 1400, amended, Iran Counter-Proliferation Act of 2007; H.R. 2844, Food Security and Agricultural Development Act of 2007; H. Res. 121, amended, Expressing the sense of the House of Representatives that the Government of Japan should formally acknowledge, apologize, and

accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Force's coercion of young women into sexual slavery, known to the world as ''comfort women,'' during its colonial and wartime occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II; H.R. 2843, Library of Congress Public Diplomacy Collection Act of 2007; and H.R. 2798, amended, To reauthorize the programs of the Overseas Private Investment Corporation.

The Committee favorably considered the following measures and adopted a motion urging the Chairman to request that they be considered on the Suspension Calendar: H.R. 2293, amended, To require the Secretary of State to submit to Congress a report on efforts to bring to justice the Palestinian terrorists who killed John Branchizio, Mark Parson, and John Marin Linde; S. 377, U.S.-Poland Parliamentary Youth Exchange Act of 2007; H. Res. 208, amended, Honoring Operation Smile in the 25th anniversary year of its founding; H. Res. 287, amended, To celebrate the 500th anniversary of the first use of the name ''America''; H. Res. 294, amended, Commending the Kingdom of Lesotho, on the occasion of International Women's Day, for the enactment of a law to improve the status of married women and ensure the access of married women to property rights; H. Res. 378, amended, Honoring World Red Cross Red Crescent Day; H. Res. 380, Commending Idaho on winning the bid to host the 2009 Special Olympics World Winter Game; H. Res. 426, amended, Recognizing 2007 as the Year of the Rights of Internally Displaced Persons in Colombia, and offering support for efforts to ensure that the internally displaced people of Colombia receive the assistance and protection they need to rebuild their lives successfully; H. Res. 427, Urging the Government of Canada to end the commercial seal hunt; H. Res. 467, amended, Condemning the decision by the University and College Union of the United Kingdom to support a boycott of Israeli academia; H. Res. 482, Expressing support for the new power-sharing government in Northern Ireland; H. Res. 497, Expressing the sense of the House of Representatives that the Government of the People's Republic of China should immediately release from custody the children of Rebiya Kadeer and Canadian citizen Huseyin Celil and should refrain from further engaging in acts of cultural, linguistic, and religious suppression directed against the Uyghur people; H. Res. 500, amended, Expressing the sense of the House of Representatives in opposition to efforts by major natural gas exporting countries to establish a cartel or other mechanism to manipulate the supply of natural gas to the world market for the purpose of setting an arbitrary and nonmarket price or as an instrument of political pressure; and H. Con. Res. 136, amended, Expressing the sense of Congress regarding high level visits to the United States by democratically-elected officials of Taiwan; and H. Con. Res. 139, amended, Expressing the sense of the Congress that the United States should address the ongoing problem of untouchability in India.

VIOLENCE IN CENTRAL AMERICA

Committee on Foreign Affairs: Subcommittee on Western Hemisphere held a hearing on Violence in Central America. Testimony was heard from public witnesses.

The Subcommittee also held a briefing on this subject. The Subcommittee was briefed by Ambassador Jose Guillermo Castillo Villacorta, Ambassador of Guatemala; and Roberto Flores Bermudez, Ambassador of Honduras.

NFL RETIREMENT SYSTEM

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on the National Football League's System for Compensating Retired Players: An Uneven Playing Field? Testimony was heard from public witnesses.

OVERSIGHT—GUANTANAMO BAY DETAINEE LEGAL RIGHTS

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights and Civil Liberties held an oversight hearing on Habeas Corpus and Detention at Guantanamo Bay. Testimony was heard from Gregory Katrsas, Principal Deputy Associate Attorney General, Department of Justice; LCDR Charlie Swift, USN, Judge Advocate General Corps, Office of Military Commissions, Department of Defense; and public witnesses.

MANDATORY MINIMUM SENTENCING LAWS

Committee on the Judiciary: Subcommittee on Crime, Terrorism and Homeland Security held a hearing on Mandatory Minimum Sentencing Laws—the Issues. Testimony was heard from Paul G. Cassell, Judge, Judicial Conference of the United States; Ricardo H. Hinojosa, Chair, U.S. Sentencing Commission; Richard B. Roper, III, U.S. Attorney, Northern District of Texas, Dallas, and public witnesses.

POLLINATORS AND HEALTHY ECOSYSTEMS

Committee on Natural Resources: Subcommittee on Fisheries, Wildlife and Oceans held a hearing on The Bird and The Bees: How Pollinators Help Maintain Healthy Ecosystems. Testimony was heard from Representatives Hastings of Florida and Blumenauer; Mamie Parker, Assistant Director, Fisheries and

Habitat Conservation, U.S. Fish and Wildlife, Department of the Interior; Kevin J. Hackett, National Program Leader for Bees and Pollinators, Agricultural Research Service, USDA; and public witnesses.

NEW ORLEANS—LABOR LAW ENFORCEMENT

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing on Adequacy of Labor Law Enforcement in New Orleans. Testimony was heard from Paul DeCamp, Administrator, Wage and Hour Division, Employment Standards Administration, Department of Labor; and public witnesses.

2010 CENSUS

Committee on Oversight and Government Reform: Subcommittee on Information Policy, Census, and National Archives held a hearing on 2010 Census: Improving Local Government Participation in LUCA. Testimony was heard from Charles Louis Kincannon, Director, U.S. Census Bureau, Economics and Statistics Administration, Department of Commerce; Mathew J. Scire, Director, Strategic Issues, GAO; and public witnesses.

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS FISCAL YEAR 2008

Committee on Rules: Granted, by a voice vote, an open rule providing for consideration of the bill (H.R. 2829) making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority recognition to Members who have printed their amendments in the Congressional Record. The rule provides one motion to recommit with or without instructions. Finally, the rule permits the Chair, during consideration of H.R. 2829 in the House, to postpone further consideration of the bill to a time designated by the Speaker testimony was heard from Representatives Serrano and Regula.

FEDERAL AGENCY SMALL BUSINESS INNOVATION TECHNOLOGY PROGRAMS

Committee on Science and Technology: Subcommittee on Technology and Innovation held a hearing on SBIR and STTR—How Are the Programs Managed Today? Testimony was heard from Michael Caccuitto, SBIR/STTR Program Administrator, Office of Small Business Programs, Department of Defense; Jo Anne Goodnight, SBIR/STTR Program Coordinator, Office of Extramural Research, NIH, Department of Health and Human Services; Larry James, SBIR/STTR Program Manager, Department of Energy; Douglas A. Comstock, Director, Innovative Partnerships Program Office, NASA; and Kesh S. Narayanan, Director, Division of Industrial Innovation and Partnerships, Directorate for Engineering, NSF.

INTEGRATED DEEPWATER PROGRAM ACT; COAST GUARD AUTHORIZATION ACT

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation approved for full Committee action, as amended, the following bills: H.R. 2722, Integrated Deepwater Reform Act; and H.R. 2830, Coast Guard Authorization Act of 2007.

INTERCITY PASSENGER RAIL BENEFITS

Committee on Transportation and Infrastructure: Subcommittee on Railroads, Pipelines and Hazardous Materials held a hearing on Benefits of Intercity Passenger Rail. Testimony was heard from Lieutenant Governor John Bohlinger, State of Montana; former Governor Mark Schweiker, State of Pennsylvania; Elaine Nekritz, Representative, State of Illinois; Velma H. Williams, Commissioner, City of Sanford, Florida; Robert N. Jackman, member, Senate, State of Indiana; Frank J. Busalacchi, Secretary, Department of Transportation, State of Wisconsin; Astrid C. Glynn, Commissioner, Department of Transportation, State of New York; Will Kempton, Director, Department of Transportation, State of California; and public witnesses.

KIDNEY PATIENT ANEMIA MANAGEMENT CARE

Committee on Ways and Means: Subcommittee on Health held a hearing on Safe and Sensible: Ensuring Kidney Patients Receive Safe and Appropriate Anemia Management Care. Testimony was heard from Delegate Donna M. Christensen, M.D., Virgin Islands; the following officials of the Department of Health and Human Services: Leslie V. Norwalk, Acting Administrator, Centers for Medicare and Medicaid Services; Robert A. Vito, Regional Inspector General, Office of Evaluation and Inspections; and John K. Jenkins, M.D., Director, Office of New

Drugs, Center for Drug Evaluation and Research, FDA; and public witnesses.

BRIEFING—DOD INSPECTOR GENERAL

Permanent Select Committee on Intelligence: Subcommittee on Oversight and Investigations met in executive session to receive a briefing on the Director of National Intelligence, Inspector General. The Subcommittee was briefed by departmental witnesses.

TECHNICAL PROGRAMS

Permanent Select Committee on Intelligence: Subcommittee on Technical and Tactical met in executive session to hold a hearing on Technical Programs. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 27, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine the nominations of Jill E. Sommers, of Kansas, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2009, and Bartholomew H. Chilton, of Delaware, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2008, 2 p.m., SR–328A.

Committee on Commerce, Science, and Transportation: business meeting to consider S. 704, to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, S. 950, to develop and maintain an integrated system of coastal and ocean observations for the Nation's coasts, oceans, and Great Lakes, to improve warnings of tsunami, hurricanes, El Niño events, and other natural hazards, to enhance homeland security, to support maritime operations, to improve management of coastal and marine resources, S. 1650, to establish a digital and wireless network technology program, and S. 1661, to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad, and promotion lists in the United States Coast Guard, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine S. 1171, to amend the Colorado River Storage Project Act and Public Law 87–483 to authorize the construction and rehabilitation of water infrastructure in Northwestern New Mexico, to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund, to authorize the conveyance of certain Reclamation land and infrastructure, to authorize the Commissioner of Reclamation to provide for the delivery of water, 2:30 p.m., SD–366.

Committee on Environment and Public Works: Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality, to hold hearings to examine protecting water quality at America's beaches, 10 a.m., SD–406.

Committee on Finance: to hold hearings to examine the Stealth Tax, focusing on how to stop the alternative minimum tax from sneaking up on unsuspecting taxpayers, 10 a.m., SD–215.

Committee on Foreign Relations: business meeting to consider pending calendar business, 11:15 a.m., S–116, Capitol.

Committee on Health, Education, Labor, and Pensions: business meeting to consider S. 793, to provide for the expansion and improvement of traumatic brain injury programs, and S. 1011, to change the name of the National Institute on Drug Abuse to the National Institute on Diseases of Addiction and to change the name of the National Institute on Alcohol Abuse and Alcoholism to the National Institute on Alcohol Disorders and Health, original bills entitled, ''Biologics Price Competition and Innovation Act'', ''Wired for Health Care Quality Act'', and other pending calendar business, 11 a.m., S–211, Capitol.

Committee on Homeland Security and Governmental Affairs: to continue hearings to examine violent Islamist extremism, focusing on the European experience, 11:30 a.m., SD–342.

Committee on the Judiciary: Subcommittee on the Constitution, to hold an oversight hearing to examine the federal death penalty, 9:30 a.m., SD–226.

Committee on Veterans' Affairs: business meeting to mark up 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), 9:30 a.m., SD–562.

Special Committee on Aging: to hold hearings to examine the relationship between doctors and the drug industry, 10:30 a.m., SD–106.

House

Committee on Appropriations, Subcommittee on Legislative Branch, on the Capitol Visitor Center, 9 a.m., 2359 Rayburn.

Committee on Armed Services, Subcommittee on Military Personnel, hearing to review the policies and procedures regarding the notification of next-of-kin of wounded and deceased service members, 10 a.m., 2218 Rayburn.

Committee on Education and Labor, to mark up the following bills: H.R. 2857, Generations Invigorating Volunteering and Education Act of 2007; Green Jobs Act of 2007; and H.R. 2831, To amend title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to consider the following measures related to energy legislation: To promote greater energy efficiency; To facilitate the transition to a

smart electricity grid; To clarify the amount of loans to be guaranteed under title XVII of the Energy Policy Act of 2005; To promote the development of renewable fuels infrastructure; To promote advanced plug-in hybrid vehicles and vehicle components; and To enhance availability of energy information, 10 a.m., 2123 Rayburn.

Committee on Foreign Affairs, hearing on Iraq: Is the Escalation Working? 10 a.m., 2172 Rayburn.

Subcommittee on Middle East and South Asia and the Subcommittee on Terrorism, Nonproliferation and Trade, joint hearing on A.Q. Khan's Nuclear Wal-Mart: Out of Business or Under New Management? 2 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, hearing entitled ''A Roadmap for Security? Examining the Science and Technology Directorate's Strategic Plan,'' 2 p.m., 311 Cannon.

Committee on House Administration, hearing on Implementation of the U.S. Capitol Police—Library of Congress Police Merger; and to consider pending Committee business, 11:30 a.m., 1310 Longworth.

Committee on Oversight and Government Reform, Subcommittee on National Security and Foreign Affairs, briefing entitled ''International Perspectives on Strengthening the Nonproliferation Regime,'' 10 a.m., 2154 Rayburn.

Committee on Science and Technology, to mark up the following bills: H.R. 906, Global Change Research and Data Management Act of 2007; H.R. 1933, Department of Energy Carbon Capture and Storage Research, Development and Demonstration Act of 2007; H.R. 2773, Biofuels Research and Development Enhancement Act; and H.R. 2774, Solar Energy Research and Advancement Act of 2007, 10 a.m., 2318 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations, hearing on VA Internal Contracting Oversight Deficiencies, 10 a.m., 340 Cannon.

Permanent Select Committee on Intelligence, executive, briefing on Hot Spots, 8:45 a.m., H–405 Capitol.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the economic case for early care and education, 11 a.m., SH–216.

Next Meeting of the SENATE

10 a.m., Wednesday, June 27

Senate Chamber

Program for Wednesday: Senate will continue consideration of S. 1639, Comprehensive Immigration Reform, and Senator Sessions will be recognized to speak for up to 2 hours.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, June 27

House Chamber

Program for Wednesday: Complete consideration of H.R. 2643—Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008. Begin consideration of H.R. 2829—Making appropriations for financial services and general government for the fiscal year ending September 30, 2008.

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