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House of Representatives

The House met at 10 a.m.

The Reverend Wade A. Hyslop, Jr., Trinity Missionary Baptist Church, New London, Connecticut, offered the following prayer:

Our God, the ruler of this Nation, who has given us this good land for our heritage, we humbly beseech You that we may always prove ourselves a people mindful of Your favor.

We ask that You lead and guide Speaker PELOSI and send down Your spirit of wisdom and justice on these Representatives, that they may serve with a steadfast purpose and devotion to their office to promote the well-being of all people.

We ask You to bless the men and women of our Armed Forces who are defending our country at home and on foreign soil, protecting our liberties.

Unite us in these turbulent times. Give us peace, love and understanding. We place all things in Your hands. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. COURTNEY led the Pledge of Allegiance as follows:

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

WELCOMING REV. WADE A. HYSLOP, JR.

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

Mr. COURTNEY. Madam Speaker, it's an honor to welcome today Reverend Wade A. Hyslop, Jr., from New London, Connecticut, to lead the House in prayer this morning.

If he looked comfortable in the podium today, there is a reason for that. For 10 years he served in Connecticut as the deputy speaker of the House of Representatives, someone with whom I served as a colleague on the Human Services Committee and have seen up close the work and impact that he has had in the City of New London and across the State of Connecticut.

He is joined today by his family, who is here, his wife, Jessie; his three children; his son, Bertram, who is a sergeant major in the U.S. Army, serving today in Washington, DC, but also served our country in two deployments in Iraq and Afghanistan.

Again, Wade leads a congregation, the Trinity Missionary Baptist Church in New London, Connecticut, which I have had the opportunity to visit a number of times. It is an energetic, warm congregation, which is clearly being led by a wonderful person whose impact has been felt, not only in that congregation, but the City of New London and the State of Connecticut.

Again, it's a pleasure to welcome him here today and get us off to a good start.

ANNOUNCEMENT BY THE SPEAKER

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

SUPPORT INTERIOR APPROPRIATIONS BILL TODAY

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

Mr. ISRAEL. Madam Speaker, I rise to urge my colleagues to support the Interior appropriations bill today.

As a member of the Appropriations Committee, I was able to add $10 million for the Long Island Sound. That's $8.6 million more than last year's budget. It's more than $9.5 million of the administration's request of $500,000.

This is not a local issue, this is a national imperative. Twenty million Americans live within 50 miles of the shores of the Long Island Sound. The Sound contributes $5 billion to our regional economy. The Sound is an essential part of our history.

The chairman of the Armed Services Committee is with us this morning. He knows that Nathan Hale crossed the Long Island Sound to infiltrate the British. Generations of commercial fishing families have plied its waters.

Sadly, the Long Island Sound has fallen on hard times as a result of development pressures, nitrogen loading and run-off. This $10 million literally helps turn the tides of the Long Island Sound.

I urge my colleagues to support it, and I urge the other body to match that $10 million figure.

THE CASE OF THE MISSING PANTS

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

Mr. POE. Mr. Speaker, a new inductee in the Judges Hall of Shame is Judge Roy Pearson of Washington, DC.

It seems that Judge Pearson suffers from the arrogant ailment known as ''black robe disease.'' But instead of issuing a bad ruling, Pearson filed an absurd lawsuit.

Printed on recycled paper.

Claiming his dry cleaners did not live up to their claim of ''satisfaction guaranteed'' when a pair of his pants were lost, Pearson decided to sue them for $54 million. The part of the story that makes Pearson even more despicable is that the dry cleaners did find his pants two days later and gave him $150 for his trouble. Pearson took the money all right, but he didn't want his pants back.

At the trial, the judge admonished Pearson, who represented himself, for being completely unprepared in his own case. On Monday, Judge Pearson got a taste of his own medicine when the trial judge not only dismissed the case against the cleaners, but is also making Pearson pay the court costs and $100,000 attorney fees to the immigrant owners.

The cleaners lost his pants, but now he is losing his shirt, as it ought to be. Shame on Judge Roy Pearson for his abuse of our legal system. Courts work to right actual wrongs, not award money to people who are just too big for their britches.

And that's just the way it is.

NEW DIRECTION IN CONGRESS

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

Mr. EMANUEL. Mr. Speaker, for years the Republican Congress sat idly by while we spent billions of dollars in Iraq and lost thousands of lives, no questions asked.

Now Republicans are starting to get nervous with the lack of results. On Monday, Senator LUGAR said President Bush's plan to escalate the war in Iraq has very limited prospects for success and called on President Bush to begin to reduce U.S. forces. It's exactly what Democrats have been saying all along.

From day one, the new Democratic Congress said that once we have accountability, benchmarks and reporting requirements, we begin to see the beginning of the end. I can now say that the end is in sight. Instead of rubber stamping a failed Iraq policy, Democrats demanded that Republicans and the country measure the progress or the lack thereof of the President's plan for more troops, more money, more time and more of the same.

Starting in July, we will put the administration of the Republicans to the test, a new direction in Iraq, or more of the same of the present course, vote after vote.

We said last May that we would begin to see the beginning of the end. Just this week, we begin to see that light at the end of the tunnel on this failed policy.

DEMOCRAT BROKEN PROMISES

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

Mr. PITTS. Mr. Speaker, some on the other side of the aisle made it a habit to refer to the last session of Congress as a do-nothing Congress. But it seems our friends on the other side are trying to outdo the do-nothingness they complained about all last year.

First they clamped down on the House rules to expedite their so-called 6 for '06 agenda. Almost none of that became law. Then they delayed an emergency troop funding bill for more than 100 days while our troops in harm's way waited for the resources they needed to do their job. Now they seem intent on playing another round of chicken with the President over this year's appropriations bills.

When you throw in hidden earmarks, slush funds, budget gimmicks and the largest tax increase in American history, it's no wonder the Democrat Congress is currently enjoying its lowest approval ratings ever. Do-nothing Congress? Perhaps now we should say do-less-than-nothing Congress.

LARGEST HUMANITARIAN CRISIS IN THE WORLD

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

Mr. BLUMENAUER. Mr. Speaker, the largest refugee crisis in the world, other than the Darfur, is unfolding in Iraq. Four million Iraqis have fled their homes. Two million have fled the country, and an estimated 20- to 50,000 a month or more are added to that toll.

Yet the United States has been able, with all our resources, to only allow 70 Iraqis refugee status in the United States since October, only one in April, only one in May.

It's time for us to accept responsibility to aid the people in this desperate plight. If there are any, any of my colleagues who have any doubt that we need to change the policy and reach out to them, I would urge that they seek out the soldiers who have returned home, who are fighting to try to save their interpreters and their guides.

The heart-wrenching stories of people via cell phone trying to guide them to safety will, I hope, inspire you to action and encourage you to support bipartisan legislation, H.R. 2265, for Congress to do its job for these refugees.

NOTHING FAIR ABOUT THE FAIRNESS DOCTRINE

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

Mr. PENCE. Beginning in 1949, the Federal Communications Commission enforced the so-called fairness doctrine that required broadcasters to present controversial issues in a fair and balanced manner.

It sounds reasonable enough, but there is nothing fair about the fairness doctrine. Thankfully, the FCC overturned its own ruling in 1985. Since the demise of the fairness doctrine, talk radio has emerged as a dynamic forum for public debate and an asset to the Nation.

Unfortunately, in the name of fairness, there has been much talk recent days about bringing back the fairness doctrine. Liberal think tanks and elected officials in both political parties in Congress are contemplating it. Bringing back the fairness doctrine would amount to nothing more than government control over political views expressed on public airwaves, and it must not be allowed to occur.

This week I will be introducing the Broadcaster Freedom Act that will prevent the FCC or any future president from reinstating the fairness doctrine. President Kennedy said, ''A nation judge that is afraid to let its people judge the truth and falsehood in an open market is a Nation that's afraid of its people.''

I urge my colleagues to join me as original cosponsors of the Broadcaster Freedom Act and support every effort on the floor this week to leave this unfair fairness doctrine on the ash heap of broadcast history.

LUGAR AND VOINOVICH COMMENTS ON IRAQ ARE THE LATEST EXAMPLE THAT WE ARE OVERDUE FOR A NEW DIRECTION

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

Mr. LANGEVIN. Mr. Speaker, every day now, it's becoming more and more apparent that the President's troop escalation plan is not stemming the civil war in Iraq.

In fact, since the plan took effect earlier this year, violence in Iraq is up, and our soldiers are paying a heavy price on the battlefield. For months now, Democrats have stood united in our commitment to forge a new direction in Iraq, but our efforts have received very little support from congressional Republicans.

It appears that is beginning to change. Earlier this week, one of the most respected Members of the Republican party on international affairs, Senator RICHARD LUGAR, said that we must recalibrate our strategy in Iraq to fit our domestic political conditions and broader needs of national security. Then yesterday, Senator VOINOVICH said that he doesn't believe the Iraqis are going to get it until they know we are leaving.

Both Senator LUGAR and Senator VOINOVICH's comments are a blow to the White House and serve as yet another example of long-time supporters of the President's Iraq policy believing we are long overdue for a new direction. It's time for the congressional Republicans to face the reality and join us in dramatically changing course in Iraq.

□ 1015

VISIT WITH NAVY LEAGUE

(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, this past weekend I had the opportunity to meet with council president Jim Smith and vice president Ted Brice, as well as other members of the Hilton Head Island Council of the Navy League.

The Navy League was formed in 1902 with the objective and purpose of educating and motivating the American people to support our maritime capabilities, services and personnel. One of their main focuses is on maintaining a strong maritime component to our national defense.

As a member of the Subcommittee on Sea Power and Expeditionary Forces and a member of the Congressional Shipbuilding Caucus, I have seen firsthand that the decline in our Naval ships is a threat to our national security. In the past 20 years, the U.S. Naval fleet has been cut in half to its lowest numbers since World War I. We need to push to increase our Nation's shipbuilding capability from our current average of six ships a year to a minimum of 10 so that we can be able to meet America's global security needs.

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

VOTE ''NO'' ON THE ANDEAN TRADE AGREEMENT

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

Ms. KAPTUR. Mr. Speaker, today I urge my colleagues to vote ''no'' on the Andean Trade Agreement, H.R. 1830, which, strangely, will be brought up under suspension, which means no debate and no amendment. I thought voters put new Democratic leadership in charge of this House to stop deals such as this being done in this way.

H.R. 1830 would extend special duty treatment to certain imports from Bolivia, Colombia, Ecuador and Peru until September 30 of 2009. The Andean Accord was originally intended to promote economic growth and replace production of illegal drugs in the Andean region. But in 2006, the United States had already racked up $10 billion more in deficit with these countries, and the last time I looked, that cocaine was still coming over our borders from Colombia.

Mr. Speaker, this deal made on the NAFTA model is a failed model. Not a single other trade deal under the NAFTA model has created good or better jobs. Because it is based on the NAFTA model, the specific provisions are just tinkering at the edges.

This bill will cost more American jobs, period. How many copies of the NAFTA deal must enter this Congress before we finally say no?

We don't need more Bill Thomas and Tom DeLay-type trade agreements being rushed through this House. I urge my colleagues to vote ''no'' on 1830.

Let's have a full debate on trade. The American people demand it of us.

EXPANDING HEALTH CARE OPTIONS FOR FAMILIES

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

Mr. BOUSTANY. Mr. Speaker, a recent article in The Washington Post highlights the importance of expanding health savings accounts for America's families. The article mentioned a woman who switched to an HSA with a high deductible health plan after her insurance premiums increased by 42 percent in 1 year. As a result, the monthly cost of her asthma medication consumed all the money in her HSA.

Patients with chronic conditions shouldn't have to pay a high deductible before their coverage begins. Giving patients with HSAs the freedom to choose plans that offer up-front coverage will avoid hospitalizations and reduce the costs that are borne by all Americans.

Recently, I introduced H.R. 2639, the Promoting Health for Future Generations Act of 2007. The bill permits HSA owners to receive prescription drugs before paying a deductible. It also permits working families to accumulate more money in these accounts, resolving the situations like the one pointed out in The Washington Post article.

I urge my colleagues to expand coverage and empower patients by cosponsoring H.R. 2639. Doing so will give Americans greater flexibility and independence when managing their families' health care needs.

THE AMERICAN PEOPLE ARE TIRED OF THIS WAR

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

Mr. HARE. Mr. Speaker, I rise to bring attention to recent reports that the United States commanders in Iraq are rejecting the recommendations from Army mental health experts.

To address the rising number of returning war heroes with mental health problems, Army psychologists have said that troops need a 1-month reprieve for every 3 months in combat, a suggestion that's been brushed aside by these commanders.

Denying troops the rest they need is another irresponsible move in a long line of policies that show a complete disregard for the well-being of our troops, such as being sent to war without adequate armor, being forced to complete multiple deployments, and when wounded, being subjected to a bureaucratic mess such as Walter Reed.

Mr. Speaker, I've only been in Congress since January, yet, this week, I made my sixth call to the spouse of a wounded or killed soldier in this war.

I'm tired of this war. My constituents are tired of this war. The American people are tired of this war. It's time to put the health and well-being of our troops first. It's time to bring them home.

THE AMERICAN PEOPLE EXPECT THEIR LEADERS TO STAND BY THEM

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

Ms. GRANGER. Mr. Speaker, I think the Chicago Tribune said it nicely when they said last week, ''Democrats promised way more than they delivered.'' Because of the lack of follow-through in failure to govern by the Democratic majority, the approval numbers of Congress have sunk to the lowest levels of all times according to the recently released Gallup poll.

Making promises will gain your support in the short-term, but failing to fulfill those promises will quickly be discovered, and I'm afraid that's where the majority party has found itself. After a campaign of promises, little action has occurred on the pledges that so many were elected to withhold.

The 100-hour agenda has seen only one bill receive the support of the President, and that was attached to an emergency supplemental. Republicans have fought hard to reel in spending, yet Democrats are recklessly increasing spending and moving forward with a plan to increase taxes.

Republicans heard the American people and are fighting hard to restore trust and fiscal responsibility within the Congress. We're recommitted to continuing the fight because the American people expect their leaders to stand by them.

GOP DEFECTIONS ON IRAQ SHOULD SERVE AS A WAKE-UP CALL TO THE PRESIDENT

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

Mr. JOHNSON of Georgia. Mr. Speaker, over a 2-day period this week, two influential Republican Senators came forward urging that we begin to pull our troops out of Iraq.

Rather than seriously listening to these opinions, however, the White House, through its spokesman, Tony Snow, said yesterday that he hoped Members of Congress would give their Baghdad security plan ''a chance to unfold.''

Is Tony Snow serious? How long does he expect congressional Republicans to continue to blindly support the administration's failed policy? After all, it was the President who said earlier this year that we should see significant improvements by September. But now,

General Petraeus says that simply is not going to be possible, ladies and gentlemen.

Mr. Speaker, Democrats and the American people knew that this latest administration plan would not bring stability to Iraq. We also concluded long ago that we needed to start bringing our troops home. But with an administration that still refuses to face reality, we need help from our congressional Republicans.

Let us hope that the statements made by Senators LUGAR and VOINOVICH will serve as a wake-up call to House Republicans to finally join us in changing course in Iraq.

IMMIGRATION: THE UNACKNOWLEDGED THREAT

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

Mr. STEARNS. Mr. Speaker, illegal immigration poses an immediate threat to our national security. Proponents of the new Senate proposal claim it would encourage illegal aliens in the United States to reveal their true identity and all affiliations they may have. My colleagues, this flies in the face of all reason, particularly when this legislation provides potential terrorists in the United States the simple option to create new identities with the help of our own government.

Within 180 days after the President signs the legislation, the Department of Homeland Security would start handing out probationary Z visas. Because the bill doesn't require the alien to produce a foreign passport proving his identity, these terrorists will have little trouble getting by the system with forged documents like a fake pay stub or utility bills. A potential terrorist could walk into a Customs office and offer a false, clean name, and then go about their business. This is wrong, Mr. Speaker. That is why we should reject the Senate immigration bill.

RECOGNIZING THE DISTINGUISHED SERVICE OF CONGRESSMAN MARTY MEEHAN

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

Mr. SKELTON. Mr. Speaker, I rise today to recognize my good friend and colleague, MARTY MEEHAN, the chairman of the House Armed Services Subcommittee on Oversight and Investigations. I would like to thank him on behalf of the committee for his distinguished service to our country and to the men and women who wear the uniform.

MARTY came to the House of Representatives in 1993 to represent the Fifth District of Massachusetts. He's worked tirelessly to encourage economic development in the area, to redevelop and maintain the military presence at Fort Devens, and to preserve over 10,000 acres of open space in Massachusetts.

Additionally, MARTY was the lead Democrat sponsor of the Shays-Meehan-McCain-Feingold Bipartisan Campaign Finance Reform Act of 2002.

MARTY has served on the Armed Services Committee since coming to the House of Representatives in the early 1990s. MARTY was the ranking member of the Terrorism and Unconventional Threats and Capabilities Subcommittee and has been an active member of the Military Personnel Subcommittee, where MARTY has had a strong interest in helping Reservists and Guardsmen in their transition from military to civilian life.

As chairman of the Subcommittee on Oversight and Investigations, MARTY has led a bipartisan investigation into the development of the Iraqi Security Forces. The product of this investigation, a report on subcommittee's findings and recommendations, was unanimously agreed upon and signed by every member of that subcommittee. The report seeks to present information for the public debate and recommends increased transparency into the training of the Iraqi Security Forces.

Mr. Speaker, I would like to wish MARTY MEEHAN the best of luck as he leaves this institution to serve as the next chancellor of the University of Massachusetts at Lowell.

IMMIGRATION REFORM MUST NOT INCLUDE AMNESTY FOR LAWBREAKERS

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

Mr. WALBERG. Mr. Speaker, like the majority of my constituents, I believe that any and all attempts to enact immigration reform must not include amnesty for lawbreakers.

My constituents are tired of empty promises from Washington, DC, and we must address our Nation's immigration problems in a way that produces real results.

Many Americans are divided on what immigration reform should entail, but on one point almost all Americans agree. We must secure our borders. With a secured border, we can build on solutions to strengthen our country and maintain our heritage of embracing legal immigrants.

We need to create a work permit program that meets the evolving needs of today's agriculture industry. Serious reform is also needed to bring an end to the massive amount of bureaucratic red tape in our immigration system.

The crafters of the immigration bill currently being debated in the Senate are misguided on how to fix America's immigration problem. And on behalf of the American people, I urge my colleagues to secure our borders and enact commonsense immigration reforms.

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 another young man is killed, another young woman is killed, 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 it is destroying the very soul of our Nation.

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

□ 1030

THE DEMOCRATS' NEW ENERGY POLICY

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

Mr. CONAWAY. Mr. Speaker, I represent West Texas, which is the home of significant energy production.

Tomorrow the Democrats will roll out their new energy policy. As we evaluate these proposals, it is our job to challenge them. If these new proposals cost more American jobs than they create, let's challenge them. If these new proposals unnecessarily increase costs to American consumers, let's challenge those. If these new proposals make us more dependent on foreign sources of natural gas and crude oil than we currently are, let's challenge those. If these proposals really result in less energy for America, let's challenge those.

America's bright energy future lies not in new taxes and mandates, but in commonsense solutions.

HONORING JIM SHOULDERS

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

Mr. BOREN. Mr. Speaker, I rise today to celebrate the life of Jim Shoulders, a favorite son of Oklahoma who called my district home. He passed away on June 20 at the age of 79.

Mr. Shoulders rode his way to legendary status as a cowboy on the backs of bucking broncos and snorting bulls. Known as the ''Babe Ruth of rodeo,'' Mr. Shoulders dominated the professional rodeo circuit during the 1940s and 1950s, rounding up seven world titles in bull-riding, four world crowns in bareback-riding, five all-round world championships, and three consecutive rodeo triple-crowns.

As great as he was during his prime, his humility always shown through. He liked to downplay his skills by saying that ''all there is to bull-riding is to put one leg on each side of the bull and make an ugly face for 8 seconds.''

Mr. Shoulders burst into the rodeo world in the 1940s, at the age of 14. While working the wheat harvest, he decided to take a break to watch a minor league rodeo nearby. He resolved to try it for himself and won the event as well as $18. Between that $18 start in the minor league rodeo and his elections to the Oklahoma Hall of Fame, the Oklahoma Sports Hall of Fame, and the Pro-Rodeo Hall of Fame, he won an unprecedented 16 world championships. He is also the only professional cowboy to be honored in the Madison Square Garden Hall of Fame.

But the tough old cowboy was not only known for his exploits in the rodeo, he was also loved for his candid sense of humor, humbleness, loyalty, and toughness, everything Oklahomans are proud to be known for.

I stand today to honor and celebrate the life of Jim Shoulders, a great cowboy, a great Oklahoman, and a great man.

REPUBLICANS WILL CONTINUE TO OPPOSE THE MAJORITY PARTY'S EXCESSIVE SPENDING

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

Mr. BARRETT of South Carolina. Mr. Speaker, the American public asked Congress to change their spending habits and to be more responsible with the people's money. Last fall, the majority party promised Americans greater fiscal responsibility and more spending restraint. I believe Congress needs to deliver a responsible Federal budget worthy of approval of the American public.

Unfortunately, the majority has only introduced legislation that has promised the largest tax increase in history, runaway entitlement spending, and an out-of-control appropriations process.

If Congress as a whole does not pledge to change, the American public will continue to be let down by the actions of the majority party.

The Republicans are not going to let them down, Mr. Speaker. I understand the immediate need for spending restraint and the Republicans will continue to oppose excessive spending by the majority party. Therefore, I will vote against H.R. 2643, the Interior and Environment appropriations bill, later today.

A SERIOUS COURSE CORRECTION NEEDED FOR IRAQ

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

Mr. PERLMUTTER. Mr. Speaker, on Monday, Senator LUGAR, the former chairman and current ranking Republican on the Senate Foreign Relations Committee, went to the Senate floor and said that the President's troop escalation is not working. Then yesterday Republican Senator VOINOVICH said the U.S. should begin pulling troops out of Iraq so that people know we are indeed disengaging. But the President and his spokesman said, no, we need more troops and more time.

It has been clear for at least a year that a serious course correction is needed in Iraq. But, unfortunately, Republicans in this House of Representatives continue to rubber stamp the Bush administration's war policies. Democrats are changing the course of this misguided war, but with a stubborn President unwilling to face reality, congressional Republicans must break ranks with the President to do what is best for our Nation and for Iraq.

It is my hope that the congressional Republicans will seriously listen to their colleagues' comments and conclude, as Democrats already have, that we need to dramatically change our policy in Iraq.

RECOGNIZING FLOYD OLESEN OF ELK RIVER, MINNESOTA

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

Mrs. BACHMANN. Mr. Speaker, there are so many great Americans in this country, especially unsung heroes and Americans who rise up to be a part of the solution of the greatness of this country. In Minnesota, we have so many people like that, and it is such an honor, Mr. Speaker, to be able to talk about one unsung hero. He is a wonderful man from the center part of the Sixth District of Minnesota. His name is Mr. Floyd Olesen, from an unassuming town named Elk River, Minnesota.

Floyd and his wife, Dilly, have done so much for the people of our Nation and for the people of our State. They started a program called ''Operation Minnesota Nice,'' Mr. Speaker, where they send care packages to area troops from Minnesota who are currently serving both in Iraq and in Afghanistan.

Recently Floyd stepped down from that position so that he and Dilly could focus on a few other service-related activities. One is ''Operation Help Support Our Troops & Families.'' Another is ''Operation Military Kids.'' This provides educational opportunities for the children of active service personnel.

Recently Mr. Olesen received the American Legion 6th District Service Officer of the Year award. He is a wonderful American.

And, Mr. Speaker, it is so important that we encourage all Americans to do what they can, where they can, when they can, while they can to serve their fellow man. Mr. Olesen has done that and more.

Thank you, Floyd Olesen and Dilly, for what you do for American servicemen and women.

VICE PRESIDENT CHENEY

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

Mr. ARCURI. Mr. Speaker, I rise today to voice my concern about a dangerous precedent and irresponsible wrongdoing in this administration.

Recent media reports have revealed that the Office of the Vice President exempted itself from a presidential Executive Order created to protect national security information. Since 2003, the Vice President's office has refused to properly report whether they possess certain classified information and went so far as to block inspection of their office to find out. The Vice President justified the step by saying that his office was not part of the executive branch of government.

I would point out, Mr. Speaker, that the rest of the executive branch complied with the order and properly reported their handling of critical classified information.

Mr. Speaker, I raise two serious objections to this practice. First, mishandling of classified data poses a grave and serious risk to our country and one should not take that lightly. And, second, as a former district attorney, I believe that no one is above the law. Rule of law must apply to everyone equally. How do we expect to enforce the law in localities when it is broken and held in ill regard at the highest levels of government? We must hold this administration, like all other Americans, accountable for their actions.

ANOTHER ENERGY BILL THAT DOESN'T PRODUCE AN OUNCE OF ENERGY

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

Mrs. BLACKBURN. Mr. Speaker, as a member of the Energy and Commerce Committee, I have been watching as we are pulling together this year's energy bill for the House; who is doing the cobbling; what they are including in the package, or, curiously, what they are leaving out.

This is the current House leadership's second attempt this session to produce an energy bill that would address our energy dependence on unstable parts of the world, our strategic vulnerabilities that arise from that dependence, and the disastrous effects that high energy prices have on our ability to retain and produce American jobs.

You would think that the Energy Committee would be a pretty good place to start on this. But last week, provisions in our committee's bill promoting additional energy production,

especially production focussed on the clean and efficient use of American coal, were stripped. And unless my colleagues in committee are successful in putting them back in this week, then the Democrats will deliver another energy bill that does not produce an ounce of energy.

It is time for us to address this issue.

THE ACTIONS OF THE VICE PRESIDENT REGARDING THE WAR IN IRAQ

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

Mr. MCDERMOTT. Mr. Speaker, my colleagues are saying we must have an end to the war, as have two Republican Senators. It is time for us to look at the actions of the Vice President of the United States.

You remember when George Bush sent DICK CHENEY out to find a Vice President and he found himself? Well, if you read the last 4 days of The Washington Post, you read a chilling picture of the actions of the Vice President as he manipulated the intelligence leading us into the war. He has been the driving force to keep us in that war and still is today.

Then when questioned about what he does over there, he says, I am not a member of the executive. I don't know exactly. I have an office here, but I am not covered by the things the President says.

This man has been evading an Executive Order from 2003 by the President of the United States that everyone tell how they are covering classified material. But the Vice President is above that.

The Vice President is not above investigation by the House of Representatives for his actions in taking us into war and keeping us there.

ELECTION OF MEMBER TO COMMITTEE ON ENERGY AND COMMERCE

Mr. PUTNAM. Mr. Speaker, by direction of the House Republican Conference, I offer a privileged resolution (H. Res. 520) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 520

Resolved, That the following member be, and is hereby, elected to the following standing committee of the House of Representatives:

COMMITTEE ON ENERGY AND COMMERCE—Mr. Sullivan, to rank after Mrs. Myrick.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL CLEAN BEACHES WEEK

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that the Committee on Natural Resources be discharged from further consideration of the resolution (H. Res. 186) supporting the goals and ideals of National Clean Beaches Week and recognizing the considerable value of American beaches and their role in American culture, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. COHEN). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 186

Whereas coastal areas produce 85 percent of all United States tourism dollars and are the leading tourism destination in America;

Whereas the National Oceanic and Atmospheric Administration reports that over 50 percent of the population of the United States lives in coastal counties;

Whereas according to the National Oceanic and Atmospheric Administration, the beaches in these coastal counties provide recreational opportunities for numerous Americans and their families who, together with international tourists, make almost 2 billion trips to the beach each year to fish, sunbathe, boat, swim, surf, and bird-watch;

Whereas according to the Army Corps of Engineers, United States beaches are a critical driver of the American economy and its competitiveness in the global economy;

Whereas beaches represent a critical part of our natural heritage and a beautiful part of the American landscape;

Whereas beaches are sensitive ecosystems, susceptible to degradation and alteration from pollution, sea level rise, natural forces, untreated sewage, and improper use;

Whereas members of the government, the private sector, and nongovernmental organizations, along with citizen volunteers, have worked diligently to clean up and protect our beaches over the years;

Whereas according to the United States Geological Survey, great strides have been made in understanding the science of watersheds and the connections between inland areas and coastal waters, and science-based policy should be developed that is commensurate with this knowledge; and

Whereas a 7-day week commencing in June, and including July 5, will be observed each year as National Clean Beaches Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Clean Beaches Week;

(2) recognizes the value of beaches to the American way of life and the important contributions of beaches to the economy, recreation, and natural environment of the United States;

(3) encourages all Americans to work to keep beaches, which are a critical part of the natural heritage of the United States, safe and clean for the continued enjoyment of the public;

(4) expresses a renewed appreciation for the beaches of the United States and an invigorated effort to protect them with updated, integrated policy; and

(5) encourages individuals to engage in activities during National Clean Beaches Week to encourage stewardship and volunteerism along our coastlines.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GRAND TETON NATIONAL PARK EXTENSION ACT OF 2007

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that the Committee on Natural Resources be discharged from further consideration of the Senate bill (S. 277) to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 277

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 ''Grand Teton National Park Extension Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) PARK.—The term ''Park'' means the Grand Teton National Park.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) SUBDIVISION.—The term ''Subdivision'' means the GT Park Subdivision, with an area of approximately 49.67 acres, as generally depicted on—

(A) the plat recorded in the Office of the Teton County Clerk and Recorder on December 16, 1997, numbered 918, entitled ''Final Plat GT Park Subdivision'', and dated June 18, 1997; and

(B) the map entitled ''2006 Proposed Grand Teton Boundary Adjustment'', numbered 136/80,198, and dated March 21, 2006, which shall be on file and available for inspection in appropriate offices of the National Park Service.

SEC. 3. ACQUISITION OF LAND.

(a) IN GENERAL.—The Secretary may accept from any willing donor the donation of any land or interest in land of the Subdivision.

(b) ADMINISTRATION.—On acquisition of land or an interest in land under subsection (a), the Secretary shall—

(1) include the land or interest in the boundaries of the Park; and

(2) administer the land or interest as part of the Park, in accordance with all applicable laws (including regulations).

(c) DEADLINE FOR ACQUISITION.—It is the intent of Congress that the acquisition of land or an interest in land under subsection (a) be completed not later than 1 year after the date of enactment of this Act.

(d) RESTRICTION ON TRANSFER.—The Secretary shall not donate, sell, exchange, or otherwise transfer any land acquired under this section without express authorization from Congress.

SEC. 4. CRAIG THOMAS DISCOVERY AND VISITOR CENTER.

(a) FINDINGS.—Congress finds that—

(1) Craig Thomas was raised on a ranch just outside of Cody, Wyoming, near Yellowstone National Park and Grand Teton National Park, where he—

(A) began a lifelong association with those parks; and

(B) developed a deep and abiding dedication to the values of the public land of the United States;

(2) during his 18-year tenure in Congress, including service in both the Senate and the House of Representatives, Craig Thomas forged a distinguished legislative record on issues as diverse as public land management, agriculture, fiscal responsibility, and rural health care;

(3) as Chairman and Ranking Member of the National Parks Subcommittee of the Committee on Energy and Natural Resources of the Senate and a frequent visitor to many units of the National Park System, including Yellowstone National Park and Grand Teton National Park, Craig Thomas was a strong proponent for ensuring that people of all ages and abilities had a wide range of opportunities to learn more about the natural and cultural heritage of the United States;

(4) Craig Thomas authored legislation to provide critical funding and management reforms to protect units of the National Park System into the 21st century, ensuring quality visits to units of the National Park System and the protection of natural and cultural resources;

(5) Craig Thomas strongly supported public-private partnerships and collaboration between the National Park Service and other organizations that foster new opportunities for providing visitor services while encouraging greater citizen involvement in the stewardship of units of the National Park System;

(6) Craig Thomas was instrumental in obtaining the Federal share for a public-private partnership with the Grand Teton National Park Foundation and the Grand Teton Natural History Association to construct a new discovery and visitor center at Grand Teton National Park;

(7) on June 4, 2007, Craig Thomas passed away after battling cancer for 7 months;

(8) Craig Thomas is survived by his wife, Susan, and children, Patrick, Greg, Peter, and Lexie; and

(9) in memory of the distinguished career of service of Craig Thomas to the people of the United States, the dedication of Craig Thomas to units of the National Park System, generally, and to Grand Teton National Park, specifically, and the critical role of Craig Thomas in the new discovery and visitor center at Grand Teton National Park, the Grand Teton Discovery and Visitor Center should be designated as the ''Craig Thomas Discovery and Visitor Center''.

(b) THE CRAIG THOMAS DISCOVERY AND VISITOR CENTER.—

(1) DESIGNATION.—The Grand Teton Discovery and Visitor Center located in Moose, Wyoming, and scheduled for completion in August 2007 shall be known and designated as the ''Craig Thomas Discovery and Visitor Center''.

(2) REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Grand Teton Discovery and Visitor Center referred to in paragraph (1) shall be deemed to be a reference to the ''Craig Thomas Discovery and Visitor Center''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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.

□ 1044

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, with Mr. WATT (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Tuesday, June 26, 2007, the amendment by the gentleman from New Jersey (Mr. ANDREWS) had been disposed of and the bill had been read through page 111, line 17.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. 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. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act may be used for W.A. Young & Sons Foundry, Greene County Pennsylvania.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair for recognition.

This amendment says, ''None of the funds made available in this Act may be used for W.A. Young & Sons Foundry, Greene County, Pennsylvania.''

The three-sentence certification letter for this project states that the purpose for this funding is to restore the machine shop at the foundry to its original likeness.

Once again, it's important to note that the certification letters that we get from the Appropriations Committee are not the request letters that Members give to the Appropriations Committee to request their earmark. So we really don't know all that much about what the earmarks are for, other than a three-sentence or a four-sentence certification letter. So I would have hoped to have had more information, but we were unable to get from the Appropriations Committee the actual request letters. So we are at a bit of a loss to find out what the earmark is really for, but we did our best to do a little research.

The W.A. Foundry is a factory that opened in 1900 and closed in 1965. The Web site that we found claimed that the W.A. Young & Sons Foundry is a prime example of America's industrial heritage. My question for the sponsor of the earmark would be: What factory in the United States would not be a prime example of America's industrial heritage? That's the problem that I think we have with a lot of these earmarks, particularly those that are to promote tourism or industry. How do you choose winners and losers in this game? How do we say, well, hey, this old factory is deserving of renovation, is deserving to draw tourists and is deserving of taxpayer dollars, while that one down the road is not? It seems to me a rather arbitrary decision based on one, perhaps, powerful Member of Congress who is able to slip in a provision to get an earmark. It doesn't seem to be very fair to other Members or to the taxpayers as a whole.

Furthermore, if any of our constituents who may want to take their families on a tour of America's industrial heritage, for any of them, for wanting to, they may have a hard time getting to see the W.A. Young & Sons Foundry. It's only open for the public 2 days a year, just 2 days a year. $150,000 to the taxpayer for 2 days a year open to the public. Other than that, you will have to get a private tour.

I simply don't understand why we are spending taxpayer money to promote tourism, why we choose one group over another, why we are picking winners and losers here. That's what I would ask the sponsor of the earmark if the sponsor of the earmark is here. I don't believe that he is, but I would be glad to hear some answers to these questions.

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

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

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

Mr. DICKS. The W.A. Young & Sons Foundry and Machine Shop is truly an American treasure. This remarkably well-preserved shop is an example of the once-common, shaft-driven job shop which played an important role in maintaining and repairing the machines that built early industrial America.

This rare industrial facility contains machining and foundry equipment dating back to the mid-to-late 1800s. When the shop doors were shuttered more than four decades ago, everything, the tools, drills, nails, presses, lathes, wooden molds and patterns were left behind, creating a priceless time capsule from the turn of the century.

The machine shop and foundry are still able to operate, but the structure of the facility has severely deteriorated and is in desperate need of repair and restoration in order to preserve the

facility and the historic equipment within. And I would assume that's why it hasn't been open; they're waiting to do the repairs.

The W.A. Young & Sons Foundry and Machine Shop is documented by the National Park Service Historic American Engineering Record and listed on the National Register of Historic Places.

I would also point out to my colleagues that in approaching this task, the gentleman from Kansas (Mr. TIAHRT) and I, and our staffs collectively, reviewed all of these projects. There were 10 requests for every project that was put in the bill. And when we added it up, at the end of the day, it is four-tenths of 1 percent. Now, that is still significant, but I think it's important for us to realize that we are dramatically reducing the number of overall earmarks in this bill, a much greater reduction than when the other party was in charge. From 1994 to 2006, it went from approximately 1,000 earmarks up to 13,000 earmarks; 13,000 earmarks. We have cut this back dramatically. I think we've done a good job.

I was hoping that the gentleman would be here today to praise us, saying you have met the standard that the administration said. You cut the 50 percent that PELOSI said you were going to cut. I was hoping the gentleman would be here saying, ''Well done,'' and yet we have another amendment.

So, I'm in opposition to this. I think we should keep moving. We have other legislation to do. I know a lot of people in this body want to get home on Friday, so I hope we can move expeditiously.

I appreciate the gentleman's even-handedness in making selections, though I didn't notice that he had a reduction of the President's request.

And again, I want to point out to the gentleman, you know, remember, the power of the purse is one of Congress' most important powers. And I think we should be very careful when we start undermining that important legislative tool that separates us from the executive branch.

So, this is Mr. MURTHA's project from Pennsylvania, a very senior member of the Appropriations Committee. I urge all of my Members to support Mr. MURTHA's project and to oppose the Flake amendment.

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

PARLIAMENTARY INQUIRY

Mr. TIAHRT. I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. TIAHRT. Mr. Chairman, is it possible for a gentleman who has an amendment before the Committee of the Whole under the current unanimous consent to reserve part of their time?

The Acting CHAIRMAN. Yes, it is. Under the order of the House, time for debate is controlled.

Mr. TIAHRT. The gentleman from Arizona wasn't aware of that. So for the purposes of debate, I will move to strike the last word.

The Acting CHAIRMAN. Under the order of the House a manager may do that.

The gentleman is recognized for 5 minutes.

Mr. TIAHRT. Mr. Chairman, I yield to the gentleman from Arizona.

Mr. FLAKE. I thank the gentleman for yielding. I'm glad to learn that. That will make it much better. It's much better to have more of a colloquy.

I would have liked to have had a colloquy with the sponsor of the earmark, but the sponsor of the earmark is not here. It makes it difficult to know exactly what this is for.

Mr. DICKS. Will the gentleman yield?

Mr. FLAKE. Yes, I would.

Mr. DICKS. I can get you his phone number.

Mr. FLAKE. Maybe that's safer.

What I would like to ask, for example, I mention that this foundry is only open 2 days a year. It has been open for private tours for quite a while for a number of years. There is no indication with this earmark, certainly because we don't get the request letter, we only get the certification letter, that it will be open for any more than that.

And I don't know about you, but it's a tough sell. I can tell you, I have five kids. It would be tough to say, Do you want to go to Disneyland or W.A. Young & Sons Foundry?

I can see why anybody would want an earmark to renovate something or to promote tourism in a particular area, but virtually every district in the country would like that as well. How do we decide this one is worthy and this one is not? Just because we have a Member who is a powerful member of the Appropriations Committee or not. We shouldn't be doing it this way.

The gentleman made a good point, that the President has his own earmarks. The administration does earmark funds, but it's typically with accounts that we've given them. We say, here's an amount of money and for this program. For example, there is the Save America's Treasures account that the President, or the administration through a competitive grant process, decides this site is worthy of historic preservation or worthy of receiving funds. What we're doing with earmarking frequently is circumventing that process and saying, I don't think they're going to do it right, so I'm just going to earmark my own project and get that funding for my own project. That's no way to do business. If we don't like the way the administration is doing something, that's what the oversight process is about, and we should go back in and stipulate and mandate.

I have mentioned many times, particularly with Homeland Security grants, there are projects in my own district that I think are a waste of Federal taxpayer dollars or not an appropriate use of Federal taxpayer dollars, and I would like to go in. And I will, through this process, if I can, seek to strike some of the President's own requests. We should be doing that. But we shouldn't say because they do it and because they misuse Federal taxpayer dollars that we should as well. That's not what our power of the purse should be about.

So that's why we're here today, to say what is an appropriate use of Federal taxpayer dollars. Is it appropriate, in this case, and we can talk about what the Republicans did versus what the Democrats did. You won't find me defending what Republicans did in terms of ramping up earmarks. We went from some 1,400 to 14,000 over a decade, and it's a pox on our House. It's part of the reason I think we lost in November. I hope the minority, now majority learn a lesson from us.

I am glad to see the number of earmarks and the whole dollar value come down, but it should come down much lower. We not only need to change the level of spending, but the type of spending as well. And with earmarking, it was way out of control. It's still out of control with this legislation, in my view.

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 Arizona (Mr. FLAKE).

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

Mr. FLAKE. 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 Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. 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. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available for this Act may be used for the Columbus Fire Fighters Union in Columbus, Ohio.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chairman.

This amendment would prohibit funding from going to the Columbus Firefighters Union, which is an AFL–CIO-affiliated union.

The certification letter for this project is quite vague. Remember that

these are not request letters, so we don't know a lot about these earmarks. These are only certifications that are made, usually three or four sentences long. The certification letter says that the earmark money is for the Columbus Firefighters Hall. The letter also states that the entity to receive this funding is the Columbus Firefighters Union. The earmark list accompanying the bill calls the project ''Firefighters Hall.''

According to the certification, the funding would be used to renovate and expand the Toledo & Ohio Railway Depot. Suffice to say, this information wasn't much to go on to learn about the earmark, so I had my staff e-mail the Appropriations Committee for further details, which they did provide.

The committee informed us that the Toledo and Ohio Central Railway station at 379 West Broad Street in Columbus, Ohio is the largest remaining 19th century railroad palace in central Ohio. Today it serves as local headquarters for the Volunteers of America, a national organization with a variety of charitable and service programs.

The committee also stated that the depot has been adapted to serve the modern needs of the Volunteers of America, while also preserving much of the 100-year-old architecture. The decorative ''grand lobby'' may be rented for parties, receptions and meetings.

It's a little unclear whether this is to renovate an old building. It seems to me there are already tenants in the building. And one of the tenants in the building I believe will be, or the entity that is receiving the earmark to renovate is the AFL–CIO-affiliated Firefighters Union Local 67.

Again, this is a question of there are a lot of firefighters halls around the country, there are a lot of buildings that need to be renovated. We give the administration money under programs to allocate on a competitive basis to do historic preservation. This, seems to me, is circumventing that process again. And again, why is it proper to say that this one is worthy of funding and this one isn't?

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

□ 1100

Ms. PRYCE of Ohio. Mr. Chairman, I rise to claim time in opposition.

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

Ms. PRYCE of Ohio. Mr. Chairman, I rise in opposition to the amendment and in support of the provision in question.

Let me first say that I admire the gentleman from Arizona's dedication to ensure that waste, fraud and abuse is rooted out of the Federal Government.

Additionally, Mr. Chairman, I believe that all earmarks in appropriations bills should be able to be publicly defended. That is why I welcome this opportunity to explain this project and assure this body that it is absolutely appropriate.

To begin with, let me talk about the Save America's Treasures account in which this earmark has been designated for funding. Save America's Treasures is a public-private partnership between the National Park Service and the National Trust For Historic Preservation. The program has preserved for future generations such important historical treasures as Montpelier, the home of President James Madison; Fort Ticonderoga; and the USS Constitution Museum.

So for anyone who has been to Independence Hall in Philadelphia, or the Old North Church in Boston, or Monticello, or anywhere of historical significance to this country, we should be able to understand the importance of experiencing history firsthand at the sites that history was indeed made. We can also imagine the tragic loss we would feel if these sites were not preserved.

Therefore, I can say that it is, without a doubt, that the Federal Government should take an interest in preserving sites, artifacts and monuments that carry special historic significance in American history. In order to be considered for funding under this account, Mr. Chairman, a building must be listed on the National Register of Historic Places. This is not a simple designation to acquire. It is very difficult. After extensive State scrutiny and nomination, there also is a stringent criteria applied by the National Parks Service.

Specifically, this project will preserve the Toledo and Ohio Central Railway Depot in my hometown of Columbus and specifically in the community of Franklinton. Constructed in 1896, the T&OC depot was listed on the National Register of Historic Places in 1973. It is a very unique, pagoda-style building, designed by noted architect Frank Packard. Its location is in the very historic Franklinton neighborhood of Columbus. That is also significant, as this was the site of the first settlement of all in Central Ohio. In recent years, this building became abandoned and risked being demolished. To protect this important structure, the City sought proposals to renovate and preserve it.

Mr. Chairman, the Columbus Firefighters came to the rescue. They proposed renovation of the historic structure in order to preserve it and to include a public exhibit honoring the history and contribution of firefighting in our country.

While the total cost of this entire project is $2.7 million, the small $100,000 Federal investment through this earmark will only be used to renovate the historic sections of this building to its original glory and preserve for future generations. I can think of no better use of such a significant historic building than by those who maintain the time-honored American tradition of service and sacrifice to one's neighbors and one's community.

In conclusion, Mr. Chairman, this amendment deserves to be opposed by all Members of the House who value the history of our country, the preservation of historic sites and the contribution of firefighters to our communities.

Save America's Treasures is a valuable program and it is a worthwhile project that should be preserved. The combination of preserving the tradition of our Nation's rail history and honoring our Nation's brave firefighters is worthy of this body's support.

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

Mr. FLAKE. If the gentlewoman will respond, I have a question. The earmark states that it is for Firefighter's Hall in Columbus, but the certification letter says the money is to go to the firefighters' union. Why does the union get the money?

Ms. PRYCE of Ohio. The union provided the contract to do the renovation. The money proposed in this earmark is only for the historical renovation. The firefighters are the ones who took on the task of coming to the rescue of this very historic site and had the best bid.

Mr. FLAKE. Is there another firefighters' museum in Columbus?

Ms. PRYCE of Ohio. Not that I know of.

Mr. FLAKE. Let me just say, again, the gentlewoman mentioned that we have this program for historic preservation, the Saving America's Treasures, and that it is tough to get on the list for that. As I understand it, grants are given out and those grants are announced in late summer. If you receive one of those grants, then you are named an historic site or an official recipient. You can also make a contribution. If you are a local entity looking to have your own facility designated, you can make a contribution to Save America's Treasures and earmark that for the project that you want it to go to. There are other ways to receive recognition.

It just seems to me that it would be more appropriate for the local entities to bear responsibility for this and not the Federal Government.

Ms. PRYCE of Ohio. If the gentleman will yield, this is a $2.7 million project. The Federal Government's contribution is $100,000. It is truly a public-private partnership in which the firefighters and the local government and the State government are participating fully.

Mr. FLAKE. That is understood. There are a lot of State and local governments everywhere, I would submit, that would like to have this kind of participation. But we simply can't do it. We simply cannot fund every project out there. So it seems to me that if we are going to have a project, or we are going to have an account that we set up with the Federal agency, we allow that to take its course.

If we don't like the way it is run, it is our obligation as Members of Congress to stipulate that it should be done differently. But we shouldn't go in and circumvent that process and say, all right, I am going to earmark these projects because I fear that they might not receive designation or they might not be chosen by this Federal agency. If we don't like how that is set up, let's change that process. But let's not move in, as Members of Congress, and designate specific funds.

I have a lot of respect for the gentlewoman from Ohio and count her as a friend. I am not questioning anything here but the wisdom of using Federal taxpayer money to do this type of thing.

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

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words. I would be glad to yield to the ranking member.

Mr. TIAHRT. Mr. Chairman, I want to thank the chairman for this. I want to point out that we did a joint review process of each of these earmarks to make sure that they were within the guidelines of what we have done in past precedence in the House. This particular earmark, like the other earmarks, passed this process. This is part of the Save America's Treasures program, authorized by the Save America's Treasures Act. It is a 50/50 match on a small portion of a larger project. It is also on the National Registry of Historic Places.

I think the fundamental question that we have is, do we think it is proper for Federal dollars to be part of this effort? I think that is what Members should base their vote on, whether we think that this should be a part of the Federal effort to save a historic place like this.

The gentleman from Arizona brought up a very good point. He said that we can't fund every request. That is true. I think that some requests we have had were culled from this because they didn't meet the past precedent or the standards that we had left in place before. Just by sheer limits on the number of amendments and the dollar amounts available, we have also created limits for this process of selecting these treasures that are part of our history and to save them.

Mr. Chairman, I thank the gentleman from Washington for yielding time.

Mr. DICKS. Mr. Chairman, I reclaim my time.

Mr. Chairman, I would also point out to the gentleman that the precedent on this Save America's Treasures has been to split the money 50/50; 50 percent would go to the administration and they would then make decisions on a competitive basis. The other 50 percent would be earmarked by the Members of Congress.

I think that process works well. Congress has the right to do this under the power of the purse. This is one of our most important constitutional rights. There is nothing wrong with it. The Supreme Court has never questioned it. It is part of our constitutional history.

I just want to also join my friend from Kansas and say that I support this project. I urge that the Flake amendment be rejected and that we support this project. It has been carefully vetted. I think we could have straightened out the name of the title here and helped ourselves, but that is a lesson learned for next year.

Mr. Chairman, I yield back my time.

Ms. PRYCE of Ohio. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

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

Mr. FLAKE. 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 Arizona will be postponed.

□ 1115

Mr. DICKS. Mr. Chairman, I move to strike the last word, and I yield to my good friend from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding. I would like to thank the subcommittee, the chairman, and the ranking member for their support of the existing program to eradicate nutria. It is Public Law 108–16. It is called the Nutria Eradication and Control Act. I also want to thank the chairman and ranking member for the amount of money that they have put into the National Wildlife Refuge System.

This particular program, the Nutria Eradication and Control Act, has spent over the last 10 years over $1 million to eradicate this invasive species on a National Wildlife Refuge in the State of Maryland which involves 27,000 acres. It also has been helped by the USDA APHIS program.

This program to eradicate nutria on 27,000 acres in the State of Maryland and surrounding private lands has been one of the best invasive species eradication programs in the United States. There are 16 other States where nutria pose a problem. So the precedent where we have eradicated this nutria on 27,000 acres at the Blackwater National Wildlife Refuge and surrounding areas shows that the project is a success.

The Interior appropriation bills we are considering today includes generous increases in the National Wildlife Refuge System, and I support all of this money. But, Mr. Chairman, I would like to have some type of dialogue and colloquy now that, as we move this process through the House and through the Senate, there is a recognition that this program has been successful, that it needs to continue in other areas around the Blackwater Refuge so that other States, 16 more, understand how this program, how it works in difficult terrain, in marshland, in swampland, can be successful in their areas.

So I would ask that the chairman, I know there are difficult choices, there are budget problems, but as we move this process through, that the nominal funding, this small amount of funding that we will need to continue this program in the State of Maryland, be considered.

Mr. DICKS. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments and his interest in addressing the threat posed by invasive species to our natural resources. I will certainly work with the gentleman to help address this pressing need as we go through this process.

I know how important this invasive species issue is. Out in my area we have a major problem with Spartina, and we have had to fight it in the Willapa Bay area and Grays Harbor area. So I am very sympathetic to this. Also with the Fish and Wildlife Service, I guess there is an interagency group that is working on invasive species. So let's look at existing programs, and we will try our best to find a way to help the gentleman.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman, and look forward to working with him.

Mr. DICKS. I yield back the balance of my time.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. 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. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act may be for the Philadelphia Art Museum Exterior Façade in Philadelphia, PA.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prevent any funding in the bill from going to the Philadelphia Art Museum for their exterior facade work. The Philadelphia Art Museum is receiving $100,000 in taxpayer funds in this bill.

The certification letter submitted to the Appropriations Committee in this project is a little vague again. It simply states that the money is to be used for a comprehensive exterior renovation and preservation project of the main building historic facade. I should note again the certification letters that we get as Members tell us a lot less than the actual request letters do. That certainly is the case here.

When my staff looked at the museum Web site, it is clear that the museum has plans for expansion by creating a ''skylit galleria, a spacious gallery extending along Pennsylvania Avenue in Philadelphia.''

The skylit galleria would be some 35 feet high, 200 feet long, and join the lobby and new cafe. The Web site says that with its terrazzo floor and tilted corbelled wall, this new space connects the old building to the new extension along the length of the preexisting north exterior facade.

I understand the main building is historic. But the question is, if the certification letter says it is for the historic facade and you are talking about flooring and other things, it seems to me that the money is going to the new extension.

Again, I would simply make the same point here that I have made before. There are a lot of worthy projects. Certainly renovation and historic preservation is a good thing and a lot of good people contribute their own money to it, as they should. But the question is, should Federal taxpayer dollars be used in this way, particularly given the financial situation we are in as a Federal Government.

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

Mr. FATTAH. Mr. Chairman, I claim the time in opposition.

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

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

Mr. Chairman, the Philadelphia Art Museum is an historic location, well-known throughout the world, with over 1 million visitors a year, 78 years in existence.

The project for the modernization and renovation of the museum is one of note. It is important this year over $130 million will be spent. This $100,000 will be less than 1 percent of that. But it is an important effort for the Federal Government to participate and support the renovation of the exterior.

This multiyear program of over half a billion dollars to renovate and modernize the Philadelphia Art Museum is an important linchpin to an expansion along the parkway in Philadelphia's role in the world in terms of a world-class art collection. The Barnes Museum will be built and the Rodin Museum.

The collection will bring more visitors, twice as many visitors, to Philadelphia, as if we would have the Super Bowl in Philadelphia, and these visitors will spend three times as much money. Many of them are international travelers and art collectors and people who appreciate art.

I know that the House, notwithstanding the views of one Member who has offered this amendment, I am certain that a majority of the Members of this House will speak clearly that when we are talking about America's treasures, that the very well known but very old and in need of repair Philadelphia Art Museum deserves support under the program, the Saving America's Treasures program, which was designed exactly for this purpose and in which it has been the practice that the Congress would select about half of the projects.

So I ask that we oppose this amendment, and I ask that we support the Philadelphia Art Museum in this effort in this city and Philadelphia region. Many of our Members and families have visited, and we encourage all to visit, including the gentleman who is the sponsor of the amendment.

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

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

Mr. DICKS. Mr. Chairman, I rise in strong support of the gentleman's project. We have looked at this carefully. As we understand it, it deals with the historic facade, and this is an important project. I think it is a very modest amount of money, which has to be matched by the locals. They are putting up a huge amount of additional money so there won't be any problem with that.

I congratulate the gentleman on his project and urge a ''no'' vote on this amendment.

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

Mr. FLAKE. If the gentleman would explain, I am still a little confused. The earmark states it is for Philadelphia Art Museum exterior facade, but then we are talking about an extension or expansion as well. Is this for the historic facade or for an expansion?

Mr. FATTAH. If the gentleman would yield, this grant would be to assist in the project related to repair of the historic facade of the existing museum.

Mr. FLAKE. So not to the new expansion.

Mr. FATTAH. I think you would say ''asked and answered'' at this moment, right?

Mr. FLAKE. I thank the gentleman.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. 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. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act may be used for Payne Gallery, Moravian College in Pennsylvania.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit any of the funds in the bill from going to the Payne Art Gallery at Moravian College at Bethlehem, Pennsylvania. The certification letter submitted by the Member sponsoring the project stated the money would go to the restoration and preservation of the Payne Art Gallery at the college. The funding would be used for exterior restoration, rehabilitation, and conservation of Payne Gallery.

Payne Art Gallery is a small art gallery at a college. The college underwent a renovation in 2001 to achieve Smithsonian exhibit standards. It currently hosts about five to six exhibits a year. This small art gallery is to receive $150,000 in Federal funding from the U.S. taxpayer.

Again, I would simply ask, there are a lot of small colleges around the country, hundreds of them, thousands of them. Many have art galleries. Where do we say this is worthy and this is not? Why are we using U.S. Federal taxpayer dollars for this purpose when we are in the fix that we are in financially?

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

Mr. DENT. Mr. Chairman, I claim the time in opposition to the amendment.

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

Mr. DENT. Thank you, Mr. Chairman.

I also do want to thank my friend from Arizona (Mr. FLAKE), and he is indeed a friend, but I also want to thank him for giving me this opportunity to fully vet and disclose this particular project on the campus of Moravian College in Bethlehem, Pennsylvania, specifically on the Priscilla Payne Hurd campus, and we are speaking today about the Payne Gallery. I think it is very important that we have this kind of discourse in a very open and transparent manner.

But let's first understand and explain the purpose of the Saving America's Treasures program. The purpose is to preserve nationally significant, historic properties that are threatened or endangered. The projects must mitigate the threat, have a clear public benefit, and there has to be a non-Federal match. That is certainly the case here.

I should let everybody know too the historic significance of Moravian College. It is America's sixth oldest college, sixth oldest. It is located within the City of Bethlehem, which is really the site, and it is perhaps arguable, but we claim where I live in the Lehigh Valley of Pennsylvania, it is really the birthplace of the America Industrial Revolution, and the Moravians were a key driver in that industrialization process in the 18th century.

There is a very strong industrial and cultural heritage. The Moravians were

not only industrialists; they were people of faith. They came from Germany and other parts of Central Europe.

The Priscilla Payne Hurd campus is significant to the story of the City of Bethlehem and to the college. The Payne Gallery is nationally significant. It exhibits collections from the Smithsonian National Museum of American History and the Smithsonian Institute of Libraries.

This historic property is certainly threatened. This funding will mitigate the threat. There is a clear public benefit. This gallery will be used and enjoyed by countless visitors to Bethlehem, the Christmas City. We enjoy numerous visitors from around the world every year to be in Bethlehem during Christmas to participate in the Moravian tradition, culture and heritage of the community.

There is certainly a non-Federal match. It will be $205,000. The total project cost is $350,000. The amount of funding in the bill is $150,000 of Federal money.

Just coincidentally, there was an article today in one of the local newspapers back home: ''Moravian College gets $130,000 historic grant. The Getty Foundation cash focuses on preserving classic architecture.''

I am just going to restate and read briefly a few things said in the local paper today about this campus about which I am speaking. Moravian College again is the sixth oldest college in the country. It has 11 buildings in the National Register of Historic Places, all of the them in the Priscilla Payne Hurd campus downtown. They include the Brethren House, built in 1748, which the Getty Foundation called ''one of the best examples of colonial German architecture in the country.''

That is what a group of philanthropists in California said about this particular campus in the City of Bethlehem. This is historically significant, and this grant will support a comprehensive evaluation of the college's buildings and form the basis of an historic preservation plan.

One of the stated goals of the project is to ''develop strategies for using, preserving, and enhancing historic structures.''

The president of the college just said today that he is proud of the continuous use of its oldest structures: ''Our students study music and practice Bach in the very rooms in which so many remarkable young students did nearly two centuries ago. Moravian's historic structures are alive and vital, the past in the continuous present.''

That is what the president of the college said.

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

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

Mr. DICKS. Mr. Chairman, I want to rise in strong support of the gentleman's projects and congratulate him on the hard work that he has demonstrated and his very comprehensive knowledge of this project. I urge a ''no'' vote on the Flake amendment.

Mr. DENT. Mr. Chairman, reclaiming my time, I thank the gentleman.

I did want to say that, again, this campus, this gallery, and by the way, Priscilla Payne Hurd is alive and well, she is in her eighties, a wonderful matriarch of the community, philanthropist, has contributed so much to this community in preserving the culture and the heritage of America. This is not simply about my hometown. This is about American history and culture and, frankly, faith. Faith. The Moravians were people of great faith.

Again, every year people come to Bethlehem in great numbers to hear Bach. They come here to hear Bach. Moravian is such a integral part of that. You really can't separate the Moravians from the City of Bethlehem, again, the Christmas City. We are very proud of what they do there.

I believe this project fits precisely into the definition of the Saving America's Treasures program. You couldn't find a better fit.

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

Mr. FLAKE. Mr. Chairman, I will simply make the point, this sounds like a great gallery, a lot of history, certainly something that tourism and other things can pay for, that can carry its own load locally. Why do we need the Federal Government to be involved, that is my question.

Given the priorities and the situation we are in with the Federal Government, the last time I checked we were some $8 trillion in debt, why are we doing this? Where does it end? When do we say enough is enough?

We can't afford to fund projects like this around the country that have a local program that can support it. We simply can't go on doing this. That is the point that I would like to make.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

□ 1130

Mr. TIAHRT. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I would like to mention an amendment I was going to offer but did not for fear it would not garner the appropriate number of votes, and that was to dam up Yosemite Valley. It is about time that we dam up that valley, let it flood now because Los Angeles and southern California is in dire need of water. We are talking about global warming and we are talking about the need for water for our people.

Now that would be a ridiculous amendment; but yet we didn't even get a chance to have $7 million as requested by the administration to look at the possibility of restoring Yosemite Valley's twin, the Hetch Hetchy.

Eighty-four years ago the Hetch Hetchy Valley, the smaller twin to Yosemite Valley that is completely contained within the boundaries of Yosemite National Park, the only instance in which we dammed up a river to cover up a valley inside a national park took place.

What did John Muir say about it? He said: ''Dam Hetch Hetchy! As well dam for water-tanks the people's cathedrals and churches, for no holier temple has ever been consecrated by the heart of man.''

This is one of the beautiful natural resources in this country, and the administration said give us $7 million to study whether we could get rid of O'Shaughnessy Dam that has been there for 84 years, restore this valley and show that we can provide that water supply to the city of San Francisco so we can give our children and grandchildren this great natural resource.

Now I will admit I am biased. I met my wife in Yosemite on the banks of the Merced River in the beautiful Yosemite Valley. But let me just ask you, we talk about all these things, preserve this museum and preserve this art gallery and so forth. Can you imagine if we can give back to the American people another Yosemite Valley? And yet we cannot even get the committee $7 million to study the possibilities. Why are people afraid of this?

We talk about preserving nature and concern for our national parks. This is a desecration of one of the most beautiful natural parks in the history of this Nation, Yosemite Valley. Most people don't know that there is a twin valley just north of it called the Hetch Hetchy because it is underwater. The city of San Francisco pays $50,000 a year to cover up one of the great, beautiful natural wonders of this Nation. And yet we couldn't even get $7 million to study, not to do it, to study if it is feasible.

The governor has just completed a study in which he said it was feasible, and said we need the Federal Government, since it is Federal land, to look at it and it will cost about $7 million. And this committee said no, we can't. The Speaker doesn't want it. Senators who happen to be in and around San Francisco don't want it.

I don't know what is more environmentally important than saving one of the great wonders of the world that is underwater.

John Muir said this is the greatest desecration, the greatest desecration of natural resources in this Nation. John Muir, not usually noted as a Republican, but one of the great conservationists in the history of the United States. And we couldn't even get $7 million. I am very disappointed. I am extremely disappointed.

If anybody wants to look at this, go to Yosemite Valley, go to that national

park and say you want to look at the Hetch Hetchy which John Muir said is one of the great cathedrals of nature in this country. It is kind of tough to see it because it is underwater.

Now I'm not saying stop the water from going to San Francisco, I am saying there are alternatives that would restore this beautiful, fantastic, feature of nature; and yet in this bill, we can't even allow $7 million.

Mr. DICKS. Would the gentleman yield?

Mr. TIAHRT. I yield to the chairman of the committee.

Mr. DICKS. I thank the ranking member for yielding, and I just would like to ask the gentleman from California, does he have an estimate of what the cost of doing this would be?

Mr. DANIEL E. LUNGREN of California. That is the whole purpose of having a study for $7 million to estimate the cost and to make sure that the city of San Francisco and the other water districts receive that money.

Mr. DICKS. It may have been in the governor's study or one of the other studies that have been done.

The Acting CHAIRMAN. The gentleman from Kansas' time has expired.

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

As I understand it, some of the cost estimates that have come in, this would be up to $10 billion. I think one of the reasons why the committee took the action it did take was because of this great big $10 billion bill and not having any kind of a plan for how that would be financed.

But I am sensitive to what the gentleman has said in terms of the importance of this. We will take this very seriously, and we will look and see what the Senate does and we will continue to work with our friend from California who is a valued Member of the House.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. As you may recall, this first came up during the Reagan administration when then-Secretary Don Hodel was surprised when a staff member came into his office and said, Mr. Secretary, how would you like to give us another Yosemite Valley?

He said, What are you talking about?

The staff member said there is a twin to Yosemite Valley sitting under, I forget how many feet of water. He said, Well, that water goes to San Francisco, doesn't it?

And he said, Yes, but we think there are alternatives that would allow San Francisco to still get that water, that pristine water, as it has for 80-some years, and yet restore the Hetch Hetchy. The estimates I have seen, it may cost upwards of $2 billion. Now that is a lot of money, but I would ask you: How much would it cost us to build a Yosemite Valley if we could possibly build it? It is priceless, as they say in the commercial.

Mr. DICKS. Reclaiming my time, I appreciate the gentleman's obvious sincerity and passion, and we will continue to look at this.

Mr. DANIEL E. LUNGREN of California. I thank the chairman of the committee.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Indiana for a statement.

Mr. ELLSWORTH. Mr. Chairman, I had planned to introduce an amendment and I chose not to do that, and I will explain why.

But my amendment would have sought to reduce by $2.6 million the salaries and expense account of the Smithsonian Institute, an account in which there is a history of well-documented, wasteful spending of taxpayer dollars.

Though I called for a freeze in the funding for the Smithsonian's administrative account, this amendment should not be mistaken for opposition to this important institution. For more than 150 years, the Smithsonian has made significant contributions to the cultural enrichment of the United States. Through its 18 museums, 144 affiliate museums, the National Zoo, and nine research centers around the world, the Smithsonian has contributed to the education of millions of people.

In fact, officials estimate that 24 million people visited the Smithsonian in 2006 and almost 21 million visited affiliate museums across the world. There is no doubt that the Smithsonian reaches across America and the world to offer a rich experience for both children and adults alike.

I think I speak for most of my colleagues in expressing a deep appreciation for the excellent work the Smithsonian does, but I also agree with the Appropriations Committee that the institution has recently exhibited a ''crisis of leadership, governance and principle.''

As was well-documented in the press and here in Congress, some of the Smithsonian's top officials received exorbitant salaries and housing allowances, traveled lavishly, and made otherwise egregious expenditures on the taxpayers' dime.

My constituents, like many of yours, sent me to Washington to ensure that their tax dollars were spent wisely. They believe, as I do, that Congress should not reward waste, fraud or abuse with more taxpayer dollars. This amendment would have called for the Smithsonian to enact steps to get its spending practices under control. It was meant to send the message that until the Smithsonian can demonstrate it can responsibly spend taxpayer dollars, it should not receive increased funding.

I would like to thank Chairman DICKS for allowing me to talk about this amendment that I believe would have taken a real step in addressing waste, fraud and abuse in the Smithsonian. However, after discussion with several of my colleagues who serve on the Smithsonian Board of Regents, I have been assured that this institute has begun to enact measures that will lead to real reform in the institute. We should all continue to observe this, as well as all institutions under our control.

Mr. DICKS. I would like to say to the gentleman that I believe the committee has, in essence, enacted the spirit of your amendment. We have reduced the Smithsonian's budget by $35 million. The salaries and expenses level has come down to where it was in 2007. And we didn't do this as a punitive measure, we did this to send a very strong message, as the gentleman has in his very eloquent floor statement, and that message is we want the Smithsonian Board of Regents to reform the Smithsonian.

We all respect and admire and love the institution ourselves. We want to, and I personally hope we can in conference restore funding after they have made the appropriate changes that the committee has talked to them about. I think that is happening as we speak.

I have had a chance to talk to a number of the regents and Members of the House who serve as regents, and I am confident that they are on the right track. We hope by the time we get to conference, we will all be satisfied that they have reached the goal of reforming and changing so that the House and the other body can feel confident in funding them at the appropriate level.

Mr. ELLSWORTH. Thank you, Mr. Chairman. That is why I did not offer the amendment because I am confident that we will watch this.

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

Mr. DICKS. I yield to the gentleman from Kansas.

Mr. TIAHRT. First, I would like to thank the gentleman from Indiana for bringing up this important issue. There were problems that were occurring at the Smithsonian, and it was evident in the press and it was evident in the dialogue we had here on the Hill and in committee. I want to commend the chairman for his leadership in trying to focus our resources on the problem.

When the studies are complete, I think we will all be satisfied that we can move forward. The Smithsonian is a great institution and it needs powerful leadership, and we need to have strong checks and balances in place. I believe those are being put in place.

So thank you for bringing the issue to the floor of the House. And I thank the chairman for helping us get a strong institution in the Smithsonian that will last for years.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. 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. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act may be used for the Southwestern Pennsylvania Heritage Preservation Commission in Hollidaysburg, Pennsylvania; the Westsylvania Heritage Corporation in Hollidaysburg, Pennsylvania; and the Progress Fund in Greensburg, Pennsylvania.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prevent funding from going to the Southwestern Pennsylvania Heritage Preservation Commission in Hollidaysburg, Pennsylvania. This is one of the most expensive earmarks in the bill. The commission is to receive an earmark of $1.2 million. The Web site for this commission states that the southwestern region of Pennsylvania was hard hit when a lot of manufacturing jobs left the region. The Web site also states that it was a ''tough transition for hundreds of steelworkers, coal miners, railroaders and other workers who now find themselves without a job.'' I certainly, and any Member in this body, can sympathize with in their own district.

But the Web site goes on to say that ''An idea emerged that the very industries that were struggling in the 1980's had transformed America once before. Could the proud history of southwestern Pennsylvania once again lead America through the next economic transition? With that, the Southwestern Pennsylvania Heritage Preservation Commission was born.''

A bill creating the Southwestern Pennsylvania Industrial Heritage Route, or Path to Progress National Heritage Area, was approved in Congress in 1988. The heritage area is managed by the Southwestern Pennsylvania Heritage Preservation Commission. If this is confusing to listeners, it is to all of us.

The Commission's Web site states that the law created the new heritage area to ''make it possible for millions of Federal dollars to flow into southwestern Pennsylvania.'' No doubt.

All of these funds are to be managed by the Commission.

The Commission's Web site states the Commission has ''created organizations, corporations, alliances, confederations, authorities, commissions, councils, and new businesses.'' No doubt.

The site goes on to explain that the committee ''spent money, borrowed money, loaned money, earned money, granted money, and accepted money.'' Nobody doubts that either.

The Web site explains that the Commission legislative mandate was renewed by Congress and it was to begin transferring its responsibilities to a public foundation.

I quote, ''several entities were created by the commission to achieve this—the Allegheny Heritage Development Corporation which then evolved in the Westsylvania Heritage Corporation and the Progress Fund, which would serve as a Community Development Financial Institution, providing gap and equity financing to an increasing number of tourism-oriented businesses.''

I should note that I have added language in this amendment to prevent Federal funding from going to the other two nonprofit entities that were created by the Southwestern Pennsylvania Heritage Commission.

My point in offering this amendment is to highlight the concept of earmark incubators, or entities created by Members of Congress through the legislative process that exist for the sole purpose of receiving more earmarks.

In this case, the Southwestern Pennsylvania Heritage Preservation Commission seems to be just that, an earmark incubator. It has spawned at least two other nonprofit entities, each with the sole purpose of fostering economic growth and tourism development in southwestern Pennsylvania with Federal taxpayer dollars.

□ 1145

It is no surprise that the CEO of the Westsylvania Heritage Corporation is also the executive director of the Southwestern Pennsylvania Heritage Preservation Commission. He is also a former Interior Department employee of 32 years.

Keeping track of all these entities that have been created based on this one national heritage area almost boggles the mind. The point of this amendment is to prevent funding from going to one entity, you have to go after all three.

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

Mr. TIM MURPHY of Pennsylvania. Mr. Chairman, I rise in opposition.

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

Mr. TIM MURPHY of Pennsylvania. I thank the chairman.

One of the benefits of reviewing these publicly is to help get some facts on the table with regard to what these projects are. This project of the Southwestern Pennsylvania Heritage Preservation program is one of 37 heritage sites around the Nation. It includes such other projects as the Tennessee Civil War Heritage Area, the Shenandoah Valley Battlefields Area, Mississippi Gulf Coast Area, the National Aviation Area and, of course, the Yuma Crossing National Heritage Area in Arizona.

This one in Pennsylvania involves nine counties in four congressional districts. It was something that started in 1988 at that time, signed into law by President Reagan. The purpose of this was to help promote some of the heritage of the industries of iron, steel, coal and transportation that were an important part of Pennsylvania's history and our Nation's history. Thus, designation as one of these national historic areas.

It has had an impact that goes far beyond the money that has been invested in it, and, that is, a construction boom has come out of this. Also, it has spawned other projects such as dealing with acid mine drainage remediation projects, river conservation projects, county heritage plans, the creation of growth of trail development groups. More than 65 local preservation, conservation, and community organizations have significantly expanded their missions in recognition of their role in developing a heritage resource for the region. All in all it has helped leverage some $90 million of grants from other sources to help promote these programs with this.

We recognize that as we look at these projects around the Nation, those of us who are in Pennsylvania may understand best those projects in Pennsylvania as those in some of these other areas. Mississippi, I may not know as much about those or the ones in Virginia or Arizona or Georgia, wherever these other projects are. But this is important to Pennsylvanians and it's important to our Nation, to a large extent because Pennsylvania and the region was the area that built the world literally with steel, with our coal. We are a State that has lost manufacturing jobs. In fact, tourism and agriculture are our two highest sources of income in Pennsylvania, and it is important that we understand that tourism is a source of jobs in Pennsylvania like many other States. It draws visitors in not only from our Nation but from around the world and it is worthy of working on ways to continue these jobs with some growth.

The vast majority of funding for these programs has come from other sources. But what it has done, also, is help preserve some of that heritage. Understanding the history of our Nation is important to understanding the future of our Nation. Thus, we need to learn the lessons from history to fund these things to understand how it is important and how to promote this.

This is not just something for my district, but it is important to several districts; and it is important to our Nation and the start-up tourism-related businesses that are otherwise unable to secure loans from other programs.

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

Mr. TIM MURPHY of Pennsylvania. I yield to the gentleman from Washington.

Mr. DICKS. I want to commend the gentleman for his very thorough and comprehensive statement, and I want to join him in support of this project.

As the gentleman said, this project was authorized, signed by President Reagan, a very conservative President. This is historic activity that has been very productive. And so I urge that the project be supported and that the amendment by the gentleman from Arizona be defeated.

Mr. TIM MURPHY of Pennsylvania. Reclaiming my time, I would like to add a couple of other things that relate to some Federal overlap with this particular project. This whole area of the heritage preservation group for southwestern Pennsylvania also overlaps with 218 nationally registered properties, 16 national historic landmarks, two national park units and one other national landmark all recognized by the Federal Government as a way of linking these things together. It is a way of helping to promote these things for jobs and for understanding the heritage of our Nation.

Someone once said that those who fail to learn the lessons of history are doomed to repeat them. Indeed, where we stand now with an importance of understanding what our economic heritage was, our industrial and manufacturing heritage, are important to the people of southwestern Pennsylvania and are important to the people of the Nation.

Mr. Chairman, I urge my colleagues to vote ''no'' on this so that we can preserve that heritage.

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

Mr. FLAKE. How much time is remaining?

The Acting CHAIRMAN. The gentleman has 1½ minutes remaining.

Mr. FLAKE. I thank the chairman.

If the gentleman will indulge me, I am still confused, maybe even further now. Looking at the list, it says here, Southwestern Pennsylvania Heritage Preservation Commission, $1.2 million, and the sponsor is Mr. MURTHA of Pennsylvania. Who is the sponsor?

Mr. DICKS. Mr. MURTHA of Pennsylvania. But as was mentioned by the gentleman from Pennsylvania, there are four congressional districts involved in this. I don't know if people from the other districts, I guess they didn't request it or else it would be listed because we've tried to list it where there were multiple names involved.

Mr. MURTHA is a former member of this subcommittee and this project has been funded for many years. When your party was in the majority, there were a number of years in which this project was funded. The previous chairman, Mr. TAYLOR, and others have been supportive of this project.

Mr. FLAKE. Thank you.

Reclaiming my time, I don't doubt that it was funded in the previous Congress. The question is with economic development. It is said that this helps promote tourism. It helps development. No doubt. You cannot spend money without creating economic activity by its very nature. But if we take economic development as the criteria, what project anywhere in the country is not worthy of that? And why is this project and all of these entities created, and I quote again from their own Web site. The commission Web site says: ''This organization created organizations, corporations, alliances, confederations, authorities, commissions, councils, new businesses,'' many of which are also eligible for earmark funding.

The Acting CHAIRMAN. The gentleman's time has expired.

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

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

Mr. DICKS. I'll be very brief.

The point I would make is that we only funded one out of 10 requests. So there was a lot of judgment made by both sides of the aisle working together to pick those projects that had a history, that were authorized in many cases. So I think there was a very careful vetting of this process. There are a lot of Members who are mad at me because they didn't get their project. This one met the test and was funded.

I urge a ''no'' vote.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

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

Mr. FLAKE. 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 Arizona will be postponed.

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. 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. STUPAK:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act for the Division of Criminal Investigation of the Environmental Protection Agency may be used in contravention of the criminal investigator requirements of the Pollution Prevention Act of 1990 (P.L. 101–593).

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. STUPAK. I thank the Chairman.

Mr. Chairman, my amendment would require the Environmental Protection Agency to hire the appropriate number and amount of criminal investigators as required by law. EPA's criminal investigators play a critical role in protecting public health and the environment from the most serious offenders. That is why the Pollution Prosecution Act of 1990 (P.L. 101–593) specifically requires that not less than 200 special agents be assigned to environmental criminal enforcement. This requirement helps ensure that EPA has the number of investigators and adequate resources necessary to enforce the criminal provisions of our environmental law.

EPA's criminal investigation division, CID, is currently at less than 200 special agents. Already understaffed, seven agents from CID are permanently assigned to the EPA's administrator's personal security and do not conduct any investigation work. Additional agents are assigned to provide security when the administrator travels outside Washington, DC, requiring them to abandon any investigation work during that period.

The assignment of the EPA's criminal investigators to provide personal security to the EPA administrator diverts resources from the investigation of environmental crimes. While I understand the desire to protect a member of the President's Cabinet, criminal investigators at EPA are doing so at the cost of protecting public health. Because of the additional strain that using CID criminal investigator agents for security has on EPA's ability to investigate criminal violations, it is extremely important that CID be properly staffed.

The underlying bill, the bill before us today, provides an increase of $11.8 million for enforcement compared to fiscal year '07. The EPA should have no difficulty in meeting the requirement of 200 criminal investigative agents, which is the standard that was set in 1990. My amendment would not reduce the security provided by the EPA administrator. It would only make certain that the EPA uses this funding provided in the bill to meet their requirements under the Pollution Prosecution Act and their responsibility to the American people.

I want to thank Chairman DICKS for consideration of this amendment along with Ranking Member TIAHRT. I urge Members to vote ''yes'' on my amendment.

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

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

Mr. DICKS. I thank the gentleman for his amendment. The gentleman has discussed this amendment with all of us. The bill includes an increase of $11.8 million, as you have mentioned, above the President's request for EPA enforcement. That is enough money to bring the EPA's enforcement level back to levels that we saw earlier in this decade. The majority has no objection and accepts the amendment.

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

Mr. STUPAK. I yield to the gentleman from Kansas.

Mr. TIAHRT. I think the gentleman from Michigan has done his research and prepared this well. I think this is a part of the EPA that needs attention

and needs a little reinforcement. I congratulate him on his amendment and I have no objection to it.

Mr. STUPAK. I thank Mr. TIAHRT and Mr. DICKS for their words.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

AMENDMENT NO. 22 OFFERED BY MR. JORDAN OF OHIO

Mr. JORDAN of Ohio. 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. 22 offered by Mr. JORDAN of Ohio:

Page 111, after line 17, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is reduced by 4.3 percent.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Ohio (Mr. JORDAN) and the gentleman from Washington (Mr. DICKS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. I thank the Chair and the Members who are present here.

This is the fourth time I've offered this amendment to an appropriations bill. I don't do it to be a pain in the neck. In fact, I appreciate the work of the chairman, I appreciate the work of the ranking member, and I appreciate the work of the committee and staff. I know they look at these line items, look at these programs, go through and do the hard work that all committees do. I appreciate all that work. I simply bring the amendment forward because I believe government is too big and that government spends too much.

This amendment doesn't cut spending. This amendment, like the previous ones I have offered, simply says we're going to hold the line. We're going to spend the same amount we spent in the last fiscal year. Nothing more than that. That's all the amendment does. It allows the committee who understands these programs, who does the work and puts this bill together, to go back and look and figure out where those cuts should happen using their expertise that they've developed in this committee to do that. It simply says, it's not too much to ask government to do what millions of families have to do across this country, live on last year's spending levels, live on last year's budget.

It is important we do this, in my judgment, for two reasons. Again I have articulated these each time I've brought this amendment forward for the body to consider. The first is there are financial problems, financial concerns, some would even say crisis looming for America if we don't get a handle on the spending. $3 trillion budget. This bill increases spending by over a billion dollars in this one area. The more we run up deficits, the more that leads to debt, the more that leads to less saving, the more that leads to less economic growth, the tougher it makes it in the future to deal with the economic crisis that is in fact coming.

Again, you don't have to take my word for it. All kinds of experts have talked about this, whether it's entitlement programs, discretionary spending, it's government spending and there are problems looming if we don't begin to get a handle on the spending levels that we appropriate. There is no better place to start than right now, saying, let's just do what we did last year. Let's just hold the line on spending.

The second reason that this is so important: whenever you start to spend and spend and spend and have these kinds of things take place, it inevitably leads to greater taxes. I've often heard the phrase tax-and-spend politicians. It's actually more appropriate to say spend and tax. Spending drives the equation. The more you spend, that leads to taxes in the future. If you went out and asked the American people, Mr. Chairman, is government too big or too small, my guess is the vast majority of Americans would say it's too big.

Think about this: government spends on average $23,000 per household. We've got a $3 trillion annual budget that we spend on. Many of those things are appropriate, but overall if you ask the American people is government too big or too small, they would say it's too big. If you asked them the same question, are Americans overtaxed or undertaxed, my guess is the vast majority of Americans would say we're overtaxed. In fact, a typical family, 50 cents of every dollar they spend goes to some level of government in the form of taxes. It's not too much to ask government to hold the line on spending, to live on what we did last year, to live on the same amount.

□ 1200

That's what this amendment does. I bring it forward, not to be a pain to the committee, I appreciate their work, but simply to point out it's time we get a handle on spending if we are going to be able to let or help America have the economic growth that we need to see happen in this country in the future.

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

The Acting CHAIRMAN. The gentleman from Washington State is recognized for up to 20 minutes.

Mr. DICKS. Mr. Chairman, I yield myself as much time as I might consume.

Mr. Chairman, I rise in opposition to this amendment.

Am going to be brief here. This would be a devastating cut on this bill. I want to say something to the gentleman. These bills do have consequences.

Over the last 7 years, since this administration took power, the Interior Department's budget has been cut in real terms by 16 percent. The EPA's budget has been cut in real terms by 29 percent, and the Forest Service budget has been cut in real terms, taking fire out, by 35 percent. This is one of the few bills that has been devastated by this administration, and it's a regrettable fact.

All our bill does is stop this downward trend in our national parks, our downward trend in our national wildlife refuges, and our downward trend in enforcement and clean water and clean air in the environmental protection area, and the reduction in personnel, not covering fixed costs until Mr. Kempthorne came in, and he is only covering the fixed costs for the Interior Department. This is a devastating cut that would reverse all the good work in this bill.

I just think it's totally irresponsible, and I urge a ''no'' vote on this. We need the money for the firefighters, there is a huge fire out there in Lake Tahoe right now. We need to get this bill passed.

This kind of across-the-board meat-ax approach will not be successful, I predict. I just tell the gentleman that his amendment goes way too far and would have devastating consequences. It would undermine the President's Centennial Challenge that Mr. Kempthorne has worked so hard to create.

Mr. Chairman, I yield back the balance of my time and urge a ''no'' vote on the gentleman's amendment.

Mr. JORDAN of Ohio. Mr. Chairman, before recognizing the gentlelady from Tennessee, I would just point out this, we always hear this, devastating cut. This not a cut. This is simply saying we are going to spend what we spent last year.

In fact, last week we had this big debate on the legislative branch bill and on other appropriations bills, and the majority party was pointing to the President's request. What we spent last year is actually more than what the President requested in this budget.

Devastating cut, I mean, we always hear, it's interesting, politicians who spend the tax dollars of families and individual taxpayers across this country, always say the sky is going to fall if we can't get more of your money and spend it on things we think are important.

All we're saying is you know what, it's not too much to ask that government do what families do all the time, and that is spend on last year's level.

Mr. Chairman, I yield 2 minutes to the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. I thank Mr. JORDAN for the good work that he is doing right here. He is exactly right in the amendment that he is bringing forward, hold constant, hold it level.

Mr. Chairman, we hear this from our constituents every single day. We all know that the American people are certainly frustrated with the way they see Washington spend money, and the amount of money that they spend.

What our amendments are doing is just to say, just pare it down a little bit. Let's require the bureaucracy to institute some efficiencies. Let's require them to get their House in order.

Now, quite frankly, I don't think it's a bad thing. I think that it is a very positive step to look forward and say let's hold the bureaucracy accountable. Should they be able to move forward and not put best practices in place? Should they be able to just every year get an increase when we have men and women who go to work every single day? They may work for a period of 2 or 3 or 4 years and not see an increase in their salary.

We may have families that look at their budget and say that they are not seeing an increase. To say, you know, to not increase spending puts us on a downward trend.

I truly take exception with that. It is our constituents who are saying you need to start putting some accountability measures in place, you need to reduce what this Federal Government is going to spend because they tax too much and certainly, in order to pay for all of this increase in spending, and this is an increase, it exceeds the President's request by $1.9 billion, which is a 7.6 percent increase. In order to pay for this, they are willing to push forward the single largest tax increase in history because they spend too much money.

Mr. JORDAN of Ohio. Mr. Chairman, may I inquire, the majority party has yielded all their time back?

The Acting CHAIRMAN. Yes, the other side has yielded back.

Mr. JORDAN of Ohio. Mr. Chairman, I yield 3 minutes to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. I thank the gentleman for yielding time to me.

I haven't been on the floor to hear much of the debate on this bill, but a couple of things have caught my attention. One is that the chairman said we don't want across-the-board cuts.

Well, as I understand, they don't want cuts to individual programs or specific programs either, so I guess that means we don't want cuts, period. I remember hearing the debate on this floor about raising the minimum wage, and that has resonated in my memory in relationship to the debate on not making any cuts for this bill also.

There were raving comments made about how people who were living on the minimum wage hadn't received an increase for years and years and years, and yet Members of Congress had received pay raises.

Well, it seems to me that if we're concerned about people who are getting minimum wage, we definitely should be concerned about increasing spending for this bill or any other government program, for that matter. We are raising spending by billions of dollars, and where is that money coming from? That money is coming from the very people that were supposed to be helping those people making the minimum wage.

In just 6 months, the new Democrat majority has passed or paved the way for $103.4 billion in increased spending.

Now, what that means is, again, that we are taking that money away from the American citizens. By doing that, they have raised the national debt limit by $850 billion, which they said they would never do, or $2,812 for every single man, woman and child alive in the United States today, the second largest increase in the national debt in American history, and the largest single tax increase in American history they have passed.

So we don't need to be doing this. We need to be helping average working Americans, by letting them keep more of the money. The government doesn't know how to spend your money better than you know how to spend it.

Mr. JORDAN of Ohio. Mr. Chairman, may I inquire of the time remaining on the Republican side?

The Acting CHAIRMAN. The gentleman has 10½ minutes remaining.

Mr. JORDAN of Ohio. I yield as much time he may consume to the distinguished chairman of the Republican Study Committee, the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding. I want to thank him for his leadership. He is one of the outstanding freshmen Members that we have on this side of the aisle. His leadership in helping protect the family budget from the Federal budget is noted. It is noted in this body, and certainly noted in his district and increasingly being noted nationwide. So I thank him for his leadership in bringing this amendment to the floor.

Mr. Chairman, I think this is a very, very important amendment, and I listened carefully to chairman of the committee and his words. I think again, as I said yesterday on this House floor, that much good work has been done on this legislation.

But I do take exception when he uses the term that this amendment amounts to a devastating cut. Again, people are entitled to their own opinions, but they are not entitled to their own facts. This amendment simply says this appropriations bill will be funded at last year's level.

Now, last I looked at Webster's, and looked up the definition of cut, it means to reduce an amount. We are simply asking, in extraordinary times, that government somehow not increase its budget. We are not talking about a decrease here. We are simply saying try to live on the same budget that you lived on last year.

Now, I do believe there is a place where the phrase ''devastating cut'' is applicable.

As the gentleman from Ohio aptly pointed out, more spending fueled more taxes. Again, that is a very simple nexus, but more spending will fuel more taxes. It's one of the reasons that we have seen within the Democrat budget the single largest tax increase in American history.

Now, that tax increase, when fully implemented over 5 years, is going to amount to roughly $3,000 for every American family. That is a devastating cut. That is a devastating cut to the family budget.

I hear from these families. I hear from families in my district, the Fifth District of Texas, that I have the honor and pleasure of representing. I hear from people like Bruce in Garland who writes, ''Congressman, in my particular case, additional taxes would cut into the finances I used to pay for my son's college education. I really believe that given more money, Congress will simply spend more money. That is not the answer.''

I hear from Joy in Dallas, ''Congressman, I could not pay for a semester of college for my daughter if I had to send $2,200 more to the government.''

I hear from Linda, also, in the City of Garland that I represent, ''If we had to pay an additional $2,200 each year, it would make us have to decide between food or medicine.''

The list goes on and on and on. That is a devastating cut, the largest tax increase in American history fueled by more spending, some of which is contained in this bill, those are devastating cuts. Those are devastating cuts to hard-working American families. It's cutting their education program, it's cutting their health care program, it's cutting their American dream.

I certainly commend the chairman. Relative to some of these bills, this is a more reasonable approach.

But when we look at the largest tax increase in history, when we look at the looming entitlement crisis, and I was very grateful to hear the chairman acknowledge its existence in debate yesterday, but given all of those facts, can't we somehow raise the bar on how much we are going to spend on this Federal legislation and protect the family budget from the onslaught of the Federal budget?

There are two paths we can go down. One path leads us to an extra $3,000 of tax increases on the American family.

The other path tells the Federal budget, live with as much as you have lived with last year, and we will protect the American family from devastating cuts in their budget.

Mr. JORDAN of Ohio. Mr. Chairman, I yield 1 minute to the Republican leader, the distinguished gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague from Ohio for yielding, and let me thank him for bringing this amendment to the floor.

All this amendment says is that we are going to reduce the level of spending in this bill to last year's level. It's overdoing. We are not whacking away

at everything, and I think that the gentleman has a very good point. I do that because excessive spending makes it more difficult for us to balance the Federal budget.

□ 1215

It takes money away from our children and our grandchildren. An across-the-board cut is another way of being fair and simple, but it gets us back to last year's level.

Now, the spending in these appropriations bills is one issue. But let's make sure we review the bidding on what's happened here thus far this year. In February, when the supplemental spending bill came through, the CR to fund the government for this year came through here, it had $6 billion of spending over and above the President's level.

And then we had the budget come through with an additional $20 billion worth of domestic discretionary spending included in it.

And then just last month we had the supplemental spending bill for Iraq and Katrina that had an additional $17 billion over and above what the President has asked for.

If you look at all of that, $1.1 billion in the Energy and Water Appropriations Bill that's already passed, another $1.9 billion in this bill, you begin to add all this up, and it's real money. And at some point, somebody has to pay for it. And that's the real crux of the issue here.

Most of us came here to make sure that we had a government that was affordable, so that we could keep the American Dream alive for our kids and theirs. And the more that we spend and the more that we mortgage their future, the harder it is for them to have the same chances in life that many of us have had.

And if the spending that we've talked about isn't bad enough, if you look at the budget that my friends across the aisle passed last spring, there's no entitlement reform. My colleague, the chairman of the Appropriations Committee, Mr. OBEY, will soon rise and talk about the $4 billion or $4 trillion worth of debt that's accumulated over the last 6 years.

We know that we have to deal with entitlements. I'm trying to help you give your speech, Mr. OBEY. We have to deal with entitlements. Over the course of the 12 years that Republicans ran the House, we dealt with entitlements some three times, not as often as we should have, not as aggressively as we should have.

But we have made promises to ourselves, those of us who are baby boomers, promises that our kids and our grandkids can't afford. And at some point we, as responsible stewards of our government, need to grab a hold of these entitlements and begin to change them.

Several years ago we made a modest effort, some $40 billion in entitlement reductions over 5 years, a step in the right direction. But to bring a budget out here that says we're not going to deal with entitlements for the next 5 years, I think, is totally irresponsible. And so if we're serious about making sure that our kids and their kids have a real chance at the American Dream, we've got to say no.

The American people sent us here to make decisions about how to best spend their money. And if we just keep adding more money, guess what? We never have to make a decision. That's not what the American people expect of us. They expect of us to have a government that's affordable, that's accountable, and something that they can afford in their family budget.

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

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

Mr. OBEY. Mr. Chairman, Members of this House have often heard me refer to my old friend, Archie the Cockroach, who is the philosopher I rely upon. And one of the things Archie said once is that ''an old stomach reforms more whiskey drinkers than does a new resolve.'' And I think we have a perfect example of that in this case.

We have seen the minority party, for the past 6 years, zealously and delightedly borrow over $1.2 trillion to pay for tax cuts on the cuff. We've seen them support this year providing $57 billion in tax cuts for people who make a million bucks or more a year. We've seen them blindly and blithely support a misguided war, 600 billion bucks, all borrowed. And now, coming in from a 3-day or 6-year jag, all of a sudden people are sobering up. So they're saying, ''Good gravy, look at the record we've built.''

Mr. Chairman, they have destroyed their credibility with their own conservative base with their profligate borrowing to pay for their pet projects. And then they say, ''Well, how can we cover up that and cover our tracks and pretend that we are taking up the old time religion again of fiscal responsibility?

And so what they do is they say, ''Well why don't we attack the appropriations bills and try to create the impression that they are runaway spending.''

Well, let me give you some facts. By the time this House finishes passing each of the appropriation bills that we're bringing to the floor, this House will have cut over 250 programs, saving almost $6 billion.

I would also point out that if you take a look at the President's budget, if you take a look at the domestic appropriation bills which he's recommended under his budget, you would see these domestic appropriations shrink from 39 percent of the budget to 36 percent. Under the bills that we're bringing to the floor, they will still shrink from 39 percent to 38 percent.

Bob Greenstein, who is probably the most objective budget analyst in this town, respected former OMB official, points out that these domestic appropriations bills, when adjusted for inflation, represent a 1.4 percent increase. I invite you to compare that to the 8, 9, 10 percent increases that we have in the war budgets which the President has asked us to pass.

This bill commits the cardinal sin of trying to restore two-thirds of the cuts that have taken place since fiscal year 2001 in crucial programs that defend the cleanliness of our air, that defend the cleanliness of our water, that protect the public health and protect the publicly owned natural resources of this country.

And they try to divert attention from their miserable record of fiscal irresponsibility the last 6 years by suggesting that somehow these actions have anything to do with the deficits that they've presented the country, turning a surplus when Bill Clinton left office into the largest deficits in the history of man.

Now, you know, I generally prefer to read nonfiction. But I am so used to hearing fiction on this House floor that I guess the next time I want to read a fiction novel I'm not going to go to The Washington Post Book Review or the New York Book Review. I'm simply going to ask my friends on the other side of the aisle, ''What's the best piece of fiction that you've been reading and been peddling this week, because I sure would like to take some lessons from you when it comes to peddling fiction.''

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. JORDAN of Ohio. Mr. Chairman, can I inquire the amount of time we have left.

The Acting CHAIRMAN. The gentleman has 4½ minutes.

Mr. JORDAN of Ohio. Before yielding to the gentleman from Georgia, I would just point out, I love the majority party's logic: because the Republicans spent too much, we're going to spend more. How does that help the American family? It just makes no sense to me.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Chairman, I just heard some great news down here. We have cut 250 programs. I'm excited because, you know, I used to be in the construction business, and one time we had a superintendent that was not getting his job done, not performing, not getting the houses built on time. And the gentleman we worked for went in one day and he said, Jerry, I want you to go out there and I want you to fire somebody. And Jerry said, Who do you want me to fire? And he said, I don't care. Just fire somebody so they will know who's in charge.

We need to fire somebody. We need to cut something somewhere. And I am excited to hear that we have cut 250 programs at a savings to the taxpayers of $6 billion because, what that means to the taxpayers, Mr. Chairman, is that now we've only spent $80 billion more than we did in 2007. So we took the

first step in a long, long journey to get down to where we get back to the level of 2007.

I hope that the chairman, Mr. Chairman, of appropriations, the full Appropriations Committee, will supply every Member in this body a list of the 250 programs that have been cut, because I want to see that. I want to be able to take that back home to my constituents and say, You know what? We are cutting the size of government. And here are the 250 programs that we've cut.

Now, what I would also like for him to bring me when he brings me the 250 programs that we have cut, I hope that he will bring me a list of the other programs in the other expansion of government that we have done to spend another $80 billion.

Now, Mr. Chairman, a lot of people may not understand how much a billion dollars is. If you spent a dollar a day, no, if you spent a dollar a second, a dollar a second, it would take you 31½ years to spend a billion dollars; 31½ years to spend a billion dollars if you spent a dollar a second.

Mr. Chairman, I hope the people of America know that we have spent $80 billion more than we did last year. That scares me. That scares me not only for me. It scares me for my children. It scares me for my grandchildren. And it scares me for my great grandchildren.

And so I hope that somewhere we'll fire somebody, just one person, one cut that we can make and let the people of America see it.

Mr. JORDAN of Ohio. Mr. Chairman, I yield the remainder of our time to the gentleman from Georgia (Mr. PRICE).

The Acting CHAIRMAN. The gentleman from Georgia is recognized for 1½ minutes.

Mr. PRICE of Georgia. Mr. Chairman, I thank the gentleman from Ohio for his leadership on this issue and for bringing important distinctions to the floor.

Mr. Chairman, I want to ask a question, though, of the body, and it's curious what's going on here. The chairman of the subcommittee yielded back his time, didn't even want to engage.

Can you hear it, Mr. Chairman? That's silence. That's silence on the part of the majority party because they aren't even interested in defending the spending that is in their bill.

Before I came to Congress, I was a physician. I knew that I needed to listen to patients in order to make the right diagnosis.

Well, the right diagnosis, Mr. Chairman, here, is that Washington doesn't have a revenue problem; it's got a spending problem. And the ways that the Democrats are moving forward with their spending spree of 2007 are very frightening, as the gentleman before me spoke.

There are a couple of ways to pay for it. One, you can charge it. And so they've increased the debt ceiling. They've increased the debt ceiling to over $9 trillion for the first time ever in the history of this Nation.

The other way you can pay for it is to tax folks. Mandatory withholding, tax increases. And already we've seen the largest tax increase in the history of our Nation adopted by this majority party.

Mr. Chairman, if that were my record, I wouldn't want to talk about it either. I wouldn't want to talk about it either.

So I want to commend my friend from Ohio who is standing tall for fiscal responsibility. It's clear that there's a distinction between the majority party and the minority party. And the minority party says, the Republicans say, we believe in fiscal responsibility. We believe that we can hold the line on spending to holding it to where it was last year.

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

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

Mr. DICKS. And I will say to the gentleman from Georgia (Mr. WESTMORELAND) we are, I have already explained, Mr. OBEY's already explained why this amendment is not going to be passed by the House today, because it's too big a cut. And I would just say, again, and I want to say this to every Member: This administration has cut the Interior Department budget over the last 6 to 7 years by 16 percent.

□ 1230

It has cut EPA by 29 percent. It has cut the Forest Service by 35 percent. It is devastating these agencies, and this amendment would add to that devastation.

What we are doing is adding 4.3 percent to try to turn the corner, to try to bring these agencies back. And we are not laying back here. We are just waiting to move on to more important business.

Mr. Chairman, I yield to my colleague on the committee, a distinguished member from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding.

The gentleman from Ohio has offered an amendment which is a 4.3 percent across-the-board cut, across all of the agencies here in this bill. And that is about the final desperate or thoughtless way of balancing a budget or of approaching the process of budgeting. After all, the amendments that we have been debating for the last day have been defeated, to throw up your hands, but I suppose that is really progress. At least it is better than trying to reduce the budget down to the level of the President's request in the first place, which was hundreds of millions of dollars even below what the last year's budget was.

But I think you need to look at the core programs. The core programs here are the Department of the Interior, the Environmental Protection Agency, the Forest Service. Those are the major programs in this budget. The budget for 2007 was a very small increase but not as much as an increase up to the inflationary amount from the previous year's budget, the 2006 budget. So we would have had at least 3 years of budgeting below the inflationary level.

The gentleman's amendment would force all those agencies that cover Park Service and Fish and Wildlife Service, which are the places where our Park Service and Fish and Wildlife Service serve most of the public, the millions of people of this country who use those facilities, and it would force them to eat the inflation of that, as of now, over a 2-year period, 2006, 2007, and 2008.

What really is happening is that we are having to try to cover for the enormous reductions in the budget from fiscal 2004 to 2005 and from fiscal 2005 to 2006. That is where the major budget cuts have occurred over the last several years. And this budget only partially, partially, replaces for that enormous cut that occurred in those 2 years, way below inflation, serious, real cuts in dollars way below inflation.

Now, I just want to look at a couple of other things not just 3 or 4 years back but a little bit farther. When President Carter left office, the debt of this country was $1 trillion. Twelve years later, after the presidencies of Ronald Reagan and George Bush, the debt of the country was $4.3 trillion, $3.3 trillion more. When President Clinton left office 8 years later, it was $1.2 trillion above that.

Now, in only 6 years, with you folks on the other side having been in the majority throughout those 6 years, the debt is now up to $8.8 trillion, another $3.5 trillion. Think of it. Under 8 years of President Clinton, the total debt increase was $1.2 trillion, about one-third of the debt increase in just 6 years under the present President and all of that coming under your leadership. The debt increased to that time is all under your majority's leadership.

So I just want to say in the final analysis when you take into account inflation, with this bill, the Department of Interior would still be 11 percent below what the budget was in 2001, when President Bush took office. For the EPA, it would be 16 percent, still below the 2001 budget. And for the Forest Service, it would still be 19 percent below. Those key core programs would still be 19 percent below the budget in 2001.

I oppose this amendment and hope it will not be adopted.

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

I yield to the gentleman from Ohio.

Mr. JORDAN of Ohio. Mr. Chairman, I thank the gentleman for yielding.

I just want to know which is it? We just heard from the distinguished chairman from Washington that Republicans spent too much; so we are going to spend more. We heard about

the spending by the Republicans. And we just heard from the other gentleman that we cut, cut, cut. I want to know which is it?

All I know is this, what is in the bill, and in the bill it says this: The Commission on Climate Change, $50 million of taxpayer money for this new Commission. National Park Service, a $199 million increase, 10.8 percent above last year. The National Endowment for the Arts, a 29 percent increase. We heard a debate about this yesterday, an agency that many Americans find offensive using their tax dollars: $160 million, a 29 percent increase. National Endowment for the Humanities, $19 million, an increase of 13 percent.

Which is it? Did we cut all the time or did we spend too much? I want to know which it is.

What I do know is that in the bill, there are all kinds of excessive spending. That is why we just want to say hold the line, let's keep it where it is right now.

And I thank the gentleman for yielding.

The Acting CHAIRMAN (Mr. MCGOVERN). The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

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

Mr. JORDAN of Ohio. 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 Ohio will be postponed.

AMENDMENT NO. 29 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. 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. 29 offered by Mr. PRICE of Georgia:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. Appropriations made in this Act are hereby reduced in the amount of $276,330,000.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the opportunity to offer this amendment. This amendment is what became affectionately known as the Hefley amendment. Mr. Hefley was a former Member of the House and offered a 1 percent decrease in the reduction of the increase on appropriations bills routinely. And he no longer serves with us; so many of us believe that it is an appropriate way to try to bring about some kind of fiscal restraint and fiscal responsibility here in the United States Congress.

I think it is important to look at the big picture, and the big picture is that we always have to remind ourselves whose money this is. And there is a sense in this Chamber and in Washington that this money is the government's money, that the government somehow makes it and discovers it and that it ought to just spend it willy-nilly.

Well, Mr. Chairman, as you know, this isn't the government's money; it is the people's money. This money comes to Washington through the hard work of the American taxpayer. And it is imperative that we remember that because only when we remember that will we have that touchstone to make certain we spend it responsibly.

What are the big numbers here that we are talking about in the Interior, Environment Appropriations bill? Last year, fiscal year 2007, this bill appropriated $26.4 billion. This year the proposal is to spend $27.6 billion. That is an increase of $1.2 billion, an increase of 9.5 percent, an increase three times the rate of inflation.

This amendment would decrease that increase by 1 percent. It would decrease that increase by $276 million. It would trim one penny out of every dollar spent in this appropriations bill. It is the kind of thing that American families all across our Nation do when they find themselves in times when they are spending more than they are taking in, which is what the Federal Government is doing, spending more than we are taking in.

This is a responsible amendment. It starts us down that road of being fiscally responsible. It tells the American people that we care about their budget and in caring about their budget, we will be responsible with the Federal budget. It will begin to restore some of that trust that the American people have lost in Washington's ability to restrain spending.

So I offer this amendment in good faith. I believe it is an appropriate way to begin the process of gaining back fiscal responsibility here in Washington. I encourage my colleagues to support the amendment.

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

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

The Acting CHAIRMAN. The gentleman from Washington is recognized for 20 minutes.

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

Mr. PRICE of Georgia. Mr. Chairman, may I inquire of my good friend from Washington if he has any speakers on this amendment?

Mr. DICKS. Yes, we have speakers. How many speakers do you have?

Mr. PRICE of Georgia. I have got more than my 20 minutes will be able to fill.

Mr. DICKS. I am not going to yield you any time; so you might go ahead and start.

Mr. PRICE of Georgia. Mr. Chairman, the silence persists. The silence persists on the majority side because they are loathe to defend the spending that is going on here in Washington. Mr. Chairman, I find that particularly offensive to the American people. This is not government's money. It is the American taxpayers' money. It is incumbent upon the party that is proposing to spend billions and billions of dollars to increase the debt ceiling in this Nation over $9 trillion for the first time, to ignore the entitlement spending, to ignore $50 trillion in liability. This is the majority party that is silent, silent when it comes to this kind of spending.

So I would urge my colleagues to reconsider their desire not to defend their spending.

Mr. Chairman, I am pleased to yield 5 minutes to my good friend from California (Mr. CAMPBELL), who is a leader on fiscal responsibility here in the House.

Mr. CAMPBELL of California. Mr. Chairman, I thank the gentleman from Georgia for yielding.

As I listened to the arguments, what arguments that are presented, from the majority Democrats, I hear some things that don't quite ring true. They talk a lot about their pay-as-you-go rules and that their great fiscal accomplishment of this Congress is that they are going to pay for spending as you go. Yet this bill increases spending by $1.2 billion, and it is not paid for. There is no $1.2 billion cut somewhere else. They are simply going to increase the deficit by $1.2 billion more because they have decided they want to spend it.

They say that they are not raising taxes. But yet their budget increases spending every single year for 5 years and then miraculously says they are going to balance the budget. How do they do that? Because they did have in their budget the largest tax increase in American history.

You just heard them recently just decry the former deficits. Oh, my gosh, Republicans drove up these deficits. And, in fact, we did. And we agree that that was not the right thing to do. So what is their response? Make the deficits bigger. Take the spending that we had while we were in charge and increase it by more.

□ 1245

And then they have one other thing they continue to do which is to call something like this bill a ''cut.'' You heard the gentleman from Washington on the last proposal say that it was a devastating cut, when in fact all this does, as the gentleman from Georgia pointed out, is take what's already a 4.5 percent increase and reduce it.

Now, what I want to do is, since they're having a hard time understanding this, I want to put this up graphically so that maybe they will understand better.

Now, Mr. Chairman, here are 100 donkeys. I figured that donkeys were

something that Democrats would be able to relate to. So we have 100 donkeys here. Imagine that this is 100 donkeys of spending. Here's what this bill will do. There, Mr. Chairman, are 99 donkeys; 100 donkeys here, 99 donkeys there. Probably having a hard time, I would imagine, Mr. Chairman, people in the gallery are probably having a hard time telling the difference. That's because there isn't much difference. That's because it isn't a big cut, it isn't a big reduction. If you have a million-dollar program, all we're asking is for that program to get by on $90,000. If it's $100 million, we're asking them to get by on a mere $99 million. If it's a billion-dollar program, do you think that some government agencies can squeak by on $990 million rather than a billion?

But here's the big point: It doesn't look like a lot of difference in donkeys, but if we do that, if we spend the 99 instead of 100 on every single government program, we save $30 billion. That is real money. And this is how you save it: a little bit at a time. Ask a million-dollar program to get by on $990,000, ask a billion-dollar program to get by on 1 percent less. And when you do that with every single program in government, you save $30 billion a year. That, Mr. Chairman, is how we can get to a balanced budget without not only the largest tax increase in American history, without raising taxes on the hardworking people in America at all simply by asking government day by day, get by on 1 percent less. I think we can do it. I think we should vote for this amendment.

Mr. DICKS. Mr. Chairman, again, the former ranking member of the Appropriations Committee, Mr. Conte, when he was here in the House of Representatives, used to say that this is the ''meat-ax approach.'' An across-the-board amendment doesn't make any selectivity between the national parks and other issues. It's just an across-the-board cut.

Again, I must say that the reason we object on this particular bill is because over the last 7 years the administration has cut the Interior Department by 16 percent in real terms. And the cut for EPA is 29 percent and that cuts the Clean Air Act and the Clean Water Act. I mean, it's hard to believe that this administration wanted to cut the Clean Water Revolving Fund by $670 million. How do you do that and go to bed at night and actually get sleep? I mean, it's shocking to me, these cuts.

The Forest Service funds all the programs for taking care of our multiple-use Forest Service land. More recreation is provided by the Forest Service than actually the Park Service, and they cut that by 35 percent since 2001.

This is a crisis. These agencies are headed down a devastating path, not having enough staff to do their work. The refuges didn't have enough staff. The Park Service didn't have enough staff. Every one of these agencies were losing people year after year because their fixed costs weren't covered. So this was a crisis situation.

I think everything we've done in this budget is totally responsible. And I reject the idea of any across-the-board meat-ax approach, using the language of the former ranking member, Mr. Conte from Massachusetts. And I just hope that we can move on here and get to the rest of these amendments.

There are a lot of people on the other side who told me they would like to go home on Friday morning, they would like to see us get done on Thursday night. So I don't want anybody to think that we're not in opposition to all these things. I just want them to know that we're trying to work on a bipartisan basis to get the job of this committee done as quickly as possible.

Mr. Chairman, I yield 2 minutes to the gentleman from New York, a member of the committee (Mr. ISRAEL).

Mr. ISRAEL. I thank the distinguished chairman.

I took note of the gentleman's $30 billion in donkeys. I would like to commend to the gentleman's attention $3 trillion in elephants, which is $3 trillion in debt that the other side built up while they were in control of this Congress; $3 trillion elephants rampaging through the Federal Treasury, crushing our future, strangling them with debt.

Now, the other side has said that they want to cut and we want to spend. Absolutely not true. We've cut these programs. We're being stewards with the people's money. We have eliminated over 200 programs in this project. The real issue is not cutting versus spending; it's priorities. Mr. Chairman, the American people understand priorities.

The other side had no problem finding the money to give Halliburton, in no-bid contracts, unlimited amounts of money to big corporations like Halliburton in no-bid contracts. What we're saying is let's instead invest that money in the Clean Air Act.

The other side had no problem bulldozing to passage billions and billions of dollars in tax cuts for the richest oil company executives on the face of the planet who have made more profits than any company has ever made in the course of human history. What we're saying is let's prioritize differently. Instead of using that money for tax cuts to oil company executives, let's invest it in the Clean Water Act. Let's invest it in the Environmental Protection Agency.

So this isn't just about cutting and spending. This is about priorities that the American people want us to pursue. The same choices that they make at their kitchen tables, in their living rooms, in their dining rooms, in their small businesses are the choices that we're suggesting. Instead of the wasteful spending on the special interests, the pharmaceutical companies, the big oil companies, we're saying let's return some of that money in investments on clean air and clean water.

Mr. DICKS. And I would just add, if the gentlemen are so confident of their position, why don't we just have a vote on this and move along and get the committee's work done.

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

Mr. PRICE of Georgia. I appreciate the attempt at defending the remarkable increased spending on the part of the majority party. To describe this amendment as a devastating cut is curious. Only in Washington is a decrease in the increase a cut.

It's important that the American people appreciate that the proposal of the majority party is to spend in this bill $27.6 billion. This amendment, if enacted would provide for the spending of $27.4 billion, hardly, Mr. Chairman, a devastating cut.

I would also ask my good friend from Washington to simply read the amendment. It talks about an across-the-board cut. The amendment states that ''appropriations made by this Act are hereby reduced in the amount of $276 million.'' That's not an across-the-board cut. That's a 1 percent reduction in the total allocation in this bill. So it is disingenuous of my good friend to make those kinds of comments.

I would also say that he says that we need to move quickly. I would say, Mr. Chairman, that any time we spend defending the American taxpayer is time well spent.

And then they talk about priorities. Mr. Chairman, the correct priority we have is defending the American taxpayer.

I am pleased to yield 1 minute to my good friend from Colorado (Mr. LAMBORN).

Mr. LAMBORN. I thank the distinguished gentleman from Georgia for yielding 1 minute.

The distinguished colleague who just spoke from New York made a good point about the deficit being too large. I agree with him 100 percent on that. But now is the chance to step up to the plate. Now is the chance we can do something about adding to the deficit.

The bill in front of us goes $1.9 billion more than what the President has requested and $1.2 billion more than last year's amount. So we have a chance now to do something about building up the deficit. So if we're sincere about being concerned about it, now is the chance to actually do something.

A 1 percent cut allows the committee to do the work of prioritizing and making sure that the money goes to the most critical programs and has the chance to reprioritize and take away some of the fat. And I would suggest that we do not need for the National Endowment of the Arts an increase of $35 million, or 29 percent; 29 percent more than last year. We have a lot of room to cut this bill.

Mr. PRICE of Georgia. Mr. Chairman, may I inquire as to the time remaining on each side.

The Acting CHAIRMAN. The gentleman has 9 minutes remaining and

the gentleman from Washington has 15 minutes remaining.

Mr. PRICE of Georgia. Mr. Chairman, I am pleased to yield 2 minutes to my good friend and colleague from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I thank my colleague for yielding.

I was listening to my good friend and colleague from New York who just spoke about the debt that we built up under the Republican leadership; I think he mentioned the number $3 trillion. And I don't think that's admirable on our part.

I want to say that I think most Members know that I'm a big fan of country music and one of my favorite singers is Randy Travis, and one of my favorite songs is ''Diggin Up Bones.'' The American people don't want us to be digging up bones and saying, well, you did this, or he hit me back first. I think what our colleagues on the other side of the aisle need to remember, the fact that we are now in the minority is not so much about the miscreant action of a couple of Members on our side who violated the public trust or the difficult slog in Iraq. That slog has been difficult. But more importantly, it's this debt that has been built up, this fiscal irresponsibility.

This Republican Study Committee, the majority of the minority, and I'm proud of my Members on this side of the aisle that said enough is enough, the American people want us to stop spending their money.

I support this amendment, a 1 percent cut across the board. It's not specifically so much about this particular appropriations bill, but it's about all of them. We have got to stop this nonsense spending once and for all. This is the time to draw the line in the sand, just like our colleague from Colorado, the esteemed Representative Mr. Hefley, did every year, 1 percent across-the-board cut. I'm embarrassed that I didn't vote for all those amendments, but I strongly support my colleague from Georgia in this amendment.

And as my other colleague from Georgia said, to spend just $1 billion, you could spend $1 a second for the next 31 years to get to this expenditure of $1 billion.

Support the amendment.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts, a member of the subcommittee (Mr. OLVER).

Mr. OLVER. I thank the gentleman from the subcommittee for yielding me the time.

I'm interested by the amendment. Now, as the gentleman from Georgia has explained it, I, of course, had thought that without instruction the amendment would end up being an across-the-board amendment. But what in fact has happened here is that the gentleman's amendment, without instruction, allows the executive to decide exactly where those $276 million would be cut.

Now, I would consider that a total abrogation of our responsibility for budgeting in article I of the Constitution, where we have taken an oath of office to the Constitution, and where our responsibility is to define where the budgeting for the country will go.

So I think that's, in fact, a far worse thing than it would be if it were a strictly across-the-board kind of budget, senseless as though that would be.

I often find it necessary to be a little bit repetitious. I just want to go back to something that I had pointed out, and that is, that at the end of the Carter administration, when President Carter left office in January of 1981, the debt of this country was $1 trillion. Twelve years later, after 8 years of President Reagan and four of President Bush, father, the debt of the country was $4.3 trillion, more than four times as large in 12 years, but $3.3 trillion increase. In 8 years of President Clinton, the debt was increased by an additional $1.2 trillion to $5.5 trillion.

□ 1300

After now 6 years of Bush, the son, as President, the debt, at present, is at $8.8 trillion, an additional $3½ trillion in just 6 years

Now, I don't know, the gentlemen and women on the other side of the aisle were in the majority through all of those 6 years in this House of Representatives which starts all the budgets. They can't claim that they were out to lunch at all because, in fact, they were here voting for those budgets that increased the debt by $3½ trillion over the last 6 years. So if there is fiscal responsibility, it certainly cannot be claimed either then or now for what is now the minority in this House of Representatives.

Mr. PRICE of Georgia. Mr. Chairman, I am pleased to yield 3 minutes to my good friend, the gentleman from Texas (Mr. HENSARLING), the Chair of the Republican Study Committee and the champion of fiscal responsibility.

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding and I thank him for his leadership in the Republican Study Committee and his leadership for fiscal sanity in this country.

Mr. Chairman, I regret that the chairman of the full Appropriations Committee is no longer on the floor. I have listened to his comments carefully. He alluded to some of the debate being part fiction. Well, I must admit, when I have my Democrat colleagues come to the floor and lecture on the subject of fiscal responsibility, I do feel like we are in the midst of a chapter in ''Alice in Wonderland.'' We hear our friends from this side of the aisle lecture us, well, it was you Republicans who voted for these budgets that increased spending.

Well, Mr. Chairman, again, you are entitled to your own opinions. You are not entitled to your own facts. Look at the record. Every time that the Republicans offered a budget that spent more money, Democrats offered a budget that spent even more. It spent even more. Look at the record. You have Democrats come to the floor, Mr. Chairman, and say, well, the Republicans are responsible for this very expensive prescription drug benefit program.

Well, they are right. But guess what? Their program cost even more. It cost even more. Then they say, well, under your watch, the national debt went up by $3 trillion. Well, the unfunded obligations, the debt that will be imposed on our children and grandchildren for their refusal to do anything about out-of-control entitlement spending, is $50 trillion. $50 trillion.

So, Mr. Chairman, I would be more than happy to take responsibility for $3 trillion when my friends from the other side of the aisle will take responsibility for the $50 trillion. They had nothing, absolutely nothing, stone-cold silence on entitlement spending in their budget, something that the Comptroller General says we are on the verge of being the first generation of American history to leave the next generation with a lower standard of living. When will the madness stop?

Then I hear about these devastating cuts. How about the devastating cuts to the American family when their largest tax increase in American history is imposed? How about those devastating cuts? Then we hear about this meat-cleaver approach of an across-the-board cut. Well, my friends from the other side of the aisle didn't have any problem with a meat-cleaver cut of the American family budget of $3,000 per American family. How about that meat-cleaver cut?

What I am essentially hearing here, and I know much good work has been done on this bill, but I am hearing ''NIMBY.'' Sure, maybe there is a big entitlement crisis here, but ''not in my backyard.'' It needs to begin today.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, first of all, I think people should understand that the views that are being enunciated here are not the views of the bipartisan appropriations subcommittee that I serve on. Mr. TIAHRT and Mr. DICKS have worked very hard to produce a bill that I think is an excellent product. It really answers the question these gentlemen have raised earlier: What is this bill about? Because what they are talking about cutting, folks, is cutting to the heart of what the American people love.

Let's talk a little bit about that. They want to talk about 1 percent, 4 percent and all of that. But they don't want to talk about what they are really cutting.

Now, the National Wildlife Refuges, the American people love. This administration is talking about closing down 200 National Wildlife Refuges because we don't have any personnel in them. So you want to continue that. The speakers here today want to continue

those cuts and close down National Wildlife Refuges.

If you ask the American people, do they love their American parks and do they want rangers to be there to service them? The American people are going to say, yes, of course, they do. Well, these gentlemen want to cut them. That is what is going on here. They want to cut the parks and cut park personnel. There is a huge backlog in the parks. They don't want to do anything about it. They want to cut further.

The other part of this bill which is very, very important, is we are always hearing about local communities needing water and sewer. Your side always talks about mandates. Well, this bill is about giving local communities water and sewer grants through the EPA so that they can clean up so that cities don't have to be polluters.

So, we ought to get a little question in reality here when it comes to the fringe element that is coming out here, not the bipartisan subcommittee that put this together.

Mr. PRICE of Georgia. Mr. Chairman, may I inquire as to the time available on each side?

The Acting CHAIRMAN. The gentleman from Georgia has 4 minutes remaining and the gentleman from Massachusetts has 10 minutes remaining.

Mr. PRICE of Georgia. Mr. Chairman, given the discrepancy in the times, to equalize the time, I will reserve my time.

Mr. OLVER. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I just want to reiterate a couple of points, because we seem to be having this debate every week. It seems to be on the same issues we have always been talking about. But I find it not necessarily enjoyable, but an obligation, to get up and communicate to the American taxpayer and the citizens of this country that over the last 6 years, the Republican House, Republican Senate, Republican White House, borrowed $3 trillion. They asked the Treasury Department to raise the debt limit five or six times to allow them to go out and borrow more money.

You borrowed it from China. You borrowed it from Japan. You borrowed it from OPEC countries. On and on and on and on. All of a sudden, 5 or 6 months into this year, before we have even passed a budget, you are lecturing us on fiscal responsibility.

I want the taxpayers, Mr. Chairman, to keep their forms from this year and compare them to their tax forms next year. They will see absolutely no increase in their taxes whatsoever. None. Zero. So, there is not a tax increase in this 2008 budget.

Now, let's talk about what you are proposing to cut with this amendment.

Superfund sites. Okay, you want to cut the Superfund site program that is going to clean up the most toxic sites. In many of the old industrial areas like mine, the gentleman knows very well, they were polluted in the 1930s, 1940s, and 1950s. We can't develop the local economy because where we have water lines and where we have sewer lines, they are contaminated.

Quite frankly, the city of Youngstown and the city of Warren do not have millions of dollars to put into this because their tax base has eroded. If you want us to contribute to the tax base like we did in the 1930s, 1940s and 1950s when, quite frankly, a lot of that money that was taken out of Youngstown, Ohio, was used to develop the West and to develop new water lines and sewer lines in the South in many of your districts, all we are asking is for a little bit of help.

□ 1315

Help us clean up the brownfield sites.

How about your cutting the methamphetamine prevention and treatment program? I am sure you can't wait to get back to your districts and tell that to your constituents. How about those of you in the West fighting wildfires? You are going to cut that program.

Mr. Chairman, many will say there are not any cuts in this bill. There are cuts in this bill: $193 million cut from construction account, it eliminates $31 million for landowner incentives; $39 million cut for the EPA Mexican border program; $24 million cut from the EPA Alaska Village setaside; $24 million cut from the Indiana land consolidation. There are cuts in here. We are not raising taxes. We are making investments into our community.

Just because, Mr. Chairman, the minority party raised the debt $3 trillion, just because the minority party is ashamed, quite frankly, of their behavior over the past 6 years doesn't mean that they can displace all of their shamefulness on the new Democratic majority. I wouldn't want to admit that I borrowed $3 trillion from Japan and China either. I would run from it as fast as I could. But that doesn't change the facts.

So I think we should vote down this amendment. There are great investments for local communities all over the country in this bill, and I think we should keep it.

Mr. PRICE of Georgia. Mr. Chairman, I am pleased to yield 2 minutes to my good friend, the gentleman from Arizona (Mr. FLAKE), a champion for fiscal responsibility and fiscal reform in Washington.

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think this is a real test here. We all campaign every 2 years, and we put out campaign literature. We go speak at town halls and other events. And I would venture to guess that not one person in this body said, Reelect me because we need to spend more on Interior appropriations. We need to spend more. We need to spend 4 percent more than we did last year. I am going to go back to Washington and spend $1.2 billion more than we did last year.

I venture that nobody said that. Virtually everybody said we need to rein in spending. We need to promote fiscal responsibility.

I am the first to concede we didn't do a good job of it over here. For the past several years we have grown government far too big. That is part of the reason we are now in the minority. But the majority comes now and says, don't lecture us, we are going to increase that spending.

This bill spends $1.2 billion more than last year. Last year spent too much. This year spends too much too much again.

So, please, we know we did wrong. That is why we are in the minority. But when you are in the majority now, let's exercise some fiscal discipline. There are plenty of areas that can receive cuts. We have outlined several of them over the past several hours with amendments.

Museum funding, part of the reason the gentleman from New Mexico mentioned that we have a backlog at the National Parks, he is right. But yet in the authorizing committee, we have created several more National Heritage Areas and earmarked a lot more money for them. There are earmarks in this bill for National Heritage Areas. That is money that will come out of the National Parks budget. They will tell you if you spend money here on this new area, this National Heritage Area, you can't spend money maintaining the parks that we already have. Many of us have fought to stop that. We have said don't keep creating these National Heritage Areas. Yet with the new majority, we are creating them at a faster rate than we ever have.

I would say, let's promote fiscal discipline. Let's pass this amendment.

Mr. OLVER. Mr. Chairman, I would just like to speak to the gentleman who has just spoken. I commend the gentleman who has just spoken. I think he has taken a very responsible, very serious approach to budgeting over the last several sessions, and I appreciate that sort of thing very much.

But I would say that here we are in this instance with an amendment that takes an approach not quite across-the-board, but gives the total responsibility off to the President of the United States to decide where to make any cuts he wishes to make, which, I repeat, is an abrogation of our responsibility under the Constitution that we take an oath to.

I would say that also this is a bad approach because after 40 amendments, each of which has been defeated, and 40 amendments which have had so little merit to them that they have been defeated, many of them by roll call votes, by roll call votes, and the sum total of all those amendments was considerably more than the $276 million, to now throw up your hands and try to do it in

a different way, in that kind of a meat-ax approach, to use those words, is not a good thing to do. It is not an appropriate budgeting thing to do.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I also want to commend my friend, not only for his athletic ability and his talents on the basketball court, but also for his focus and discipline in regards to this issue.

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I would just say, I have three amendments that have not been voted on yet, so I invite the gentleman to support them.

Mr. RYAN of Ohio. Mr. Chairman, reclaiming my time, in the city of Akron, which I represent a part of, their obligation for the EPA is $400 million in the city of Akron. Our friends on the other side are saying that there is no role for the Federal Government to play.

You have communities like Akron, you have communities like Youngstown that have lost significant industry over the past 20 or 30 years; and if we want to bring industry back, if we want to grow industry, we can't have brownfields all over our cities.

This is an investment. This is going to clean the site up. This is an opportunity for us to redevelop sites in our communities.

Now, 30 years ago when the steel mills were pumping, when the rubber industry was pumping, a lot of our tax dollars were going to many of your communities to help lay down roads, build the interstate, rail lines, water infrastructure, all of these things. What this bill does is it tries to reinvest back into some of these communities. We want to be self-sufficient, but we don't have the local tax base. There is a role here for the Federal Government.

Mr. Chairman, I ask my friends, why would you want to prevent us from cleaning up brownfield sites in the old industrial areas? We don't need it forever. We just need to clean them up, and then we will have a tax base there and have more taxpayers to pay taxes and keep the tax rates low for everybody, because we will have more. But if we can't develop these sites, it becomes very, very difficult for us to grow our local economy.

We need the Federal Government to make these investments, and that is exactly what this bill does.

Mr. PRICE of Georgia. Mr. Chairman, how much time remains on each side, if I may?

The Acting CHAIRMAN. The gentleman from Georgia has 2 minutes remaining and the gentleman from Massachusetts has 3 minutes remaining.

Mr. PRICE of Georgia. I thank the Chair.

I just would point out to my good friend from Ohio that no specific programs are identified in this decrease in the increase. So to identify specific programs is a spurious argument, truly.

I would also say that this points out fundamentally the difference between the two parties. We believe fundamentally that individuals spend their money more wisely than the government. It is clear that the majority party does not believe that. They believe that they spend the taxpayer money much more wisely. We just think that is a fundamental difference.

Mr. Chairman, I am pleased to yield the balance of my time to my good friend, the gentleman from New Jersey (Mr. GARRETT), on this appropriate amendment of fiscal responsibility.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 1½ minutes.

Mr. GARRETT of New Jersey. Mr. Chairman, I just walked in a moment ago. I was on the streets of Washington, D.C. where the heat is truly on this Nation's Capital in the high nineties and the humidity is also in the high nineties, and here we come to the inside of Chambers, where the heat is being put on, on the American taxpayer and the American family; but this time it is being placed on them by the Democrats and majority party.

Six months into control by the Democrats, and what have they wrought for this Nation? The largest tax increase in U.S. history; an attempt to change the rules on the American public going back to 1820; and last week, of course, we saw as well the idea by the Democrats that they should have some sort of slush fund where your tax dollars go unequated for.

When you look at the basic math I was trying to do here, look at the equation, what they give us is this: a tax increase plus a spending increase leads to an answer of an increased burden on the American taxpayer.

I have had the opportunity now to serve on the Budget Committee for 4 years; and during that time the Democrats, when they were in the minority, railed against us time after time saying we were spending too much. I thought that railing would stop once they were in the majority and they had the opportunity to go in the other direction. But as we have seen here, the railing has not stopped. They continue to point to the past about increased spending, but they then at the same token, out of their same mouths, what do they do? They increase spending on the American public again.

If the problem in the past was that the U.S. Government was spending too much, you would think that the simple solution to that, the simple answer to that math equation, would be spend less. But this budget does not do that. This spending bill does not do that. That is why I support the gentleman from Georgia's amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Washington resumes control of the time.

There was no objection.

Mr. DICKS. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Chairman, I just want to respond to the gentleman from Georgia who said the individual taxpayers can spend their money better than government. The taxpayers in my district can't clean a brownfield, go out with 50 bucks and clean a brownfield. This is something we need to do collectively as a community and as a country, to clean that up. Individuals can't do that.

Individuals couldn't build the interstate highways and the railroads and the Panama Canal and all the great infrastructure projects that we have had. We need help to do this in some communities so we can be self-sufficient, and individuals can't do that.

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

Mr. Chairman, again I want to say to my colleagues, the reason we have to make this increase in the Interior appropriations budget is because over the last 6 or 7 years the budgets for these agencies have been reduced dramatically. The Interior Department has been cut by 16 percent. We have lost rangers at every national park in the Nation. The summer workers have been cut back. The services there are not as good as they used to be.

This was a crisis. The National Parks Conservation Association had a pamphlet, ''The Endangered Ranger.'' Here it was, our national parks, our national treasure, in decline.

I am no extremist. I am a moderate in this House, and I always have been. But this was a true crisis. And what we had to do was stop this decline, this downward trend of our national wildlife refuges, our national parks, and we put a little extra money in to get it turned up, so we could hire a few more people, so we could cover the fixed costs of the rangers and the people running these wildlife refuges.

That is why we had to do this. It was a crisis. And it is going to take us a number of years to get back. We only increased this budget by 4.3 percent. With a 16-percent cut, it would take 4 years to get back to where we were in 2001. With EPA, it would take about 7 years to get back to where we were. And with a 35-percent cut in the Forest Service, it would take about 8 years to get back. So we have a long ways to go, and I don't want to have any downward direction here.

I do say to the gentleman from Georgia that he is right, the 1 percent could be taken anywhere, and that might mean that all of the projects of interest to the Members would be eliminated by the administration. Now, I hope they wouldn't do that. I hope they wouldn't fall into that trap. But that is one possibility.

So, again, I resent the gentleman from Georgia even suggesting that we aren't over here fighting against your amendments. We just looked at the

RECORD last night and how the votes went, and we thought maybe some of the Members would like to get home on Thursday.

Mr. Chairman, I yield back the balance of my time, and I can guarantee I think that this amendment will be treated properly by the membership.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

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

Mr. PRICE of Georgia. 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 Georgia will be postponed.

AMENDMENT NO. 27 OFFERED BY MRS. MUSGRAVE

Mrs. MUSGRAVE. 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. 27 offered by Mrs. MUSGRAVE:

Page 110, after line 18, insert the following new section:

SEC. 417. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 0.5 percent.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, the gentlewoman from Colorado (Mrs. MUSGRAVE) and the gentleman from Washington (Mr. DICKS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Colorado.

Mrs. MUSGRAVE. Mr. Chairman, my amendment would reduce the overall funding of this bill by .5 percent, one-half of 1 percent. We already know that the increased funding in this bill over the last year's appropriations is an additional $1.2 billion, 4.5 percent. So my amendment would take a 4.5 percent increase to a 4 percent increase. That is not a cut. If you look up the word ''cut'' in the dictionary, this is still an increase in spending of 4 percent.

We have a national debt that is at an all-time high, $8.8 trillion. I walk around in the Longworth House Office Building where my office is and I see these charts on easels out in front of Members' offices and they are decrying the national debt. I look at my children and my grandchildren and I am very concerned about this $8.8 trillion. I think we are leaving a terrible legacy to our children and our grandchildren. I hear my friends on the other side of the aisle, and I want to say that you are right when you decry the spending levels that the Republicans reached while we were in the majority.

But I want to take it back to a time when I was a teacher, and someone in the class would do something and you would try to correct this student and they would say, But he is doing it too. And you would say, It is still wrong. You are doing it. You stop it. And then you deal with this person over here.

Republicans spent too much. Democrats want to spend even more, Mr. Chairman. But as we are standing here today debating these amendments, and some people think we need to hurry up and go home, I think the American people need to hear this debate.

I heard the distinguished chairman talking about a meat-ax approach that a Republican chairman had alluded to before years ago. I would say that the Musgrave amendment is just a shave, Mr. Chairman. It is a shave that won't even give you a rash. It is 50 cents on $100. That is very appropriate.

When we look at this bill, we hear things that are very worthy of taxpayer spending in this bill. But we also hear other things.

This bill contains $204 million for land acquisition. If you take a map of the United States, Mr. Chairman, and you look and see how much land the government already owns west of the Mississippi, if you look at that map, it is staggering. I am very concerned about how the Federal Government already owns too much land.

Again, in this bill there is $204 million for land acquisition. I have friends in the Western Caucus, and I am a member of it, and we talk about what happens to communities when this property is owned by the Federal Government, what happens to the revenue stream.

This bill also has something else that is especially egregious to me, $160 million in funding for the National Endowment for the Arts, a 29 percent increase over the amount that was appropriated last year. I love the arts and I know that these things are noble. But, do you know what? When I talk to a family in Sterling, Colorado, a farming community out there in northeastern Colorado, I would have a very hard time convincing them that they need to be taxed at a higher rate, to send their hard-earned dollars to Washington, D.C. so that money can be handed out for theater productions in Sitka, Alaska. I don't think the family in Sterling, Colorado, would get that.

□ 1330

So I think when we talk about the good things in this bill, we also have to look at these egregious things and talk about choices we should make.

So again, I want to trim this. I want to give this a shave of one-half of 1 percent, which, by the way, in dollar amounts, ends up being $138 million, just a shave off of this bill, to exercise discipline in our spending just like the families back home have to do to meet their budgets.

Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Chairman, I thank the gentlewoman for yielding.

I just want to say a couple of things. I know, Mr. Chairman, people watching this on TV probably think they are in the Twilight Zone or caught up in the middle of Alice in Wonderland because you don't know which side to believe.

The chairman of the subcommittee said people couldn't sleep or wouldn't be able to sleep worrying about these cuts. Nobody in Grantville, Georgia, will be staying up worrying about the government cutting its own size.

We are talking about saving time. We have been debating for about 14 hours $28 billion. I don't know about anybody on the other side of the aisle, but I know that when me and my family sit down and discuss a budget, it took a lot longer for us to discuss our little pittance of a budget than 14 hours to discuss $27 billion.

The other thing, we are hearing all of this whining about we borrowed $3 trillion in the last 6 years. We ran up the deficit. And then we hear about we cut the budget $16 billion. Now listen, where I come from, you can't have your cake and eat it, too. We were either wrong in borrowing the money, or we were wrong in not spending the money, but you can't be wrong in both of them. Somebody has to make up their mind.

We talked the other night that you can fool some of the people some of the time, but you can't fool all of the people all of the time.

I would like to say that I think the majority is running out of time, because pretty soon, the gig is going to be up. We tried pinpointing, Mr. HENSARLING, Mr. FLAKE, we tried pinpointing, doing some accurate bombing or cutting on this bill; but that didn't work.

Now it's being talked about using the meat-cleaver approach. When I get those 250 programs that have been cut and the $6 billion that has been saved, and the list of the $80 billion that we are spending more, could you send me maybe a method to do some cutting? Because if we can't pinpoint, we can't use a scalpel, and we can't use a meat cleaver, how can we do it? I think that is what the taxpayers want to know. Who is going to stand up for them?

We call each other ''my good friend'' and ''my good buddy'' and ''my colleague'' and this and that. What we need to be doing is being a good friend to the taxpayer. We are not being a good friend to the taxpayer.

We talk about national parks being closed down, and yet we spend another $7 million expanding the Carl Sandburg property.

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

This amendment would cut a total of $138 million from environmental conservation and Native American programs. It makes no choice based on need or merit of the program, but it cuts 0.5 percent in this bill. This is not merely an accounting change on a table. Cutting $138 million from the bill will have very serious consequences.

All of us have been listening on television about the big wild fire at Lake Tahoe. This bill would reduce overall funding for firefighting by $14 million at a time when we are facing what is potentially one of the worst fire seasons in history. It cuts 125 firefighters, shuts down firefighter stations, and significantly reduces air tanker support. It would decimate preparedness efforts by failing to provide critical support for initial attacks, and could allow as many as 80 more wildfires to escalate. This would lead to larger, more damaging and much more expensive fires, costing in excess of $20 million to extinguish.

This amendment halts hazardous fuel reduction projects without which there is little hope for reducing long-term fire costs and harmful impacts.

In our national parks, it cuts overall National Park Service funding by $13 million, includes a $6 million reduction below the President's request for the basic operational cost of the 391 units of the national park system.

It drastically impacts the President's proposal to hire 3,000 seasonal and 600 full-time park ranger positions.

For Native American programs, it rejects $29 million for programs that have received bipartisan support. By cutting $16 million out of Indian health care programs, this proposal would deny service to thousands of Native Americans.

It takes 4 percent out of the already struggling Indian education programs leaving even more Indian children without adequate education programs.

For the Environmental Protection Agency, it reduces a total of $40 million for EPA. Funding for efforts to help local communities with repairs to their aging water and wastewater infrastructure, would be reduced by almost $10 million from fiscal year 2007 enacted levels. This would mean that many communities would not receive the financial assistance they need to repair and improve water and sewer infrastructure.

Despite the fact that 76 million Americans live within 4 miles of a toxic waste site, the amendment cuts almost $8 million from programs to clean up the Nation's most toxic and hazardous waste sites. It reduces the amount for restoration and protection of America's great water bodies, including the Chesapeake Bay, Great Lakes, Puget Sound, and others. It would especially jeopardize the cleanup of toxic sediments in the lakes, and community efforts across this Nation to protect 28 estuaries.

For the U.S. Fish and Wildlife Service the cuts here would be $7 million for an agency which has already lost 600 staff positions since 2004. And means that many of our wildlife refuges today have no staff whatsoever because of the devastating cuts that have been imposed over the last 7 years.

It would perpetuate staffing shortfall trends and reduce public service by taking funding out of the National Wildlife Refuge System.

Forest Service. This amendment reduces funding for the non-fire portion of the Forest Service by $13 million. Forces up to 100 employee layoffs and closures of more than 10 campgrounds while reducing fire improvement activities on several thousand acres.

It diminishes cooperative land conservation and forestry actions which serve thousands of nonindustrial private forest landowners.

It freezes research efforts and compels the closure of at least four labs.

So these are, I think, very substantial and important reductions that would adversely affect this bill. I have a great regard for the gentlelady. As much as I enjoy and appreciate her, I can't accept this amendment. I want her to know it is nothing personal, it is just that we have to do the job.

We are in a recovery mode here. That is what I tried to explain. The gentleman who talked about the $16 billion, it wasn't $16 billion, it was a 16 percent reduction in the funding for the Department of the Interior. This has had a devastating impact. We also had a 29 percent reduction in EPA and a 35 percent reduction in the Forest Service budget. All of these budgets have been hit hard. Only the Department of Labor has been hit worse.

What we are trying to do is stop this downward trend in the personnel in these agencies. The Park Service budget, 80 to 90 percent of the budget are for people. That is why we are so concerned about this. Without the people, the American people when they go to the parks are not going to have the kind of experience that they should have. That's why we have tried to stop this.

The Secretary of the Interior, he got it. I told him, I said you cannot succeed, Mr. Secretary, unless you get 100 percent of fixed costs covered in your budget for the Park Service, for the Fish and Wildlife Service, for the Bureau of Land Management, the Mineral Management Agency, and he did that. But we have to recover over a period of time.

Unfortunately, to make further reductions will take us longer before we can restore the services at our national parks, and restore service at our national wildlife refuges. This is a very well put-together bill. I just regret that these cuts are being offered. I think this bill should be accepted as it is. We have to go to conference, obviously we know that. So I rise in very strong opposition to this amendment.

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

Mrs. MUSGRAVE. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN of Ohio. Mr. Chairman, I thank the gentlelady for yielding me this time, and for bringing this fine amendment forward and for her work on fiscal responsibility in her time here in the United States Congress.

I want to make a couple of quick points here. First, the list that the chairman just went through, he kept using the term ''cut.'' Let's be clear to the American people in particular that the gentlelady's amendment is not a cut, it is an increase of 4 percent. What the gentleman was referring to was the spending levels at 4.5 percent which the bill contains within it. All she is saying is let's increase 4 percent instead of 4.5 percent. Again, only in government-speak, only in Washington can that be termed a cut. She is not cutting at all. She is just saying let's not increase it quite as much.

A couple of other things we have heard in the course of the debate this afternoon which I think has been healthy. The chairman indicated that he wants to move on, we need to limit debate and get out of here. Look, 40 minutes on three amendments, 2 hours total on debate, on the most fundamental question, the most fundamental issue the United States Congress deals with: How we spend the taxpayers' money. So 2 hours debate on what level that should be is not too much debate. Frankly, we should have more on this fundamental question.

The other point that the majority party makes is, and again, I find this logic fascinating. Republicans spent too much, so we are going to spend even more. It is amazing that is the logic that the other size entails and brings forward in each of these appropriations bills.

Talking about the spending contained within this bill, let me just cite a couple of things.

The Commission on Climate Change, a brand new commission, $50 million on the Commission on Climate Change, adaptation and mitigation, a new, additional study on global warming, as if we haven't had enough studies on that already. So $50 million on that.

The National Park Service, $199 million increase, 10.8 percent above last year.

National Endowment for the Humanities, $19 million increase, 13 percent above last year.

Environmental Protection Agency, the Agency that the gentleman said that if it didn't get the right amount of funding, people would lose sleep over, $361 million, or a 4.7 percent increase above last year.

And of course, my favorite, and I am sure the favorite of the American taxpayer, National Endowment for the Arts, a $35 million increase, 29 percent above last year.

There is all kinds of additional government contained in this legislation. I am reminded of the old statement by our third President, Thomas Jefferson. He said: ''When government fears the people, there is liberty. When people fear the government, there is tyranny.'' Now keep that statement in mind and ask yourself the question: If next week when we are back home on break and you are at some friend's business and someone walks up to the

door and knocks on the door and the individual identifies himself, I'm Mr. Smith and I am from the EPA, the Agency that gets a 4.7-percent increase in this bill. If you are that individual who owns that business, is your first response, oh, joy, one of my government's servants is about here to help me today.

That is what this debate is about, and 2 hours debate on the most fundamental question that the United States Congress deals with, how we spend taxpayer dollars, is not too much debate.

We should debate this long and hard and we should support the amendment of the gentlewoman from Colorado. It simply slows down the rate of government growth, slows down that government that Jefferson warned us about in his statement. I certainly support the gentlelady's amendment, and thank her for bringing it forward.

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

□ 1345

Mrs. MUSGRAVE. Mr. Chairman, I would like to give my friend from New Jersey (Mr. GARRETT) 2 minutes.

Mr. GARRETT of New Jersey. Mr. Chairman, as a Member of Congress who supports the protection of our national parks and as an individual from the very crowded State of New Jersey who is seeking to make sure that we preserve the open space of this country as best we can, I rise in support of the gentlelady from Colorado's amendment which would increase spending on these worthwhile causes by 4 percent.

You know, the American public who watches this debate right now might wonder sometimes, do we have a schizophrenic state of mind by the majority party in control today? Out of their mouths come one thing now and something else later on. What is white is black, what is day is night. One moment we are railing against and saying spending, spending, spending is the problem and it's been the problem of the Republican Party for years and years and it still is their problem. Just a moment later, we hear that spending is not the problem from the other side. The problem all these years has been cuts, cuts, cuts. The problem that we have now is that we've been cutting too much in the past. Which is it?

The American public must do as I do sometimes when they hear the debate from the other side of the aisle and scratch their head. Which are the facts that they want to go by today? Is it the problem that we've been spending too much, as the other side of the aisle says? Or is the problem, as the gentleman just recently said, that we were cutting too much?

I would argue that the problem has been that we've been spending too much of the taxpayers' dollars in an unaccountable manner. And the budget that has come before us would give the American taxpayer the largest tax increase in U.S. history.

The amendment from the gentlelady from Colorado would try to do things on an even and moderate manner. It would still increase spending by 4 percent so that all the worthwhile programs in the bill that's before us would be able to be continued to be fully funded at the necessary levels. But at the same time, the gentlelady from Colorado takes in mind the efforts of the American taxpayers to make sure that we will not have the largest tax increase in American history on that family.

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

Mrs. MUSGRAVE. Mr. Chairman, I would ask the committee chairman if he has any more speakers.

Mr. DICKS. I may have one more speaker. I think I have the right to close, don't I?

The Acting CHAIRMAN (Mr. MCGOVERN). The gentleman from Washington has the right to close.

Mrs. MUSGRAVE. Mr. Chairman, may I inquire as to how much time is remaining for both sides.

The Acting CHAIRMAN. The gentlewoman has 6½ minutes remaining and the gentleman from Washington has 13 minutes remaining.

Mrs. MUSGRAVE. Mr. Chairman, I would like to yield 3½ minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank the gentlelady from Colorado.

You know, we have heard a lot today from the majority party whenever we talk about this amendment, this bill, this spending, they want to bring up last year's bills, last year's spending. We acknowledge, last year's spending was too much. Last year's bills were too much. That's not what we're talking about. It's like the baseball team wanting to play last year's season again. Look what we did last year. Look what happened last year. No, we're in the middle of this year. We're in the middle of this season. It doesn't matter who won the World Series last year. It matters who's in first place this year. What matters is this year. How much are we going to spend this year? That's what we're voting on. How much are we going to increase the deficit this year? How much further are we going to raid the Social Security surplus this year? That's the question before us. And we think we ought to have the deficit increase a little less and that we should raid the Social Security surplus a little less and that we shouldn't set up a situation where you're going to raise taxes on all of the American people.

The previous amendment, I showed a couple of charts. The previous amendment was to reduce spending by 1 percent. I tried to point out to the majority that it's like this. Here are 100 donkeys, something they can understand. If we reduce that by 1 percent, we have 99 donkeys. Not that big a difference in donkeys. And so we proposed an amendment last time, which the majority party defeated on voice vote, will undoubtedly defeat later, that said, let's just get by on 99 donkeys, money, instead of 100 donkeys, money. Well, they said they couldn't do it.

So the gentlelady from Colorado offers an alternative, which is get by on 99½ donkeys. If I had a half donkey, I would stick it up there. You can pick whichever end of the donkey you want, but put another half a donkey on that chart. And so we're saying rather than 100 donkeys, get by with 99½. It's just saying if you have a million-dollar program, we said, well, get by on 999,000. They're saying, no. Okay. How about $999,500? If you have a $100 million program, we're saying can you get by on $99 million. They said, no. We're saying, okay, how about $99½ million.

That's what this argument is about. Just asking for a half a percent, each government agency, each government program to deal with a half a percent less. People at home make these kinds of decisions with way bigger percentages than that all the time, Mr. Chairman. And if we do it, if we reduce it by 1 percent, we would save $30 billion if we did every program every year. If it's a half a percent, it's still $15 billion. That is real money, Mr. Chairman. Real money no matter how you cut it. And that is the way we can balance this budget without raising taxes.

There, Mr. Chairman, is the big difference between the majority Democratic Party and the Republican Party. We're saying, get by on 99 donkeys or 99½ donkeys instead of 100. Tell government bureaucrats that we can balance this budget without raising taxes. They, however, want to give the bureaucrats 100 donkeys of spending every time and raise taxes on the American people to make up the difference. That's what we're talking about here. That's the difference in this debate. That's the difference between these parties.

Mr. Chairman, I would urge all Members to vote to make government bureaucrats deal with a tiny bit less and let people save and keep their own money.

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

Mr. TIAHRT. Mr. Chairman, how much time is left?

The Acting CHAIRMAN. The gentlewoman from Colorado has 3 minutes remaining and the gentleman from Washington State has 13 minutes remaining.

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

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

Mr. TIAHRT. I yield to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding.

I come in support of my friend from Colorado's amendment that would reduce this by one-half of 1 percent below the spending levels of last year.

Over the last 6 months, the new majority has passed or paved the way for $103.5 billion of increased spending. I

guess actually, to be technically correct, it's $103.4 billion. While $0.1 billion may not matter here, it sure matters in America. $103.4 billion in new spending.

We have already enacted over a $6 billion increase in the continuing resolution for this year. We added $17 billion in unrequested funding to spend in the supplemental for this year. And now we're beginning this process of moving toward the additional $80.3 billion added to spending on this year's budget.

$100 billion is a huge amount of money. Today we're considering the Interior and Environment appropriations bill that really makes a good portion of that increase happen right here. This bill increases spending by almost 5 percent over last year's level, $1.2 billion of new spending.

And here, if you look at this spending thermometer, we're halfway up to what may be the taxpayer's boiling point. Somebody has to pay the bill. Somebody has to produce the revenue. Some American family is going to have to have a little less take-home pay because government wanted just a little bit more here, a little bit more there, a little bit more everywhere else.

And all my good friend from Colorado's amendment does is say, let's reduce spending here by one-half of 1 percent. Let's reduce spending by $138 million and still see if we can't do the things that need to be done in this appropriations bill in the right way. If you add this increase to the increases already proposed and passed over the past 2 weeks, we're spending $23.8 billion more than last year.

I rise in strong support of this amendment. I respect both the chairman and the ranking member of the committee and believe that they've done a good job with this bill, but I believe you could do that same job, I think you could do the same job, produce the same results with asking the American taxpayers not to have to carry a burden of 4½ percent new spending in this part of the budget. And so I strongly recommend that we take this, what may seem like a slight reduction here, but when families have to start paying that $138 million in additional taxes, it's a big deal for American families. It should be a big deal for us.

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

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

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

Mr. OBEY. I would like to make a few comments on the remarks of my friend from Missouri. We've just heard an expression of deep concern about the so-called runaway spending in this bill and other appropriation bills. And we've heard deep concern expressed about how this is going to hurt the average taxpayer.

Well, I would like to compare priorities. They've talked about our budget. I would like to talk about theirs, although I must admit that in 3 of the last 6 years, they couldn't even pass one. We passed a budget. In 3 out of the last 6 years, they couldn't even pass their own budget because of internal squabbles between themselves. But I want to talk about the budget that they attempted to pass. The budget that we're operating under was signed by the President, passed by a Republican Congress, and this year will give over $50 billion in tax cuts to people who make over a million bucks a year. That seems to be the top priority of folks on the other side of the aisle, to preserve that high-roller tax cut above all else.

Well, let me tell you what we think should be higher priorities. They've attacked us because of what we did in the continuing resolution last year and they attack us for what we're trying to do in this bill today. I plead fully guilty of trying to add, in fact we did add almost $4 billion of additional funding for veterans health care. I see no sense of shared sacrifice in this country when it comes to the war. Only military families are being asked to pay a price. We decided that we ought to at least see to it that veterans are taken care of when they come home. So we added $4 billion.

Then you bet! We added some more so-called ''runaway spending,'' so that middle-class kids could get more help to go to college by raising the Pell Grants. Now, I've never had anybody in my district say, ''Why don't you guys get your act together and cut cancer research?'' But that's exactly what the Republican-controlled Congress did in the last 2 years. They cut health grants, research grants at the NIH, over 500 grants. So we put $610 million back into that continuing resolution to wipe out those cuts, because we think it's more important to save people's lives from cancer and Parkinson's and heart disease than it is to wear a green eye shade that says ''Mr. Perfect'' on it.

Then we added additional funding for community health care. 1.2 million additional Americans are going to be able to access community health centers and get health care without begging.

□ 1400

I do not apologize for that. Nobody does on this side of the aisle. When it comes to this bill, we make no apology of the fact that we are trying to restore funds which were cut out of this Interior budget for the last 3 years, cut out of the EPA budget, for the clean water revolving fund. There isn't a bigger need in rural America than clean water and decent sewer systems.

I represent all kinds of communities of less than 2,000 people. At least half of the families are headed either by women or people over 65. They do not have the tax-paying capacity on the property tax to meet the standards required of them to clean up their water and their sewer problems. Mr. DICKS has tried to deal with that. We do not apologize for that one iota.

We've got some other priorities too. We're going to try to provide additional funding for energy. We have added, in the three bills that have passed this House so far, and including this bill, we will have added more than $1 billion in an effort to increase and strengthen our energy research so that we aren't the prisoners of gas and oil companies and so that we aren't the prisoners of Middle East oil. We make no apologies for that.

Admittedly, there are some people in this House who know the cost of everything and the value of nothing. I'm looking at a few of them right now.

But the fact is that we recognize that it is important to make long-term investments so that 10 years from now, we can have the kind of country we want it to be, rather than having the kind of country we don't want it to be.

I would suggest I will compare our priorities to yours any time. You can defend those $57 billion in tax cuts for millionaires until the cows come home. I would rather defend increased service at our national parks, increased educational opportunity, increased health care, increased clean water and clean air opportunities. I think the public will take those priorities any time.

Mrs. MUSGRAVE. Mr. Chairman, I yield 1½ minutes to my colleague from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Chairman, I think this has been a healthy debate.

I appreciate my good friend from Colorado for yielding. I want to commend as well my friend from Washington, the subcommittee chairman, for the work that he has done and the ranking member for work that they have done. The subcommittee chairman said that there was nothing personal in his opposition to this amendment, and that's true. There is absolutely nothing personal here in this Chamber.

But this discussion is personal to the American taxpayer, and it's all about priorities. We have offered today a series of amendments. One amendment said we ought to spend exactly what we spent last year, tens of billions of dollars in this area of the government. The majority party declined to accept that amendment.

Then we offered an amendment that said instead of increasing spending by 9.5 percent, we ought to increase spending by 8.5 percent, and they said, no, they weren't interested in that.

So the gentlelady from Colorado says, well, if you can't save $1 out of every $100, how about 50 cents? How about 50 cents out of every $100?

What Congress is spending in this appropriations bill and in every appropriations bill, because of the increase in spending, is money that we don't have. It's money that the Congress doesn't have. This money represents the debt that Congress is burdening on future generations, our children, and our grandchildren. It is simply time, it's time for Washington to stop finding ways to spend more money.

I commend the gentlelady from Colorado for her amendment. I urge my colleagues to support her amendment by decreasing by one half of 1 percent the increase in this appropriations bill.

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

Mrs. MUSGRAVE. Mr. Chairman, as I think about this amendment again, I have heard from the distinguished chairman, and I do applaud his work and the work of the ranking member on this appropriations bill, but I heard, I believe it was Representative Contee talk about a meat-ax approach to reducing spending.

I would just like to say again that this .5 percent is just a gentle shave. We need to look at the trajectory when we look at appropriations bills and see where they are going. We need to ask the American family, are you guaranteed a 4.5 percent increase in your income every year?

I think we need to think of that American family, particularly moms and dads with children that are trying to figure out how long they are going to have to work in the year before they reach tax freedom day. How many days do they have to work before they have earned enough money to pay the government to spend like this with increases every year?

I am hoping we can look out for the American taxpayer, we can look out for hard-working Americans and say we are going to exercise fiscal responsibility, and we are going to start out with a very small step, reducing spending in this Interior appropriations bill by .5 percent.

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

Mr. DICKS. Mr. Chairman, I rise in very strong opposition to the amendment. I urge a ''no'' vote.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE).

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

Mrs. MUSGRAVE. 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 Colorado will be postponed.

AMENDMENT OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Is the gentleman from Pennsylvania the designee for Mr. DOOLITTLE?

Mr. PETERSON of Pennsylvania. Yes.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PETERSON of Pennsylvania:

At the end of the bill (before the short title), add the following new title:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. The amounts otherwise provided in this Act are revised by reducing the amounts under the following headings ''BUREAU OF LAND MANAGEMENT—MANAGEMENT OF LANDS AND RESOURCES'' by $34,341,000, ''BUREAU OF LAND MANAGEMENT—LAND ACQUISITION'' by $17,015,000, ''UNITED STATES FISH AND WILDLIFE SERVICE—LAND ACQUISITION'' by $25,035,000, ''UNITED STATES FISH AND WILDLIFE SERVICE—MULTINATIONAL SPECIES CONSERVATION FUNDS'' by $4,655,000, ''UNITED STATES FISH AND WILDLIFE SERVICE—STATE AND TRIBAL WILDLIFE GRANTS'' by $17,508,000, ''NATIONAL PARK SERVICE—LAND ACQUISITION'' by $76,873,000, ''NATIONAL PARK SERVICE—CENTENNIAL CHALLENGE'' by $22,721,000, ''ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT'' by $37,660,000, ''NATIONAL PARK SERVICE—OFFICE OF INSPECTOR GENERAL'' by $6,328,000, ''FOREST SERVICE—FOREST AND RANGELAND RESEARCH'' by $7,500,000, ''FOREST SERVICE—STATE AND PRIVATE FORESTRY'' by $13,476,000, ''FOREST SERVICE—NATIONAL FOREST SYSTEM'' by $53,773,000, ''FOREST SERVICE—CAPITAL IMPROVEMENT AND MAINTENANCE'' by $25,000,000, ''FOREST SERVICE—LAND ACQUISITION'' by $28,782,000, ''NATIONAL ENDOWMENT FOR THE ARTS—GRANTS AND ADMINISTRATION'' by $35,438,000, and ''NATIONAL ENDOWMENT FOR THE HUMANITIES—GRANTS AND ADMINISTRATION'' by $18,895,000, and $425,000,000 shall be available for payments during fiscal year 2008 under sections 102 and 103 of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), as reauthorized by section 2201 of Public Law 110–28.

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

The Acting CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Pennsylvania (Mr. PETERSON) and the gentleman from Washington (Mr. DICKS) each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvania. I rise to support the Secure Rural Schools Act. My district in Pennsylvania is affected by this and many districts in the west are affected by this Act.

Over the years, timber harvesting and other mineral resources harvesting provided a huge resource for local governments, and, specifically, schools.

When those who chose not to continue the wise management of our forest by allowing the mature trees to be harvested, America's most renewable resource, we had school districts and governments in tremendous financial crisis. Several years ago, Congress had the wisdom to pass the Secure Rural Schools Act that helped stabilize the ability to educate our young people and give them the chances of an adequate, good education, because these rural communities did not have the infrastructure, because most of the property and land and resources was owned by the Federal Government. This Act has helped in immense ways, and this chance, this amendment, will continue that funding.

Mr. Chairman, I yield to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, the most critical crisis in rural America, where there are large tracts of public forest land, is to deal with this issue of funding for the Secure Rural Schools.

The funding did finally come this year, but it came too late, at least for my district, and I think for many. Our State law requires that if you are going to give layoff notices to teachers, they have to go out in the month of March. All the layoff notices already went out. Most of the teachers already left the schools to find other employment. The funding for this finally came through in late May, as I recall, in the supplemental, but by that time the damage had been done.

We have to find a solution. This amendment that Mr. PETERSON and I are offering is an approach. I know there is a point of order that has been reserved, but we have to have timely funding for our rural schools. If we put it in this bill, it doesn't actually increase the deficit as it would if it went as a new mandatory program, or if it went in the supplemental. By the way, this is important enough, I would certainly support either of those other approaches.

But the fact of the matter is, we need to assure timely funding so that we don't have the situation where the funding comes in, but it comes in too late in order to really matter for the schools and the students.

Plumas County, for example, one county in my district, issued layoff notices to 55 personnel earlier this year, and most of them are gone, even though the funding ultimately came through. So this is timely funding. It does it in a way that's least detrimental to the whole budget picture. I have worked, I have tried to work on every possible solution that I could think of. This is really a critical situation for all of rural America, where there are tracts of public forest land, and I really strongly hope that the Members will support us on this, help us to get a resolution to this crisis so that we can meet the needs of the people that we represent.

POINT OF ORDER

Mr. DICKS. Mr. Chairman, with deep regret, I insist on my point of order.

I make a point of order against the amendment because it provides an appropriation for an unauthorized program, and, therefore, violates clause 2 of rule XXI. Clause 2 of rule XXI states in pertinent part, ''An appropriation may not be in order as an amendment for an expenditure not previously authorized by law.''

The amendment proposes to appropriate funds for the rural school program that has not been reauthorized. The amendment, therefore, violates clause 2 of rule XXI, and I am sorry that I have to raise a point of order, but the payments for the Secure Rural Schools Act of 2000 are not authorized.

This is a reachback appropriation for an unauthorized program and, therefore, I am sorry I must insist on my point of order. I will also point out that it would be irresponsible to cut this budget bill by $425 million.

Public Law 110–28 did not reauthorize the Secure Rural Schools Act.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. TIAHRT. Mr. Chairman, I would like to be heard.

The Acting CHAIRMAN. The gentleman from Kansas is recognized.

Mr. TIAHRT. I appreciate the chairman and his accuracy on what he is reserving a point of order on.

However, I would like to point out that we have other issues pending that are also subject to a point of order. It seems arbitrary to me that we do not let the House work its will on Mr. DOOLITTLE's efforts, and yet we move forward on other areas which are under the same point of order, and we expect some comity.

Mr. DICKS. Mr. Chairman, I don't think the gentleman is addressing the point of order.

The Acting CHAIRMAN. The Chair will hear any Member on the point of order.

Mr. TIAHRT. Mr. Chairman, I think that this is an arbitrary reservation on a point of order, and because other similar issues are pending, that it should be withdrawn so that we can move on and let the House work its will.

Mr. DICKS. I insist on my point of order.

The Acting CHAIRMAN. Does any other Member wish to be heard on the point of order?

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

The Acting CHAIRMAN. A point of order is pending. The gentleman may not strike the last word.

Does any other Member wish to be heard on the point of order?

The proponent of an item of appropriation carries the burden of persuasion on the question whether it is supported by an authorization in law.

Having reviewed the amendment and entertained argument on the point of order, the Chair is unable to conclude that the item of appropriation contained in the amendment is authorized in law.

Under the precedents of July 12, 1995, as recorded in House Practice at page 145, and July 16, 1997, an amendment adding matter at the pending portion of the bill to effect an indirect increase in an unauthorized amount permitted to remain in a portion of the bill already passed in the reading is not ''merely perfecting'' for purposes of clause 2(a) of rule XXI.

The Chair is therefore constrained to sustain the point of order under clause 2(a) of rule XXI.

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

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

Mr. DICKS. I want to say how badly I feel about this because this Secure Rural Schools program is a very important program in the northwest, as well as in California. But I just could not allow this amendment to come for a vote because it would have cut $425 million out of this bill.

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

Mr. DICKS. I yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, we have an issue pending which is going to come up, I think, rather quickly, from the gentleman from Oregon who is worried about the very same issue, and he's coming at it from a slightly different angle.

And, yes, the gentleman from California was having offsets for his cuts, but I see no ill will in allowing the House to work its will on Mr. DOOLITTLE's amendment, which affects Western States deeply. It's very similar to what the gentleman from Oregon is also trying to do, so why don't we just let both of them go, let the House work its will?

Mr. DICKS. I regret that I can't take that chance. If this amendment were enacted, it would have a devastating consequence on this bill. And it was subject to a point of order, and I had to insist on it. I regret that we have this controversy, but that's the reality of the situation we're in.

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'd like to yield to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I'd just like to express my deep disappointment that we're not able to move forward on the gentleman's amendment from California, and the peril that it may put the next amendment in.

If you want to talk about cuts in crisis, you come out to rural Oregon, rural Washington, rural Northern California, the areas that my friend and colleague from Washington knows all too well.

The largest county in my district had 15 or 16 libraries, all of which are now shuttered and closed because this Congress and the last failed to reauthorize the Secure County Roads and Schools legislation that the Congress before, in 2000, put into law.

The effect of all that, and the effect of this not going forward is those counties have a 1-year stay of execution because in the emergency supplemental there was legislation that funded them for one more year.

But as the good gentleman from Washington State knows, with the decline in the timber industry, the decline in harvest on Federal lands, these rural counties have been devastated. They have no tax base in some cases, or very little; 70, 80 percent of land mass is Federal lands. There's been a commitment for 100 years by this Congress to share revenues, and then those revenues went away. Law enforcement is going away. Basic services. You all would throw a fit if they went away in Washington, D.C. or any other urban area.

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

Mr. WALDEN of Oregon. I yield to the gentleman from Washington.

Mr. DICKS. The point I'd like to make, this is an authorization problem. This isn't supposed to be handled on the appropriations bill. We had an agreement that we would help you do this for 1 year, but then you would go back to the Natural Resources Committee and find the mandatory spending to offset this. This is not an appropriations matter.

Mr. WALDEN of Oregon. Reclaiming my time, I understand, and I appreciate what the gentleman has done to assist us in the past. My frustration is the one I have to share, because when I go home, people don't understand why we can keep funding all these other things and can't take care of sort of an organic funding issue that affects them deeply.

The first bill I cosponsored in this Congress with my colleague from Oregon, Mr. DEFAZIO, and many others was to reauthorize this program. I believe the first letter I sent was to the new chairman of the Resources Committee begging for a hearing to reauthorize this program.

The folks at home don't understand this process, and sometimes neither do I. But if we have to bring down the House to try and get help to people who deserve it, then that's what we'll have to do.

It's really unfortunate that we would abrogate this commitment to these people in rural areas and not allow us at least to move forward, and certainly with the next amendment, which merely fixes a technical correction, allows the Resource advisory committees to go forward, but spends no money.

Mr. TIAHRT. Reclaiming my time, I just want to point out to the chairman that we're now picking winners and losers, and it's an arbitrary decision. And if we allowed the House to work its will, I think the gentleman would be successful and his worries would be abated.

But right now we've gone into this selection process of who's going to win and who's going to lose. The gentleman from California loses, the other gentleman from Oregon wins. And I don't think that's right. I think we ought to have a consistent manner to move forward.

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

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

Mr. DICKS. The only thing I would say here is that you can raise a point of

order against the gentleman from Oregon's amendment, but that is going to hurt the other gentleman from Oregon. I mean, this is a partial help as a place holder in this bill.

And the distinguished chairman and I were just talking about we put $425 million in the supplemental to take care of this problem. Now, you've got to go get this done in the authorization committee. And I'm not going to risk this bill, which we fought so hard to create, on a chance that we might pass this amendment and cut all this other spending that's important in the bill to my constituents.

Mr. TIAHRT. Well, reclaiming my time, Mr. Chairman, I believe that we're being inconsistent here. And I would hope for some consistency in the way we administer these areas where we have a point of order that can be reserved or can't be reserved. I think you should let the House work its will.

And when we make some winners that are chosen on your side, and then we arbitrarily choose not to allow Republicans to have the same opportunity, I think it's unfair. I would like some consistency in all the appropriations bills and not just this one.

And here we have a very critical need that affects both Republicans and Democrats. It's a critical need in these areas. And as the gentleman from Oregon (Mr. DEFAZIO) can tell you, it's going to be a big problem for him as well. So I just want some consistency here and allow the gentleman from California to have the House work its will.

The Acting CHAIRMAN. The gentleman from Kansas' time has expired.

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

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

Mr. OBEY. Mr. Chairman, I wonder if somebody could call the Attending Physician's office. I'm getting a bad case of whiplash here just listening to these arguments that run in opposite directions.

I just heard the gentleman say a minute ago, and I must say, I'm sympathetic to his problem, but I just heard him say a minute ago that he's frustrated. Well, I'm frustrated too because, what I'd like to point out, as the President of the United States pointed out just a few weeks ago, is that the gentleman's knocking on the wrong door.

And with all due respect, when Mr. LEWIS was chairman of the Appropriations Committee last year, it wasn't his job to reauthorize this program. And as chairman of the committee this year, it isn't my job to reauthorize this program. You need to go to the authorizing committee.

We have gotten dozens of lectures through the last month from Members on your side of the aisle who fuss and fume about individual earmarks that they say are not ''authorized.''

Well, this is a case where we on the committee are saying the following: you came to us last year. You said you couldn't get the authorizing committee off its duff, and so you wanted some help to sustain this program until you could get them to reauthorize it. So even against the strong objection of the President of the United States, and the last time I looked, he was a Republican, even in the light of his objection, we put in over $400 million to create a bridge for you until you could get this problem resolved.

Now, I'm sorry that this has not been reauthorized. You need to take that up with another committee. All I can tell you is that we're taking time on this bill, on this amendment because you think somebody else, in some other committee, didn't do their job.

Well, you can't have it both ways, and neither can we. So I would simply ask the gentleman to please go to the right committee. And I'd be happy to send them a letter. The fact is you're taking up this committee's time, and we're getting squawks from Members on both sides of the aisle saying, ''Why are you appropriators taking so blessed much time.''

Well, with all due respect, it's not the appropriators trying to take the time. It's people who are not on the Appropriations Committee who are aiming at the wrong committee in their search of solution to a problem.

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

Mr. OBEY. I would be happy to yield to my tire-changing friend from Kansas.

Mr. TIAHRT. Mr. Chairman, we have, I think, a real crisis in the rural areas, and I do not blame the Members for using every means available to them to try to solve the problems in their districts. And I know it's not your responsibility to do it, but we've come through for these folks in the past, and I would just ask consideration in the future.

Mr. OBEY. I understand. All I can say is, we did respond. We've just heard umpteen speakers on your side of the aisle kick the blazes out of us because they're saying we're spending too much money. And now you're telling us that you're unhappy because we're not spending enough money on this program, and we're not even authorized to spend it. I have a difficult time following that logic.

Mr. TIAHRT. Would the gentleman yield?

Mr. OBEY. Sure.

Mr. TIAHRT. I understand the difficulty in it, but it was off-set. And the chairman of the Interior Committee did not like the offsets, and that's why he pushed the point of order. But it's just a different priority. And I have to say that is a pretty high priority.

I yield back.

Mr. OBEY. I understand. And I'm more than willing to cooperate because, unlike some people in this Congress, I recognize this is all one country. And we've got an obligation to recognize different needs and different demands in different districts. I wish we had the same courtesy extended to us by certain other Members of the body.

Mr. WALDEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Oregon.

Mr. WALDEN of Oregon. I thank the chairman, and I've commended him before for his work in our behalf in this very difficult problem we face in the rural areas. And you've been terrific to work with. You've been most generous, not only with your time, but with your assistance. And I supported you and that bill when it came before, in opposition to my own President, and would continue to do so, because I know who sent me here, and I know what they want. And you may have missed my earlier comments.

Mr. OBEY. No, I have been watching them on television.

Mr. WALDEN of Oregon. I'm sorry you've had to put up with me there. The point is, I've done everything I can to try and get the committee that I served on for 8 years to even hold a hearing to reauthorize this bill. When I was on that committee in 2005 and chaired the Forestry Subcommittee, we marked up a reauthorization in 2005 by March, and we passed it out of the committee by June.

The Acting CHAIRMAN. The gentleman's time has expired.

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

The Acting CHAIRMAN. Is the gentleman the designee of Mr. LEWIS?

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

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

Mr. LEWIS of California. I do so to yield to those who would like to continue this conversation. I'm glad to yield to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. I very much appreciate that. I'd like to ask Chairman OBEY a question, if I may.

Mr. LEWIS of California. By way of me, certainly.

Mr. DOOLITTLE. Actually, I want to ask you one too, so I'm glad you're both up here.

Mr. Chairman, you have worked with us and tried to help us, and I would agree with Mr. WALDEN on that.

You were kind enough to offer something a minute ago that I'd just like to, if I may, accept that offer. You said you would write a letter to the chairman of the authorizing, the respective authorizing committees, which I think are both Resources and Agriculture in this case.

Could we, and with our ranking member, could I invite both you gentlemen to maybe submit such a letter to the relevant authorizing committee chairmen? I think that would be a step in the right direction here.

Mr. OBEY. If the gentleman will yield.

Mr. LEWIS of California. I yield, certainly.

Mr. OBEY. I will be happy to try to assist the gentleman in any way that makes clear that the authorizing committees need to act, because this is not a matter under the jurisdiction of the Appropriations Committee. I've only been around here 38 years; and on occasions, believe it or not, I've seen an authorizing committee object when the Appropriations Committee invades its jurisdiction.

Mr. DOOLITTLE. And I appreciate that.

Mr. LEWIS of California. I continue to yield.

Mr. DOOLITTLE. Thank you, sir. The problem we have had is, frankly, the authorizing committees, for whatever reason, have chosen not to act. And in that vacuum we've been faced with a crisis of what do we do with the teacher being laid off or in Oregon's case with people being let out of the county jails because they're lacking this funding. We've had to come up with some extraordinary ways to respond to it.

Mr. OBEY. Would the gentleman yield?

Mr. LEWIS of California. Certainly. Happy to yield.

Mr. OBEY. Let me simply say, I would not say that it's fair to characterize the authorizing committees as refusing to move. We have only been in charge of this Congress for the last 6 months, and there have been a few other basic priorities, including reauthorization of the basic farm bill that I'm sure have occupied the authorizers. I thank the gentleman for the time.

Mr. LEWIS of California. I'll be happy to continue to yield, but I'd like to take some time as well.

Mr. DOOLITTLE. I didn't mean to imply, Mr. Chairman, that this was just this Congress' authorizing committees. I'm reaching back in time to include the previous Congress as well.

□ 1430

It did pass out of the Resources Committee. And I think the bill passed out handily. But it never cleared the other committee.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I find this conversation to be very interesting, and I noted that there is a tendency not to accept authorizing language in this instance because of a very specific problem, and because the authorizing committee has not acted. I, frankly, think there are a number of circumstances, including the next amendment that is even more significantly an authorizing problem that probably ought to be stricken as well. But if we are going to be consistent here, let's be consistent. And, indeed, I would be more than willing to join my colleague in communicating with the authorizing chairman in connection with this. But perhaps the time to draw a line is now and say we are not going to authorize in this bill and then see how they respond to us.

AMENDMENT 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 offered by Ms. JACKSON-LEE of Texas:

At the end of bill (before the short title), insert the following:

The amount otherwise provided in this Act for ''The Historic Preservation Fund'' is hereby decreased by $1,000,000 and increased by $1,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, 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, I yield myself such time as I may consume.

Just a few minutes ago, the full committee Chair mentioned the value of this bill, and I salute the appropriators, the chairman and ranking member of the subcommittee, for the valiant effort that they have made, whether it is about hazardous toxic cleanup; Superfund sites; national parks; historic preservation, where $102 million is appropriated, $30 million over the budget of the President, $30 million over the 2007 mark and $20 million above the President's request. This is a very good effort, and I want to thank Mr. TIAHRT and I want to thank the chairman of the subcommittee and both the chairman and ranking member of the full committee.

The chairman of the subcommittee just a moment ago mentioned the words ''downward trend'' in the budget process as another amendment was being debated. I want to bring to the attention of my colleagues the downward trend of historic preservation around America.

My amendment is simple. It is to encourage through reprogramming the National Historic Preservation Fund and the Advisory Council on Historic Preservation to redouble their efforts to assist State and local governments and community groups in identifying and working to preserve nationally significant sites, structures, and artifacts, particularly those relating to communities founded by newly emancipated slaves such as Freedmen's Town in Houston, Texas, or Tulsa in Oklahoma or the work that was done to serve the pre-Civil War and post-Civil War mansions in Savannah, Georgia, or the meat packing area in New York. We have to be able to stand for preservation in the face of urban renewal, in the face of urban infrastructure that has to be done.

I am hoping the reprogramming of $1 million will help communities like Freedmen's Town, help the city of Houston to realize that we mean business and the acknowledgment of the importance of historic preservation. This is the historic Fourth Ward. These are the cobblestone streets that have been laid by the hands of slaves. And just a few days ago, we commemorated emancipation. These are the remaining churches where pastors have dedicated their congregations and their moneys and themselves to historic preservation. These are the streets that have been disrupted.

And what we are hoping by this amendment is that the present project of infrastructure work for clean water, which is crucially important, can be done by the work or the analysis of an engineer that says you can do this on a sidewalk and preserve these cobblestone bricks that were laid by hand by 34 freed slaves who were bricklayers at that time. We know that the repetition of disrupting these bricks will destroy them forever, and there is a community that desires to have this preserved. This amendment, which is a reprogramming, emphasizes the importance of this.

Let us not have a downward trend, if you will, of historic preservation. Many Members have come to the floor with issues of value around Interior and Environment. We want the environment to be safe, but we want the historic environment to be preserved for those who are a valuable part of the historical story of America.

So I would ask my colleagues to support this amendment. It is crucial to the Freedmen's Town community in Houston, but it is crucial to the Tulsa story in Oklahoma. It is crucial to the story of Chicago, crucial to Savannah, crucial to New York, and many other States where we have systematically ignored the historic preservation of our Nation. Who will tell our children the story? I am fighting in Houston. Others are fighting elsewhere. This amendment is to create the historical record, the legislative record, that we are committed to.

Let me thank the committee for its commitment. We know the fund is sizable, but this is an important step. And the funding that was given is an important affirmation of historic preservation, particularly when engineers recognize that you can construct infrastructure work and preserve the historic identity of this community.

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. Most Americans do not know that this bill also funds a very special agency, the National Trust for Historic Preservation, and its adjunct, the Advisory Council on Historic Preservation.

Mr. Chairman, my amendment is simple but it sends a very important message from the Congress of the United States. The purpose of

my amendment is to encourage the National Historic Preservation Fund and the Advisory Council on Historic Preservation to redouble their efforts to assist state and local governments and community groups in identifying and working to preserve nationally significant sites, structures, and artifacts, particularly those relating to communities founded by newly emancipated slaves, such as Freedmen's Town in Houston, Texas.

Mr. Chairman, just west of downtown Houston lies the Fourth Ward. It is the city's oldest Black community. But before it was the Fourth Ward, this community was known by its original name, Freedmen's Town, given by freed slaves who settled it shortly after receiving the news of their emancipation on Juneteenth.

Initially located where Allen Parkway Village now stands, Freedmen's Town was established immediately after the Civil War, when many farmers gave or sold their truck farms and property to freed slaves. Freedmen's Town prospered during the turn of the century.

Economic, community, and social development were at a peak until local government became threatened by the prosperity of this area and its residents. In the 1920s, Freedmen's Town was the ''Harlem of the Southwest.'' The area was filled with many restaurants, jazz spots, and night clubs. These establishments were frequently visited by Houston's white citizens as well. West Dallas was the community's main commercial strip.

As the years passed and with the coming of integration, many Freedmen's Town residents began to move toward Texas Southern University, in the Third Ward, and other areas of the city, such as Studewood, South Park, Riverside Terrace, Kashmere Gardens, and Acres Homes. And the size and population of Freedmen's Town began to shrink. Much of this was due to construction in the late 1930s against the wishes of Blacks here, which continued to sever the historical neighborhood, divided nearly at midpoint by the addition of the Gulf Freeway.

The struggle for justice by community residents and leadership is only one facet of Freedmen's Town's rich and colorful past, which is still home to many significant historical landmarks and features. Hand-laid brick streets, constructed by Rev. Jeremiah and his congregation over half a century ago, still run through the area. Houston's first cemetery, Founder's Cemetery at Valentine and West Dallas, contains the graves of military men who fought in the Civil War, as well as the historical remains of John and Augustus Allen, the founders of Houston.

Immediately adjacent to Founder's Cemetery stands the ''Hanging Tree'' where several Blacks were hanged. During World War I, Camp Logan, located just west of Freedmen's Town, was the site of the worst race war in the city's history—the ''Camp Logan War'' in August of 1917.

Behind Founder's Cemetery lies Congregation Beth Israel, the oldest Jewish cemetery in Houston, which is beautifully maintained to this day. Among other historical churches in the area, Antioch Missionary Baptist Church built in 1866 continues to be a major focal point of Freedmen's Town, though it has been relocated from its original site on ''Baptist Hill'' where the Music Hall and Coliseum now stand.

Reverend John Jack Yates, the first Black pastor of Antioch, was a dynamic and influential leader known for his deep commitment to the education of Black youngsters. He often used his personal finances to send Freedmen's Town children to school. Today, Jack Yates High School in the Third Ward stands in his honor.

Of the houses that Reverend Yates built, only the one he built for his brother remains at 1314 Andrews. Yates' historical homestead at 1318 Andrews, believed to be the oldest two-story home built by an African American owner, was moved to Sam Houston Park (ironically, a park commemorating a slave-owner), while the house at 1204 Wilson was demolished by the City of Houston in 1986. Further plans promoted under the name of ''Founders Park'' so threatened the historical preservation of Freedmen's Town that outraged residents and leadership organized opposition through the Freedmen's Town Neighborhood Association to defeat the plans of outside private interests. However, the constant encroachment on Freedmen's Town and Fourth Ward continues to date with the plans of the Houston Renaissance and private developers.

Although Freedmen's Town is a nationally registered historical site, and the largest intact freed slave settlement left in the entire Nation, its official designation protects only 40 of the 80 blocks or more of the remaining Freedmen's Town area.

To preserve what remains of Freedmen's Town will require the combined efforts of community groups working with local, State, and Federal Government to reach a consensus of projects worthy of preservation.

One such project for Freedmen's Town is the ''Bricks Street Project,'' which is intended to preserve the original brick pavers of Freedmen's Town along Andrews Street and Wilson Street. These streets have been found to contain brick pavers patterns which may be unique to the Freedmen's Town area, and are consistent with brick patterns seen on architectural features located in the Historic District. Oral histories indicate the possibility that portions of the iron rails which once carried a Freedmen's Town trolley car may still remain in situ in the rail track ways.

Three of these community groups include the Rutherford BH Yates Museum, Inc., which has played a leading part in promoting the Bricks Street Project; the Resident Council of Allen Parkway Village, which works to educate the public on issues of Federal housing and historical preservation laws; and the Freedmen's Town Association, founded for the purpose of assuring the active and effective participation of current residents in planning the preservation, restoration, and development of the area, especially in the area of business and private home ownership.

Mr. Chairman, hearts break when irreplaceable structures are destroyed or damaged beyond repair, instead of preserved and protected as they deserve. A plaque pointing out ''on this site a great building once stood'' simply cannot tell the story in whole or in full. Equally tragic is the loss of traditions: a way of living or crafting wood or farming, of celebrating holidays or worshiping or feasting on ''Juneteenth'' cuisine. The preservation and perpetuation of artifacts as well as traditions is important to telling the story of the people who settled a community. By protecting the buildings, landscape or special places and qualities that attract visitors, we preserve our history for future generations.

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. Chairman, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Chairman, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. UDALL of New Mexico. Mr. Chairman, I would say that on behalf of the majority, we would accept the gentlewoman's amendment and would be willing to work with her closely on it.

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

Mr. UDALL of New Mexico. I yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, I was just curious as to which line this amount was coming from and where it is going to because the amendment I have just says it decreases $1 million and it increases $1 million.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. UDALL of New Mexico. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, it goes right into the same appropriations, historic State offices, but it doesn't take any money out without putting it right back in.

Mr. TIAHRT. Okay. I have no problem with that.

Mr. UDALL of New Mexico. Mr. Chairman, the amendment is agreed to.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want to thank the gentleman for accepting the amendment, and I look forward to working with committee and working with the chairman on this important historical statement and language as we move forward to conference.

Mr. UDALL of New Mexico. Mr. Chairman, if the gentlewoman will yield, the chairman and ranking member look forward to working with the gentlewoman on this very important issue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman and ask my colleagues to support this 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. 17 OFFERED BY MR. INSLEE

Mr. INSLEE. 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. 17 offered by Mr. INSLEE:

TITLE ____—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds made available in this Act may be used to issue any permit for, or otherwise approve or allow, importation of any polar bear or polar bear part under section 104(c)(5)(A) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)(A)).

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Washington (Mr. INSLEE) and the gentleman from Kansas (Mr. TIAHRT) each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, behold the polar bear Ursus maritimus, one of the most magnificent creatures on earth, legendary in its strength and to date its survival.

But today its survival is at great risk. It deserves the protection of the Marine Mammal Protection Act, and it does not have it.

Today we seek to close the loophole that alone amongst marine mammals allows the importation of bear heads, bearskins, bear claws in opposition to the basic concept of the Marine Mammal Protection Act. And we do so because this animal certainly is at risk. It is at risk because where there is no ice, there are no polar bears. This creature is dependent on the ice, and the ice is disappearing. That is what has led the Bush administration's Secretary of Interior to propose to list it as a threatened species.

But it gets worse. If you look at what the future is going to bring this bear, by 2040 the recent studies indicate that there will be no meaningful sea ice in the Arctic ocean by 2040 upon which these bears depend for their survival.

Now, we have folks who do enjoy trophy hunting in the United States, and there is nothing wrong with hunting or any suggestion of that in this amendment. But the truth is this: At this moment of risk to these bears, polar bear cubs need their parents in their dens more than we need polar bearskins in our dens. And this will simply close that loophole to remove that lack of protection from these animals.

Now, these animals are not threatened just in the United States. The ongoing trophy hunt is going on in Canada, where the International Polar Bear Community has found that at least half of the specific populations of polar bears are at great risk for extinction. And we know that hunters can be a force for conservation. We know they help provide habitat for ducks with Ducks Unlimited.

But the fact of the matter is, is that with a bullet to a bear, you cannot conserve it. And the fact of the matter is that the $750 permits that go to this bear hunt cannot solve the problem of global warming. And we stand here today to say that we ought to have the same level of American national commitment to the polar bears' continued survival as we have had for the bald eagle. And if we demonstrate that commitment, our grandchildren will enjoy these polar bears. And if we do not, they will not.

Mr. Chairman, I would like to yield 1 minute to the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. Mr. Chairman, I rise in strong support of the Inslee amendment.

This amendment would restore a ban on taking polar bear parts and importing them into the United States, a ban that was in place for 22 years. As Mr. INSLEE indicated, it was right around the end of last year when the Secretary of Interior and U.S. Fish and Wildlife service surprised many of us by proposing to list the polar bears as threatened under the Endangered Species Act. They have now taken public comments and must issue a final decision by December, 2008. At the very least, stemming the tide of polar bear imports, imports, I stress, until this decision is made makes sense.

Those who oppose the amendment would like to use the argument that this is all about restricting the right to hunt. It is not. If it were, I would not be standing here in support of it. I remember fondly, with my dad, my cousins, my uncles, hunting as a young man, and I don't believe this restricts the right of hunting.

So I would ask my colleagues to think seriously about the importance of this amendment and to give it their utmost consideration and strong support.

Mr. INSLEE. Mr. Chairman, I yield to the gentleman from Utah (Mr. BISHOP) for a brief question.

Mr. BISHOP of Utah. Mr. Chairman, the simple question I have is the picture of the polar bear that is down there, that is not, by any chance, new, is it?

Mr. INSLEE. Mr. Chairman, this is an old polar bear species that has been around here for centuries, and the ice is melting under its feet.

Mr. Chairman, I yield 30 seconds to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Chairman, I want to thank the gentleman for offering this amendment.

It is illegal to hunt polar bears in America today except for subsistence. You cannot do trophy hunting of polar bears today. So what happened is you have wealthy American hunters that go to Canada. They pay $30,000 to kill a polar bear for one reason, and that reason is to cut its head off, send it back to America, and put it above their fireplace.

There are only 20,000 to 25,000 polar bears left in America. This amendment simply prohibits funds from being used to permit these wealthy hunters from sending polar bear parts back to the U.S.

We should protect polar bears. This amendment is the right approach to take.

Mr. TIAHRT. Mr. Chairman, I rise in opposition to this amendment.

Under the current law, the U.S. Fish and Wildlife Service permits, under very stringent rules, the importation of bear parts for trophies. But this is only allowed from an approved management area in Canada.

□ 1445

Importation from other countries is prohibited because they are covered by the CITES, or Convention on International Trade and Endangered Species.

Also allowed under current law, other exemptions are permitted, but limited to Native American purposes, for medicines, for religious reasons and for certain scientific purposes. All of these require a permit from the Fish and Wildlife Service. And as far as the committee knows, the Fish and Wildlife Service is doing a very good job.

I also have a letter from the Canadian embassy. The Canadian Government is opposed to banning the polar bear trophy imports. Canada has strong opposition to this amendment, where two-thirds of the world's polar bear population exists. Now they're studying this through their endangered species group. We are studying this, as far as America is concerned, under our Endangered Species Act. And these two reviews are just about to be done. So this amendment is actually premature. And knowing that these two studies are pending, the Canadian Government has decided to oppose this. So I think this is premature. It should probably wait until next year, or they should just wait until the governments of the United States and Canada come to a conclusion.

Also, I want to note for the record that there are groups that are opposed to this amendment. These groups, besides the Canadian Government, include the U.S. Sportsmen's Alliance, the Association of Fish and Wildlife Agencies, the National Rifle Association, Boone & Crockett Club, Congressional Sportsmen Foundation, the Conservation Force, the North American Bear Foundation and the Wildlife Management Institute, among others.

So I think it is very important that we allow top scientists in both the United States Geological Survey and the Fish and Wildlife Service do their polar bear population studies and see what problems exist before we start to limit what's going on under the current situation. So I think it's premature.

Mr. Chairman, I would like to yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Kansas for yielding.

I have listened to the opening of this debate, and I think sometimes we get a little bit confused about what it is about. But there is plenty of evidence out here and plenty of support out here that the polar bear population is not threatened. There is a healthy population of 25,000 worldwide, I think. And contrary to the gentleman's remarks

about it being in America, it's globally, that population; and that it has been carefully studied, and that the permits that are issued generate funds for Native North Americans as well as funds to help sustain the polar bear population.

I think what this debate is about, and I can't question, certainly, anybody motives, but I can tell you what I got here. I got an announcement that said: ''This recorded vote will be scored on the 2007 Humane Society scorecard.''

So I look at the information that I see, and much of it is source from that Web page, which I happened to have printed as well.

But I think the debate is a broader debate than the debate of the welfare of the polar bear. I think this debate is about, and I am going to broaden this, ''the incremental implementation of global vegetarianism.'' That's the big picture. And the second picture is, ban sport hunting. And the third picture is, ban livestock production and feeding. And the fourth picture is, ban the consumption of meat. All that stuff fits within this big umbrella. This is one component of the much broader picture.

But if you take it back down to the issue that was raised, and another one is using the canard of global warming being the issue, well, it actually works against you, gentlemen. If you're worried about global warming and if you're worried about the habitat for polar bears being diminished by global warming, then humane hunting would be the thing to do as the habitat diminishes to make sure they had a healthy habitat for them to roam on. That's not the case. It's a canard, not a reason. And it's not an environmental reason. It's a broader agenda, through which the environmental and global warming agenda fits.

So this is sound science that holds this up on this side. And sports hunting is a good way to manage population.

I would urge the defeat of this amendment.

Mr. TIAHRT. Mr. Chairman, may I inquire how much time is remaining.

The Acting CHAIRMAN. The gentleman has 1 minute remaining, and the gentleman from Washington has 15 seconds.

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

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

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

Mr. DICKS. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I want to thank my friend from Washington for yielding me this time. And, unfortunately, I rise in opposition to the amendment.

I have had numerous conversations with Mr. INSLEE, who I consider one of my closest friends and colleagues in the House, and I certainly understand the appreciation that he has in light of the challenges we face with global warming and the potential impact it's going to have on polar bears. But as one of the cochairs of the Congressional Sportsmen's Caucus in the House, we think this amendment is unnecessary and, in fact, counterproductive.

I contacted the Canadian embassy and the Canadian Government, who opposes the amendment. They say it would risk crucial conservation funding streams and habitat protections for the very polar bears that we're all interested in protecting. Also, our own U.S. Fish and Wildlife Service opposes this, again because of the cooperative alliance that we've established not only with Canadian officials in the proper wildlife management of this special species, but the fees collected from hunting that go right back into a conservation program that the U.S. and Russia have partnered with in order to enhance the protection and the growth of this population.

Now, I've got a letter from the Canadian Government, as well as from the Association of Fish and Wildlife Agencies, that I will submit for the RECORD that states forth more fully the science behind their calculation and the limited number of permits that they're allowing in Canada.

ASSOCIATION OF FISH
& WILDLIFE AGENCIES,
Washington, DC, June 22, 2007.

DEAR MEMBER OF CONGRESS: The Association of Fish and Wildlife Agencies strongly opposes H.R. 2327, the so-called ''Polar Bear Protection Act'', both as a stand-alone bill and as an amendment to any other legislation. This bill, which would ban the importation of trophies of polar bears legally taken from polar bear populations in Canada, will further complicate polar bear management and not contribute to polar bear sustainability.

The Association was founded in 1902 as an inter-governmental organization of public agencies charged with the protection and management of North America's fish and wildlife resources. The Association's members include the fish and wildlife agencies of the states, provinces, as well as federal government agencies in the United States and Canada. The Association provides a forum for hundreds of senior level fish and wildlife public agency biologists across North America to develop positions on public policy issues involving wildlife conservation. The Association has been instrumental in promoting sound resource management and strengthening federal, state, and private cooperation in protecting and managing fish and wildlife and their habitats in the public interest.

This legislation would diminish the bear's value to the local communities which depend on hunts by United States hunters for income. We know from long experience that most successful wildlife conservation programs have, at their core, value to local people and communities. We are advised by our Canadian colleagues that many native communities earnestly engage Canada's polar bear management programs because these animals have value—funding schools, community centers, etc. in those northern communities. This legislation, if passed and enacted, would just add to the list of other factors already complicating polar bear management—melting ice pack, warming seas and loss of snow cover.

The Marine Mammal Protection Act prerequisite that imports come from certified stocks is an important tool for those biologists working with these local communities to regulate the harvest of the various polar bear populations. These carefully set and intensely monitored harvests are critical for the local community and are an important negotiating tool for the biologists. Science-informed regulated hunting ensures sustainability of polar bear populations.

Passage of this bill would not result in the taking of fewer polar bears; it will just complicate the work of those trying to conserve them. We urge that you not favorably consider H.R. 2327 either as a stand-alone bill or as an amendment to other legislation. Thank you for your sincere consideration of our perspectives.

Sincerely,

MATT HOGAN,
Executive Director.

CANADIAN EMBASSY,
Washington, DC, June 25, 2007.

Hon. JAY INSLEE,
House of Representatives,
Washington, DC.
Hon. FRANK A. LOBIONDO,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES INSLEE AND LOBIONDO: I am writing regarding your amendment to ban the importation of polar bear trophies from Canada, which I understand may be offered to the Department of the Interior, Environment and Related Agencies Appropriations Act 2008, when the spending bill is considered on the floor of the House this week. I would like to express Canada's strong opposition to such an amendment for the reasons outlined below.

Canada is home to two thirds of the world's polar bear population. There is broad consensus among scientists that climate warming is negatively impacting Arctic sea ice, however, these impacts occur at different rates and times in different Arctic regions. The Committee on the Status of Endangered Wildlife in Canada, an independent scientific body, is currently assessing the status of polar bears and will submit its conclusions to the Government of Canada in 2008. Based on that assessment, consideration will be given whether to list polar bears under the federal Species at Risk Act.

I understand that the United States is also reviewing the status of polar bears under the U.S. Endangered Species Act (ESA). Canada has made a submission in the U.S. review and is working with other polar bear range nations on issues related to polar bear research and management. Any action, such as that proposed in the amendment is premature and should at least await the outcome of the two reviews.

I would also like to take this opportunity to clarify that the annual harvesting of polar bears in Canada is strictly regulated within scientifically determined sustainable levels. Northern Communities receiving a share of the annual quota allocate their share between subsistence hunting and sports hunting, Removal of the sports hunting exemption from the Marine Mammal Protection Act will have no impact on the numbers harvested but will cause economic hardship to Canadian Northern indigenous communities. Finally. I would point out that the export of polar bears from Canada is governed by the provisions of the Convention on International Trade in Endangered Species (CITES), of which Canada and the United States are both signatories.

The Government of Canada takes seriously its international obligations with respcct to the conservation of polar bears and their habitat, including under the International

Agreement on the Conservation of Polar Bears which was signed by all five polar bear nations, including Canada and the United States.

The Embassy staff remains available to meet with your staff to discuss these issues further.

Yours sincerely,

MICHAEL WILSON,
Ambassador.

But this would also, I believe, not reduce the number of polar bears harvested. There is a certain number, again based on scientific studies in Canada, that go to native tribes in northern Canada for their management and use. If it's not hunters using it, the natives will use it. So this will not in any way diminish the number of polar bears being legally hunted right now in Canada.

I would ask my colleagues, take a look at the ''Dear Colleagues'' that we've submitted as part of the Sportsmen's Caucus setting forth more fully an explanation of why we oppose the amendment. And I would encourage our colleagues to oppose this amendment.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. BOREN).

The Acting CHAIRMAN. The Chair will notify Members that debate on a pro forma amendment is not controlled.

Mr. DICKS. Okay. So I just yield?

The Acting CHAIRMAN. Yes.

Mr. DICKS. Can you let me know when 1 minute is gone?

The Acting CHAIRMAN. The Chair will let the gentleman know.

Mr. BOREN. Mr. Chairman, I rise in opposition to the Inslee amendment. This amendment would ban the importation of trophies taken legally from healthy polar bear populations in Canada.

Removing incentives for U.S. hunters to hunt polar bear in Canada would do nothing to reduce the number of polar bear harvested in Canada. It would just lessen the resources that can be used for conservation and management of these species.

Similar to all wildlife conservation funding, U.S. hunters support polar bear conservation through fees that they pay. Permit fees directly support polar bear research and conservation in the United States and Russia.

Mr. Chairman, this management practice that has occurred in places like Canada has contributed to the rebound of the population of the polar bear for numbers somewhere around 6,000 to 20,000 today. Mr. Chairman, this amendment would do nothing for conservation of polar bears. It is simply one step further in the campaign to ban hunting.

Mr. DICKS. Mr. Chairman, I now will yield my remaining time to Mr. INSLEE, and I rise in strong support of his amendment.

The Acting CHAIRMAN. The gentleman has 2 minutes remaining.

Mr. INSLEE. Mr. Chairman, I yield 30 seconds to Mr. FERGUSON.

Mr. FERGUSON. I want to thank my friend from Washington and my friend from New Jersey, and others, for supporting this amendment.

I also rise in strong support of this amendment today. We can see here a picture of a beautiful polar bear. Recently, the polar bear was listed as threatened under our Endangered Species Act. I don't believe that allowing hunters to obtain permits to hunt these animals and bring them into our country is a responsible environmental policy, with the loss of habitat that these animals are enduring. And with a 30 percent population decline predicted in the next 35 to 50 years, we ought to be doing everything in our power to preserve this species, and this amendment seeks to do just that.

It is our responsibility to create responsible environmental policies to protect our planet for future generations, and I think this amendment does exactly that.

Mr. INSLEE. I would like to address this canard that this is an anti-hunting amendment.

In fact, Americans enjoy passing down the tradition of hunting to their kids, their sons and daughters; and that tradition should be able to continue. But if the prey is gone, there is no hunting. And if we don't get serious about recovering polar bears, we will not be able to hunt anything because they will not exist. And if we don't stop this loophole which allows importing polar bear heads, contrary to the Marine Mammal Protection Act, we cannot tell our children we are serious about recovering this species.

Listen to the science. In 40 years will there will be no polar ice cap. And shooting polar bears and putting them in our dens in Texas or any other great State in this country is not consistent with what we did for the American bald eagle. And if we work together, hunters, nonhunters, left and right, east and west, we can accomplish this goal. But I'm suggesting this is a commonsense measure to close this loophole and listen to the science.

These species are going to have a 30 percent decline in the next 30 years. Three of the six Canadian groups that are already hunted are deemed at risk by the international scientific community.

I don't know what the Canadians are thinking. It's a great country; they're the greatest ice hockey teams in the world. But maybe they haven't got the best polar bear policy like we do in the good old USA.

Enforce the Marine Mammal Protection Act. Bring some common sense. Tell our kids we're going to keep these species available to them and pass this amendment.

The Acting CHAIRMAN. The Chair will remind the gentleman from Washington that he has 15 seconds remaining in his previous time which he may wish to reserve to close.

Mr. INSLEE. I will reserve to close.

Mr. TIAHRT. I just want to remind the gentleman from Washington, it's not a loophole, it's the law today.

Mr. Chairman, I would like to yield 30 seconds to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Let me just say I appreciate the gentleman representing this picture of a polar bear. It's not Knut. Knut, of course, is the infamous polar bear cub the animal rights groups who support this amendment wanted the Berlin Zoo to kill as opposed to allow it to live in captivity. I'm glad it's not the same one.

This amendment does nothing to preserve polar bears. It's not about preservation, especially when it cuts conservation funds in the process.

Mr. TIAHRT. Mr. Chairman, I yield the balance of my time to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I am thankful for the comments of the previous speaker, and of course the ranking member. I'm disappointed in those that are offering this amendment.

The supporters of this amendment and the proposer of this amendment like to believe that Chicken Little threats have been thrown about. Instead of the sky falling, it's the Earth warming, and bears are in extreme danger of extinction and we must act now. I just heard that speaker from Washington say that.

Let's take care. Polar bears are not threatened; they're not endangered. The worldwide population of polar bears is around 30,000. While there may be polar bear populations feeling the effects of a warming climate, and I say ''may,'' we need to remember these species have survived past warming cycles.

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 yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. This species is not at the end of its rope, contrary to those who proposed this amendment. Thirteen of the 19 polar bear populations are under the jurisdiction of Canada. Canada has one of the best management programs, using state-of-art scientific practices to manage these populations. While that should be enough, it's not the end of the oversight or management of polar bears in Canada.

The United States Marine Mammal Protection Act requires the Fish and Wildlife Service to review the status of polar bear populations in Canada. After conducting their review of the service-approved, stable and healthy populations, hunters can only import trophies from those approved populations.

Supporters of the amendment like to refer to the 1994 amendments of the Marine Protection Act that allowed an importation of polar bear trophies as a loophole. It was the law. These statements are far from the truth. In fact, we worked on it with a Democrat-controlled Congress. We worked on it together to improve the species in Canada because Canada asked us to do so.

In 1970, many marine mammal populations faced numerous threats. The Marine Protection Act was very effective in restoring many marine mammal populations to healthy or historic levels. Unfortunately, the act does not discriminate between healthy marine mammal populations and those still in need of rebuilding. Robust populations of marine mammals are treated like they are on the verge of extinction.

While the 1994 amendments did not address this issue, the Democrat-controlled Congress, specifically those enlightened members of the Merchant Marines Fisheries Committee, had the foresight to understand that the sustainable use of resources and conservation activities are not mutually exclusive. The committee developed strict requirements to ensure the protection of polar bear populations in Canada, while allowing for the importation of sport-hunted polar bear trophies.

The idea of incentives to give value to natural resources was very new at the time. A similar program was developed for African communities to protect big game resources in Africa using the same incentive structure. These programs have proven their worth and are very successful.

There will always be a sector of the population that believes we should not kill anything or eat anything and, in fact, we should eat grass. However, we need to keep in mind there are still areas in the world that rely on the natural resources around them and still subsist on these resources.

The argument is not that polar bears need to be protected due to the effects of a warming climate. The argument is that certain groups do not like hunting, regardless of what those are saying promoted, and want it stopped.

The Canadian polar bear populations are healthy and well managed. Sport-hunting activities provide important incentives and support remote Native villages and important conservation programs in Canada, the U.S., and Russia.

Mr. Chairman, I suggest, respectfully, go back to the history. This saves the polar bear as is in place. This amendment will extinguish the polar bear.

For those who don't know anything about the polar bear, and I suggest, respectfully, those two gentlemen that introduced this have never seen a polar bear in the wild, don't know anything about it, read it in a book.

□ 1500

I suggest respectfully that before this was in place, in 1994, what was happening was that the Canadian natives, bless their hearts, would hunt polar bears. They would kill the sows and the cubs but not the boars. The boars would kill the cubs so they can breed the sows. Our polar bear population was going down. Because of our actions, in fact, the polar bear population increased. That is what we were trying to do. It was a true conservation method, a method of science, a method that works.

Mr. Speaker, if this amendment is adopted, you can forget your polar bears in the wild. They will be extinguished. This is a bad amendment.

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

Mr. KIND. Mr. Chairman, I thank my friend for yielding.

Just to reiterate, Mr. Chairman, numerous agencies that have looked at the science of polar bear management in Canada and other places feel that the limited permits that are issued for this hunting purpose is conducive to conservation efforts and habitat protection up in Canada, especially through the indigenous tribes there that are issued these permits every year.

The Canadian letter that I just referenced earlier stated, ''Removal of the sports hunting exemption from the Marine Mammal Protection Act would have no impact,'' no impact, ''on the numbers harvested, but would cause economic hardship to the Canadian northern indigenous communities.''

Again quoting from the letter from Canada, ''Any action such as that proposed in the amendment is premature and should at least await the outcome of the two reviews.'' The two reviews they are referring to is our own Fish and Wildlife review and also a Canadian review in regards to the status of polar bear populations, those reports are going to be coming due some time early next year.

Also, the National Wildlife Federation, I want to clarify, the National Wildlife Federation has not endorsed nor opposed Mr. INSLEE's amendment, but they stated in a letter submitted to Members of Congress yesterday, ''We understand that there may be a debate about managing polar bear populations, which we believe is a distraction from the real issue of global warming.'' They go on to state that the only thing that could adequately protect the polar bear population is prompt action taken on global warming.

Mr. Speaker, I would agree with the gentleman from Washington (Mr. INSLEE) on the importance of that issue.

The Acting CHAIRMAN. The gentleman from Washington (Mr. INSLEE) is recognized for 15 seconds.

Mr. INSLEE. Mr. Chairman, I would just like to submit that the day we yield to Canadian judgment, we would replace baseball with ice hockey. It is not the American principle. We have a strong Marine Mammal Protection Act. It has a clear loophole. We do not want the last polar bears to be head and skins in dens. We want this species to continue. This will do that. Pass this amendment.

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

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

Mr. INSLEE. 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 Washington will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. UDALL OF COLORADO

Mr. UDALL of Colorado. 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. 2 offered by Mr. UDALL of Colorado

Page 111, after line 17, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available by this Act shall be used to prepare or publish final regulations regarding a commercial leasing program for oil shale resources on public lands pursuant to section 369(d) of the Energy Policy Act of 2005 (Public Law 109–58) or to conduct an oil shale lease sale pursuant to subsection 369(e) of such Act.

The Acting CHAIRMAN (Mr. SNYDER). Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Colorado (Mr. UDALL) and the gentleman from Colorado (Mr. LAMBORN) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, this amendment would bar the Interior Department's Bureau of Land Management from issuing any final regulations for commercial-scale leasing of oil shale and from offering any commercial oil shale leases during fiscal year 2008.

Current law requires BLM to issue those regulations, and to move to a full-scale commercial leasing program, on a crash basis and under a tight deadline.

I think that is a mistake, so I want to make it clear I support Chairman RAHALL's bill, H.R. 2337, that would change that and other parts of the 2005 Energy Act. The Natural Resources Committee has favorably reported the chairman's bill and it is headed toward this very floor.

The purpose of this amendment is to slow the administration down in the meantime, in order to give Congress time to complete action on that legislation.

Mr. Chairman, oil shale has great potential as an energy source, and therefore it is an important part of our energy policy. But it is also important to American taxpayers, because they own most of it. But it is particularly important for Colorado.

Our State has some of the most large-scale deposits of oil shale, and Coloradans, particularly those on our Western Slope, will be directly affected by its development.

Back in 2005, the RAND Corporation reported that the potential benefits of developing oil shale were significant. But they also made it clear that development will affect not only our land

but our air and the quality and quantity of our very limited supplies of water. It was noted that large oil shale development will bring significant population growth and is likely to put stress on the ability of local communities to provide the needed services.

In short, the report reminded us how much Colorado and our neighbors had at stake when Congress debated the oil shale provisions of the 2005 Energy Policy Act.

As I said, that law now calls for a crash program. I have been concerned, as many people have in Colorado, that that would bring a rush to commercial development before the Interior Department knows enough to do it right and before Colorado's communities have had a chance to prepare for what it will bring.

My concerns grew this year, when a witness from RAND told our committee that the economic, technical and environmental feasibility of oil shale development is not adequate to support the formulation of a commercial leasing program on the time scale mandated and the fundamental approach the Department of the Interior is currently taking may be counterproductive if the goal is to keep open the option for a sustainable domestic oil shale industry. Chairman RAHALL's bill would correct some of those problems.

I want to be clear, I strongly support oil shale provisions, because I think they will help assure that any commercial development is done in an orderly way that takes full advantage of the important research and development work underway.

The bill would also relax the unrealistic deadline for the BLM to finish the Programmatic Environmental Impact Statement now underway, and then the bill would allow a year, not just 6 months more, for the BLM to prepare a draft, not a final, but a draft commercial leasing regulation, after which the people in Colorado and elsewhere would have 180 days to comment.

I also support the bill and its mandate for developing a strategy for sustainable and publicly acceptable large-scale development of oil shale in Colorado, Utah and Wyoming, and its continued requirement that we consult with the governors of those States.

Mr. Chairman, I am glad that the Natural Resources Committee on a bipartisan basis adopted my amendment to set aside part of the money that the Federal Government will get from oil shale leases to help affected counties pay for construction, operation and maintenance of public facilities and for the provision of public services. This addition reflects my concern about what large-scale oil shale development can mean for Colorado's Western Slope.

Mr. Chairman, I hope that the full House will follow our committee's lead and approve these changes in the current law. I certainly will do all I can to help Chairman RAHALL be successful in this effort. But there is a risk that these efforts could be frustrated unless Congress first acts to relieve the pressure current law puts on the BLM to move ahead on a crash basis.

Mr. Chairman, that is the purpose of the amendment, and I urge the adoption of the amendment.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, I want to tell the gentleman that I think he has got a good amendment here. Our side is prepared to accept your amendment.

Mr. UDALL of Colorado. I thank the chairman for his support.

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

Mr. LAMBORN. Mr. Chairman, I hate to have to disagree with my colleague from Colorado on this issue, but I definitely do so. Oil shale resources in the United States, as was just stated, are tremendous. The potential is that there could be 2 trillion, not billion, 2 trillion barrels of oil in place in the oil shale bands of Colorado, Utah and Wyoming. It is, therefore, a strategically important domestic resource that should be developed on an accelerated basis to reduce our growing dependence on politically and economically unstable sources of foreign oil imports.

The Department of Interior has issued the Programmatic Environmental Impact Statement and is now working on regulations for a commercial leasing program. Stopping them now in their tracks would be a waste of taxpayer dollars. I should point out, Mr. Chairman, that the research and development of this important resource have been paid for by the private sector at no cost to the taxpayer.

The Udall amendment is unnecessary, because oil shale provisions in the Energy Policy Act of 2005 require approval of the governor before commercial leasing can go forward. So it is not yet entirely even in place. Therefore, this amendment would delay development of this important domestic resource.

If we commercialize oil shale, that would provide significant public benefits, including increased fuels available, reduced risk of supply disruption, reduced imports, improved balance of payments, new Federal and State royalty and tax revenues, increased domestic employment and increased economic growth. Tremendous benefits will come from this.

Further, oil from shale will place appreciable downward pressure on the world prices of crude oil, which would improve America's, and, indeed, the entire world's economies.

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Oil shale is highly concentrated and gives the greatest yield of oil per acre disturbed of any of the Nation's energy resources. The oil shale resources of the Nation, besides totaling 2 trillion barrels, would yield 750 billion barrels with a richness of 25 gallons per ton or greater with near-term adaptations of existing technology. It is possible that an oil shale industry could be initiated by 2011, with an aggressive goal of 2 million barrels a day by 2020, which would create 100,000 new jobs directly and indirectly, and ultimately the capacity could reach 10 million barrels a day, which is comparable to the oil sands up in Canada.

So apart from the energy independence problems that this amendment would cause, that production of oil shale is close to starting, and, therefore, it is not right to pull the rug out from under the private sector companies that have been working on and investing in this resource.

In summary, there is no proven need to delay the use of this exciting new source of domestic energy. The environmental concerns have been addressed in a responsible and careful way. Billions of gallons of oil will make our country freer from foreign pressure and our economy stronger, with more energy available, gasoline prices lower at the pump, and more jobs for our working families.

Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, the first chart that will eventually come up here, and I am sorry about this, indicates the States in the United States that have the hardest time increasing their education funding. This is where the funding is growing the slowest.

You notice the common denominator with these is not an attitude towards education, it is that most of these are land-based States. The land has been taken away from us to develop a property tax base. Fortunately, God has given us resources underneath that to compensate for that. But any program that would retard the leases or the royalties that will come from those will harm education in Western States.

My kids in Utah will be put at a disadvantage because of this particular amendment. There is collateral damage that takes place with amendments, and one of those deals with education.

If you can look at this chart in the proper way, this chart shows the salaries that are given for first-year teachers in Wyoming versus the salaries on average for fourth-year teachers in Montana. Now, this should not be that way, because Montana has the fewest amount of public lands of any of the Western States. They have more of a property tax base. The difference is Wyoming has the resources that they have developed, which allows them simply to put more money into their education system.

My colleagues who are still teachers deserve a decent salary, they deserve a decent retirement, we deserve the right to build our public schools. When you ask anything that shackles them from a brighter future, either by postponing or forcing to replow the data that the professional land managers have already established, it harms them.

You have taken away our land for property tax benefits. Allow us to develop the resources so that we can have

a future for education in the Western States that is on par with those in the Eastern States. It is important that we move forward. And I'm sorry, but there is collateral damage with this amendment that harms educators and education in the West.

Mr. LAMBORN. Mr. Chairman, I yield 30 seconds to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, my friend and colleague from Colorado (Mr. LAMBORN) has mentioned that there are 2 trillion barrels of oil. That is a conservative estimate. Estimates go way, way, way beyond that. The only way we are going to know how much oil there is is if we actually have the opportunity to unleash the creativity of the American genius to go after that oil and develop it.

Mr. LAMBORN also said that we expect to have a large production by 2011, 4 or 5 years from now. The fact is, we could have big production out of shale much sooner than that if we continue on the path that we are on. If we delay, we will not have that opportunity.

I have an amendment that I am going to offer in a few minutes, and I will continue to talk about this point.

Mr. UDALL of Colorado. Mr. Chairman, the question here is not whether to develop oil shale, but how and when. The amendment would not stop it in its tracks, as my good friend from Colorado suggests, but it would direct those tracks on to a gentler and a more sustainable route.

We have always heard, Mr. Chairman, about oil shale being the fuel of the future. But as the Rand Report mentioned, I remind us, so are the potential problems. My amendment says, as we work to realize this promise, we are not closing our eyes to the problems in front of us.

I urge adoption of this amendment. It is a smart amendment. It is a wise amendment. It keeps faith with the people of western Colorado.

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

Mr. Chairman, I believe strongly in a balanced energy policy. We need to invest in alternative energy sources and we need to tap the resources that we have in a responsible manner.

The Department of the Interior is now completing a programmatic environmental impact study on the commercial leasing program that is authorized under the Energy Policy Act of 2005. This study is focused on evaluating the potential impacts associated with the development of commercial leasing programs for oil shale and tar sand resources on public lands in Colorado, Utah and Wyoming.

The scope of this environmental impact study will include an assessment for the positive and negative environmental, social and economic impacts of leasing oil shale and tar sand resources, both the positive and the negative impacts. I think that is important.

This will also include a discussion of the relevant mitigation measures to address any potential impacts on the Bureau of Land Management's administered lands in Colorado, as well as in Utah and Wyoming. The Bureau of Land Management anticipates that the draft Oil Shale and Tar Sands Leasing Programmatic Environmental Impact Study will be issued just this summer. But this amendment would stop that from occurring.

The draft environmental impact study will be followed by an extensive public comment period, and a second revised programmatic environmental impact study will be issued prior to the final record of decision.

I believe we must pursue environmentally responsible means of developing domestic energy sources, and this amendment delays the responsible planning process already in place.

The gentleman from Colorado said this is important to our energy policy, and I agree. He also said that this was important to our taxpayers. I also agree. But the leases that were expected to come in under the Energy Act of 2005 have been taken into consideration in the budget we already passed this year. By stopping this, you will stop the income from those leases in fiscal year 2008. So this will cause us to exceed the budget authority.

I would suggest the gentleman from Colorado withdraw this amendment because it is subject to a point of order because your budget authority is going to be exceeded by this amendment.

Mr. Chairman, I would yield to the gentleman from Colorado, but I would request that he withdraw this amendment.

Mr. UDALL of Colorado. Mr. Chairman, with all due respect to my great friend from the Midwest, I will not withdraw the amendment. I would make a point there, I don't believe a point of order is in order, because there is no revenue anticipated from the leases that are anticipated.

Mr. TIAHRT. Mr Chairman, reclaiming my time to explain the reason the revenue would be depleted, there was planned income from fiscal year 2008 from the leases on the oil shale. So I believe, in my estimation, I am waiting for confirmation from the Congressional Budget Office, that it will be out of order.

Mr. UDALL of Colorado. Mr. Chairman, if the gentleman would yield further, and I thank you again for yielding, I am very certain that that is not the case, and I would just again remind all of my colleagues that the intent here is to do this right. Not to stop this from happening, but to do it right, given our history of oil shale development or the lack thereof in western Colorado.

Mr. TIAHRT. Mr. Chairman, reclaiming my time, I thank the gentleman. I would say it is important that we let this process continue, and therefore I think we should vote down the Udall amendment.

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

Mr. Chairman, I think the gentleman from Kansas is referring to the other Udall amendment, not this amendment. I don't think there is a point of order here. There is another Udall amendment that did have an issue with it. There are a lot of them, so I can see how he could get confused.

Mr. TIAHRT. Mr. Chairman, if the gentleman will yield, I thank the chairman for trying to continue to hold the ranking Member in accuracy, but I believe it applies to both Udall amendments.

Mr. DICKS. Well, we will wait and see. But I didn't note the gentleman making the point of order.

Mr. TIAHRT. If the gentleman will continue to yield, I understand that I have missed my window of opportunity at this point in time to raise a point of order, but I will reserve that opportunity in the future, if such an opportunity will present itself.

Mr. DICKS. Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. UDALL).

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

Mr. CANNON. 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 Colorado will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. UDALL OF COLORADO

Mr. UDALL of Colorado. 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. 3 offered by Mr. UDALL of Colorado:

Page 111, after line 17, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available by this Act may be used to implement Bureau of Land Management regulations on Recordable Disclaimers of Interest in Land (subpart 1864 of part 1860 of title 43, Code of Federal Regulations) with respect to a claimed Revised Statue (R.S.) 2477 right-of-way or to issue a non-binding determination pursuant to the Secretary of the Interior's Memorandum to Assistant Secretaries dated March 22, 2006, revoking the Department of the Interior's previous Interim Departmental Policy on Revised Statute 2477 Grant of Right-of-Way for Public Highways.

Mr. TIAHRT. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Colorado (Mr. UDALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in a moment I am going to ask to withdraw the amendment, but I want to engage Chairman DICKS in a brief colloquy. But first let me provide a little bit of background here.

Mr. Chairman, as you know, the amendment deals with claims under an 1866 law known as R.S. 2477 that granted rights-of-way to build highways over Federal lands. This act was repealed in 1976, but because Congress did not set a deadline for people claiming these rights-of-way to come forward, we still do not know what valid rights-of-way may exist.

There are pending claims that affect military lands and lands once owned by the Federal Government that are now private property. Other claims involve national parks, national forests and other conservation areas.

When the Clinton administration tried to resolve this problem administratively, Congress blocked that by passing a law barring issuance of final regulations on this subject until Congress authorized them. That law is still on the books. The Bush administration has not asked Congress to change the law. Instead, they want to do an end run around Congress and to deal with these claims through an administrative process.

My amendment would have blocked them from doing that because I think we should deal with that problem through new legislation. Toward that end, I have worked for a number of years with counties in my State and introduced a bill based on the results of that work.

My goal has been and still remains to establish a fair and neutral process that will result in setting a time certain for claims to be brought forward so valid claims can be recognized and any invalid ones will be resolved and so to bring an end to litigation and controversy. I do plan to continue to work on that approach in this Congress.

If I might, at this time, I would turn to the chairman and ask him, does the chairman agree with me that it would be better for the administration to work with Congress to resolve this issue, rather than trying to follow a course that will lead straight to more litigation?

Mr. DICKS. Mr. Chairman, if the gentleman will yield, yes, I agree. In our report on this bill, the Appropriations Committee warns the Interior Department that we are concerned about the Department's interpretation and actions that would disclaim Federal interests in lands subject to an R.S. 2477 claim or issue any nonbinding determination that would have a similar effect. That is why we tell them to provide advanced notice to the Congress if the Interior Department plans to approve any R.S. 2477 claims. We also require them to provide quarterly reports on activities concerning claims under the R.S. 2477 statute. But it would be even better for the administration to work with the gentleman and the Natural Resources Committee to develop a legislative solution for this serious problem, and I urge them to do so.

Mr. Chairman, I commend the gentleman for his leadership on this issue.

Mr. UDALL of Colorado. Mr Chairman, reclaiming my time, I want to thank Chairman DICKS for his thoughts.

Mr. Chairman, I am not going to impose on the time of the House by calling for a vote on the amendment today, although the problem has not gone away and it will not go away unless Congress acts.

Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 12 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. 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. 12 offered by Mr. DEFAZIO:

At the end of the bill (before the short title), add the following new title:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. In implementing the amendments made by section 5401(c) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), a resource advisory committee established under section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393), in addition to the duties assigned to the committee by subsection (b) of such section, shall—

(1) monitor projects submitted by that committee that have been approved by the Secretary of the Interior or the Secretary of Agriculture;

(2) advise the designated Federal official on the progress of monitoring efforts under paragraph (1); and

(3) make recommendations to the Secretary of the Interior or the Secretary of Agriculture regarding any changes or adjustments to the projects being monitored by the committee.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I realize that the other side is reserving a point of order on this because of a previous objection to an amendment which would have allocated $425 million into the Safe and Secure Rural Schools program, a program which I very much support. I am on the authorizing committee and I can assure them that the authorizing committee is determined to move forward on, one of the authorizing committees at least, in the near future. In the last Congress, the Resources Committee did act and the Agriculture Committee did not on reauthorizing this program.

So we are engaging in that process in good faith and hope to be working with our friends on the Appropriations Committee in the not-too-distant future to extend this program for a number of years as we phase it down.

But in the interim, the Appropriations Committee and this Congress did, in the emergency supplemental, approve 1 year of temporary funding, which was excellent. It staved off disasters in county after county in terms of closed jails, loss of rural sheriffs patrols and many, many other vital services.

But, unfortunately, in doing that there was an oversight, and it is a simple oversight, easily rectified if there is not an objection. One of the most beneficial parts for the Federal taxpayers generally beyond the services that are provided within the counties and school districts across America is the Resource Advisory Committees, committees made up of a broad cross-section of communities across the Western United States, both environmental, timber interests, general community members, who have come forward, worked collaboratively, and have put 15 percent of the funds under the program, reinvested it back into the Federal lands, providing tremendous benefits ecologically to those lands, economically, in terms of thinning projects and other things, things that were not within the budget of the United States Forest Service or the Department of the Interior in the case of the O&C lands.

Unfortunately, since these committees, which are widely applauded in a bipartisan way across the Western United States, were not reauthorized, this language simply would give them authorization to monitor the ongoing activities.

It is extraordinarily noncontroversial, and it would be extraordinarily regrettable if in some sort of a misplaced tit for tat there was an objection to this bipartisan amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I want to thank my colleague Mr. DEFAZIO for his work on this amendment with me.

I would like to point out that on page 182 of the committee report there is listed 30 different laws that have not been reauthorized and are being funded. Some of these laws were last reauthorized 28 years ago. So the fact that we have something before you that has just gone out of operation here in less than a year, and we are trying to do a technical correction here to reauthorize it, I don't think is deserving of a point of order.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, I am prepared to accept the gentleman's amendment. I think this is a very positive amendment. It has nothing to do with what we were discussing earlier, and I am prepared to accept your amendment.

□ 1530

Mr. WALDEN of Oregon. Well, I'm not sure everyone is, so if I may continue. There are over 4,500 projects that these resource advisory committees have worked on. They have leveraged $292 million to improve watersheds and wildlife habitats, and reduce the risk of catastrophic fire. No resource advisory committee has been disbanded or melted down. There are 70 of them in 13 States. No RAC-approved project has been appealed or litigated. No other active land management initiative in either the Departments of Agriculture or Interior can equal such a track record.

This has brought disparate individuals together to do good things for the land, habitat and watersheds in a comprehensive way that leverages local funds and support.

Today, as we debate this issue on the floor of this House, fires are raging at Lake Tahoe, destroying homes and habitats and watershed. Those sorts of efforts, where they tried to get in and thin in this watershed and protect it and reduce the threat of fire, might have been allowed to occur had there been a resource advisory committee like these, and I don't know what they have got there, but certainly they were not able to get the job done before the fire hit.

We are trying to do good things for our national forests, and I know others are trying to as well. I just hope we can approve this.

Mr. DEFAZIO. Mr. Chairman, I reserve my remaining minute.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there are few Members of Congress who have more open territory than I do in my district. There is enough space there to put four eastern States easily and have room left over. I have rural schools and problems that very much reflect the concerns that have been expressed here.

But at the same time, I must say to the chairman and to the House, I was sitting in my office observing the discussion early when the Doolittle amendment was up. I was about to come to the floor because the chairman of the full committee was beginning a discussion regarding who taxes too much or too little, and who spends too much and too little, and we will have that conversation as we go forward. But that is what caused me to want to come to the floor.

In the meantime, Mr. DOOLITTLE had a very specific problem that was going to be taken care of, and it was objected to because it was legislating on an appropriations bill. Because of that, I am going to be pretty tough on this. The reason I reserved in this case, even though it affects my own district, it is my intention to ask that the amendment be stricken.

Mr. DICKS. Will the gentleman yield?

Mr. LEWIS of California. I yield to the chairman.

Mr. DICKS. The only thing I would say here is that this amendment is much different than the Doolittle amendment. This would help the gentleman from Oregon and Mr. DOOLITTLE in having a placeholder in the bill.

As the gentleman knows, we agreed to $425 million in the supplemental to help these gentlemen on the rural schools. My concern here is that this is not an appropriations problem, this is supposed to be an authorization problem. I even helped them way back in 1992 or 1993 when the timber harvest went way down—Congresswoman Dunn and I got the first program through Congress to keep this going for 10 years.

I have been a friend of this rural schools program. I don't quite understand why this very small amendment that doesn't have any negative impact on anyone would be stricken.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, if I could.

I understand the point that the chairman is making, and I am very appreciative of it.

The bill, as you know, was slushed with an awful lot of money above and beyond what we anticipated. Before we got the last $3 billion we had a fine bill. It strikes me that as we were slushing, we might have put some money in this category if we were so concerned about it.

But in the meantime, there is little doubt that because of the need for consistency here, if we are going to be striking language in the fashion that I saw as I was sitting in my office, selectively, then it seems to me we ought to try to at least raise the flag of consistency, and it is my intention to do that here.

POINT OF ORDER

Mr. LEWIS of California. At your will, Mr. Chairman, 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 rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.''

The amendment in this case imparts direction, so I insist upon my point of order.

The Acting CHAIRMAN. Does any Member wish to speak on the point of order?

Mr. DEFAZIO. Mr. Chairman, to the point of order, again, the gentleman is technically correct. But again, unlike the previous amendment, this amendment not only does not cost money, it actually benefits the Federal Government and the Federal taxpayers.

I wish the gentleman would reconsider that point and not target this because of an earlier debate on a different issue having to do with spending levels. This actually would save the taxpayers money. I would ask that the gentleman reconsider his objection.

The Acting CHAIRMAN. Seeing no further speakers on the point of order, the Chair is prepared to rule.

The Chair finds that this amendment includes language imparting direction. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. LAMBORN

Mr. LAMBORN. 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. LAMBORN:

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 National Endowment for the Arts.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from Washington (Mr. DICKS) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. LAMBORN. Mr. Chairman, I rise today to offer an amendment that recognizes the difficult fiscal situation facing our government.

The Interior Appropriations bill has the largest increase over the President's request of any of the spending bills, and I will support efforts to bring the costs down as these opportunities arise. At a time when our budget needs balancing, we must reprioritize our spending. That is why the amendment I am proposing now would eliminate funding for the National Endowment for the Arts.

I am disappointed that my earlier amendment yesterday was not accepted as it would have directed some of the funding toward the PLT program, or payment in lieu of taxes by the Federal Government to compensate for lost revenues to local governments.

But I still maintain that particularly in this budget environment, taxpayers should not be asked to fund the National Endowment for the Arts. Now opposition to the NEA should not be perceived as opposition to the arts. My wife is an artist, and I support the arts wholeheartedly. But I do feel strongly that it is something that the private sector can fully, and has in the past fully and wholeheartedly supported.

True art can and does survive without Federal handouts. Artists have every right to be creative without forcing the taxpayer to fund it. The private sector is the appropriate venue to fund such projects. I know artists who refuse to take money from any level of government because they want to be

independent. They don't want to have any strings attached. They don't want to be beholden to anybody, and they will refuse government funding.

While there are certainly projects that the NEA does that are worthwhile, some are objectionable and have been over recent history. And at a time when fiscal restraint is crucial, we must examine closely how and where we are spending taxpayer money. 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 directed to more worthwhile programs.

My amendment would save taxpayers an immediate $150 million in budget authority spending in fiscal year 2008, and allows the remaining $10 million to be spent on shutdown costs. This still reduces the overall cost of this spending bill and sends a message that in this budget environment we are willing to tighten our belts here in Washington just as any American family or business would have to.

It is disheartening to think there is an assumption of continued taxpayer support for every single discretionary program. Yet that is exactly what we are hearing today in this debate on funding for the NEA. There are arguments for why we must continue to spend money on an art program when we face budget constraints in trying to adequately provide necessary treatment for our returning veterans and all of the many priorities in our almost $3 trillion budget.

I come from a commonsense perceptive that says when my bank account is low, I make tough decisions on where my money must be spent. None of my colleagues supporting this funding seem to fully appreciate this approach, and it is disappointing and it is in large part why we face the budget situation that we are in.

I would note that the budget for this appropriations bill is I believe $1.9 billion over what the President has requested. I hear talk about how our deficit is going up every week, every day, every month. This is a great opportunity that we have to stop the hemorrhaging. We can stop the spending. I am disappointed that my colleagues on the other side of the aisle are contemplating not extending the Bush temporary tax cuts. They want to end that in their budget plan. That would amount to the largest tax increase in American history. We have this opportunity now to take $160 million and save it for the taxpayer. So I just think this would be a well-considered thing.

The arts are valuable in American life and culture. For anyone to say let's do this through the private sector as opposed to the taxpayers does not make them a member of the Flat Earth Society. The arts are valuable, but they are well supported in our society and culture. We just have so many other priorities.

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

Mr. DICKS. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. We have heard speaker after speaker on the Republican side say how concerned they are about spending. The minority whip stood in the well and castigated the Democrats for spending. He has $950,000 of earmarks in the bill.

The woman from Colorado has $150,000 of earmarks in the bill.

If the gentleman is so sincere, let's entertain a unanimous-consent request.

Mr. Chairman, is it in order to make a unanimous-consent request?

The Acting CHAIRMAN. It depends on the nature of the request.

Mr. DEFAZIO. Mr. Chairman, I ask unanimous consent that the Republicans be allowed to voluntarily strip their $45 million of earmarks from this bill, which would save one-quarter of the amount of money that the gentleman is trying to save by cutting all the funding for the National Endowment for the Arts.

The Acting CHAIRMAN. The order of the House allowing only certain amendments may not be varied by the Committee of the Whole.

Mr. DEFAZIO. In conclusion then, we have a bit of hypocrisy here. They want to complain at the same time as they put the projects in their pocket and they go home and brag about it. They brag about how they want to cut spending in Washington, and they brag about the money they bring home.

I believe in investment in America in many ways, and this bill is making many crucial investments in America.

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

It is important for Members to realize as they consider the committee 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 a chart that I showed Members earlier.

As we debate this 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 Bill Clinton, negotiated and 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 the American Masterpieces, Operation Homecoming and the Big Read.

Today, NEA is a truly national program with outreach efforts to every corner of America and every segment of her society. Each of us have 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.

□ 1545

It is equally important to emphasize that most Members of the House in recent years have been supporting funding for the arts and for the humanities. I believe the cultural wars should be over. For each of the last 7 years with the help of many Members in this Chamber, a bipartisan majority in 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 from Mr. TAYLOR.

Mr. Chairman, I do not normally include quotes in my floor remarks, but I was struck in preparing for this year's art 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 attainable 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 and support for the committee position.

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

The Acting CHAIRMAN. The gentleman from Colorado is recognized for his remaining 30 seconds.

Mr. LAMBORN. Thank you, Mr. Chairman.

My wife, Jeanie, is an artist. I support, she supports, the arts. I agree with what you said about the importance of arts in our culture. The only question is who should pay for it. Should the taxpayer pay for it or the private sector? The $160 million budget in this bill is $35 million, or 29 percent, higher than last year's budget. Do we need a 29 percent tax increase? I think the arts are great, but let's support it in the private sector.

I would urge adoption of this amendment, Mr. Chairman.

The Acting CHAIRMAN. The gentleman from Washington is recognized for his remaining 30 seconds.

Mr. DICKS. I just will wrap this up.

I would say, you know, it's very unusual to say you support a program or support the arts when you offer an amendment to eliminate the entire program. It's like saying I'm for the B–2 bomber but I want to vote against it. You can't have it both ways. Either you're for the arts or you're not. When you're here, you have to demonstrate that support by supporting the program.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. LAMBORN).

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

Mr. LAMBORN. 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 Colorado will be postponed.

AMENDMENT OFFERED BY MR. CANNON

Mr. CANNON. 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. CANNON:
At end of bill add:
SEC. _____. None of the funds in this Act may be used to implement section of this bill (relating to oil-shale leasing) in the States of Utah or Wyoming.

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

The Acting CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Utah (Mr. CANNON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. CANNON. Mr. Chairman, I rise today to offer an amendment that would limit the effects of the amendment by my colleagues from Colorado to Colorado.

I am deeply troubled by my colleagues' zeal to stop oil shale leasing and development in the West. Oil shale is not a new idea. In fact, the lands in question were once part of a strategic reserve. Rather than limiting our energy resources, I am offering this amendment in an attempt to make sure that Americans have the opportunity to be energy independent and to create more American jobs.

Utah, Colorado, and Wyoming hold a conservative estimate of 2 trillion barrels of recoverable oil in the Green River Formation. We have one or two times the total crude oil reserves of the whole world and triple the amount of oil reserves in Saudi Arabia. Two trillion barrels of oil is enough to meet current U.S. demands for hundreds of years.

At a time when the price of consumer goods and services are soaring in large part because of the cost of energy resources, why would we intentionally hinder our ability to develop our most promising resource? It is no secret that the environmental community does not want shale development to succeed in this Nation, but we have environmental laws that are designed to protect our Federal lands. If those laws are not sufficient, let's talk about those issues as opposed to simply putting up roadblocks to this promising resource. Increased global demands, skyrocketing energy prices, geopolitical instability, concerns about peak oil production and supplies are all economic factors that we believe make oil shale an attractive natural resource to help solve our country's dependency problems.

The U.S. and world demand for oil is increasing, and we will not be able to conserve our way out of this dilemma. We must as a country look to other sources of energy. Many experts agree that oil shale in Utah can be a major part of the solution. Issues regarding environmental and community impact will need to be addressed at a local, State and Federal level and also by private industry. I believe Utah and the region can look to Canada's oil sands to see what other countries have done to develop their resources and the benefits that come with such development. Canada has invested vastly in oil sands and has seen a huge return in royalties. Oil sands are now a $20 billion-per-year industry in a remote area of Canada.

We cannot leave our constituents holding the bag on higher energy prices. Development of oil shale as well as oil, gas and renewable energy technologies will lighten the load of our constituents. Successful development of oil shale can help solve the Nation's energy dilemma and also bring millions and eventually billions of dollars to the Federal Treasury, Utah, Colorado, and Wyoming through royalties and mineral lease moneys.

We have heard that we need to be energy independent. How, then, can we criticize the BLM for moving forward in helping us achieve this goal? We should be encouraging the responsible development of oil shale so that we can in part fulfill our desire to keep from relying on foreign and often unstable nations for our energy resources. These are nations that hate us and who use our American dollars to hurt our interests.

I would encourage my colleagues to support the amendment and resist the urge to destroy the potential of oil shale before it is developed. I would encourage my colleagues to support my amendment to allow States that want to develop oil shale, that they be allowed to develop that oil shale.

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

Mr. DICKS. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. DICKS. This amendment is a mistake. There are plenty of reasons to delay the oil shale leasing which the BLM is doing. The Governor of Colorado and several other local Members of Congress have also asked for an appropriate delay so the public can fully understand the ramifications of massive oil shale leasing. Furthermore, the large-scale demonstration projects have begun and it is far too soon for large-scale commercial leasing.

To give the companies time to learn from the demonstrations, I think we should defeat this amendment and stay with the Udall amendment. What this does is basically overturn the Udall amendment, which is pending at this time.

I urge opposition to the Cannon amendment.

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

The Acting CHAIRMAN. Does the gentleman from Washington withdraw his point of order?

Mr. DICKS. I withdraw my point of order.

Mr. CANNON. I thank the gentleman for withdrawing his point of order and would point out, I understand that the Governor of Colorado, a Democrat, has decided that he doesn't want oil shale development in Colorado and my Democratic colleagues have opposed oil shale development in Colorado. It is true that in Colorado there are major projects that are underway and that have begun with some small-scale demonstration projects. That is fine for Colorado. It does not make sense for America to impose on Utah and Wyoming the same concerns that the Democratic leadership of Colorado wants to have in Colorado. And so I would urge my colleagues to support this amendment. The fact is I think, having looked at the industry, the likelihood of significant oil shale development, oil coming out of shale, is more likely to be from entrepreneurial sources that are not dependent upon these vast, vast projects that are being done in Colorado.

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

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

Mr. DICKS. Do you want us to all vote for the Udall amendment so that your amendment can repeal it?

Mr. CANNON. No, no. If the Udall amendment passes, then my amendment would become irrelevant. But I think under the rules of the body today, we were not able to do a second-degree amendment which is what I would have preferred. That being the case, the fact is Colorado has expressed itself I think pretty clearly here today that they don't want this development and, in fact, the case is different in Colorado than it is in Utah. I think that the opportunity for entrepreneurial development of oil shale should not be inhibited by frivolous government regulations. We have laws in place. In Utah,

we are not going to do things that don't make sense environmentally.

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

Mr. DICKS. 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. For purposes of discussion, I would like to ask the gentleman from Utah if it is correct, and my understanding of what you're trying to do is offset what Mr. UDALL is doing because he is stopping the permitting process not only in Colorado but also in Utah, your home State.

Is it also true he would stop the permitting in Wyoming as well?

Mr. CANNON. That is true. This would delay the development of oil shale. The Udall amendment would delay it in Colorado, Utah and Wyoming. My amendment would limit that effect to just Colorado and allow Wyoming and Utah to develop their shale as they wish.

Mr. TIAHRT. So, Mr. Chairman, as I understand this, what the gentleman from Utah is doing is his very best to represent the interests of his State. And what the gentleman from Colorado is doing was try to represent the best interests of his State. So I think in fairness to the Members of Colorado, Utah and Wyoming, it would be proper for us to adopt Mr. CANNON's amendment. That way it would satisfy Mr. UDALL by restricting and limiting the permitting process in Colorado but allowing the gentleman from Utah to represent his district by letting the permitting process move forward.

So I would encourage the Members of the House to support Mr. UDALL via Mr. CANNON's amendment and vote to accept the Cannon 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 Utah (Mr. CANNON).

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

Mr. CANNON. 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.

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 Ms. GINNY BROWN-WAITE of Florida.

Amendment No. 51 by Mr. CAMPBELL of California.

An amendment by Mr. CAMPBELL of California.

An amendment by Mr. FLAKE of Arizona on Greene County, Pennsylvania.

An amendment by Mr. FLAKE of Arizona on Columbus, Ohio.

An amendment by Mr. FLAKE of Arizona on Greensburg, Pennsylvania.

Amendment No. 22 by Mr. JORDAN of Ohio.

Amendment No. 29 by Mr. PRICE of Georgia.

Amendment No. 27 by Mrs. MUSGRAVE of Colorado.

Amendment No. 17 by Mr. INSLEE of Washington.

Amendment No. 2 by Mr. UDALL of Colorado.

An amendment by Mr. LAMBORN of Colorado.

An amendment by Mr. CANNON of Utah.

The Acting CHAIRMAN. The Chair will reduce to 2 minutes the time for any electronic vote after the first in this series.

AMENDMENT OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate 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.

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 137, noes 285, not voting 15, as follows:

[Roll No. 564]

AYES—137

Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Blackburn
Boehner
Bonner
Boustany
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Everett
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
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latham
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Renzi
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shuster
Skelton
Smith (NE)
Souder
Stearns
Tancredo
Tanner
Taylor
Terry
Thornberry
Upton
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—285

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
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
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
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
Shimkus
Shuler
Simpson
Sires
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tiahrt
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)
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—15

Bishop (UT)
Braley (IA)
Costa
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Giffords
Johnson (GA)
Jones (OH)
Meek (FL)
Olver
Ortiz
Pearce
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in the vote.

□ 1621

Mrs. CAPPS, Mr. SHIMKUS, Ms. HIRONO, Mr. LUCAS and Mr. MOLLOHAN changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. GIFFORDS. Mr. Chairman, on rollcall No. 564, I was at the White House. Had I been present, I would have voted "no."

AMENDMENT NO. 51 OFFERED BY MR. CAMPBELL OF CALIFORNIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate 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.

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 104, noes 323, not voting 10, as follows:

[Roll No. 565]

AYES—104

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Bono
Brady (TX)
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Conaway
Cooper
Cubin
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Feeney
Flake
Fortenberry
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Graves
Hastert
Heller
Hensarling
Herger
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Marchant
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
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Upton
Walberg
Westmoreland
Wilson (SC)

NOES—323

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
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
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
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
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
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.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
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
Payne
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
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
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—10

Blackburn
Boehner
Braley (IA)
Davis (KY)
Davis, Jo Ann
Giffords
Jones (OH)
Meek (FL)
Ortiz
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there is 1 minute remaining on this vote.

□ 1626

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. GIFFORDS. Mr. Chairman, on rollcall No. 565, I was at the White House. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. CAMPBELL OF CALIFORNIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate 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.

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 330, not voting 10, as follows:

[Roll No. 566]

AYES—97

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Conaway
Cooper
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Duncan
Ehlers
Feeney
Flake
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goodlatte
Graves
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (KY)
Linder
Lofgren, Zoe
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)
Radanovich
Ramstad
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Upton
Walberg
Westmoreland
Wilson (SC)

NOES—330

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
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
Brown-Waite, Ginny
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)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
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
Fortenberry
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
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 (NC)
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
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
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
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
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—10

Brady (TX)
Davis (KY)
Davis, Jo Ann
Hirono
Jones (OH)
Levin
McDermott
Moore (WI)
Ortiz
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there is 1 minute remaining on the vote.

□ 1630

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. HIRONO. Mr. Chairman, on rollcall No. 566, I was on the floor, but in a discussion with collegues, and missed the vote. Had I been present, I would have voted "no."

(By unanimous consent, Mr. LEWIS of Georgia was allowed to speak out of order.)

MOURNING THE PASSING OF THE HONORABLE JOHN J. FLYNT, JR.

Mr. LEWIS of Georgia. Mr. Speaker, I am sorry to announce to the body that a former Member of this body, John J. Flynt, Jr., better known as Jack Flynt, of Georgia, passed on Sunday at his home in Griffin, Georgia.

Congressman Jack Flynt was 92 years old. He served in the Congress from 1954 until his retirement in 1979, and he was a member of the Armed Services and Appropriations Committees, and at one time, he was also the Chair of the Ethics Committee.

Congressman Flynt had many varied professional experiences. He was a prosecutor and the founder of a bank. During World War II, he joined the Army Reserve and was aide-de-camp to Brigadier General Robert W. Grow in France. For his service he was awarded the Bronze Star.

Now, Mr. Chairman, I would like to yield to my colleague from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Chairman, I want to thank my colleague for yielding.

Congressman Jack Flynt was a lifelong resident of Spalding County in my district. After gaining a bachelor's degree at the University of Georgia and a law degree at George Washington University, a young Jack Flynt enlisted in the Army Reserves. He fought the war in France, won a Bronze Star, and retired as a colonel in the Reserves.

After serving his Nation at war and in the Congress, Congressman Flynt came home to Griffin for the last 20 years of his life and he continued working in his hometown community.

On behalf of the people of my district, the Third District of Georgia, and the great State of Georgia, I thank Congressman Flynt for his lifetime of service, and our thoughts and prayers are with his wife and family.

Mr. LEWIS of Georgia. Mr. Chairman, I would like to yield now to my colleague from Georgia, Congressman PHIL GINGREY.

Mr. GINGREY. Mr. Chairman, I thank my colleague Mr. LEWIS for yielding.

Former Member Jack Flynt served in this body for 24 years. It has been mentioned that he served on the Appropriations Committee. Some could say that he is neither a Democrat nor a Republican but an appropriator. But Jack Flynt was a boll weevil Democrat. If he were here today, he would be a staunch member of the Blue Dogs, I feel confident.

When I was running in this district originally, that area was in my district and many people said to me, You need to know Jack Flynt. I am disappointed, Mr. Chairman, that I never did get to know him. But in every instance the word about Jack Flynt was he was a gentleman.

And he and his wife of 65 years, Patricia of Griffin, Georgia, they have three children: Susan Flynt Stirn of Arlington County; John J. Flynt III of Augusta, Georgia, my hometown; and Crisp B. Flynt of Griffin; four grandchildren and two great grandchildren.

I am humbled to have an opportunity to just say a few words about a great Member of this body and to pay respect to him and offer our condolences to his entire family.

Mr. LEWIS of Georgia. Mr. Chairman, I ask that the House now join in a moment of silence in memory of John J. Flynt.

The Acting CHAIRMAN. Members will rise and the House will 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. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on Greene County, Pennsylvania, 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 104, noes 328, not voting 5, as follows:

[Roll No. 567]

AYES—104

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Boehner
Bono
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Castle
Chabot
Coble
Conaway
Cooper
Davis, David
Davis, Tom
Deal (GA)
Dreier
Duncan
Ehlers
Feeney
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Graves
Hastings (WA)
Heller
Hensarling
Herger
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
Mica
Miller (FL)
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
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Upton
Walberg
Westmoreland
Wilson (SC)

NOES—328

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
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
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.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortuño
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
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.
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
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
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
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
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
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—5

Davis (KY)
Davis, Jo Ann
Jones (OH)
Ortiz
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there is 1 minute remaining in this vote.

□ 1639

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on Columbus, Ohio, 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 66, noes 364, not voting 7, as follows:

[Roll No. 568]

AYES—66

Akin
Bachmann
Barrett (SC)
Biggert
Bilbray
Blackburn
Brady (TX)
Campbell (CA)
Cannon
Conaway
Cooper
Davis, David
Davis, Tom
Deal (GA)
Duncan
Ehlers
Feeney
Flake
Fortenberry
Franks (AZ)
Gallegly
Garrett (NJ)
Graves
Heller
Hensarling
Inglis (SC)
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Marchant
McCarthy (CA)
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Petri
Pitts
Price (GA)
Radanovich
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Smith (NE)
Souder
Sullivan
Tancredo
Terry
Thornberry
Walberg
Westmoreland
Wilson (SC)

NOES—364

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
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
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
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.
Diaz-Balart, M.
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
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
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
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
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
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
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—7

Davis (KY)
Davis, Jo Ann
Jones (OH)
Kirk
Ortiz
Pence
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there is 1 minute remaining in this vote.

□ 1643

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on Greensburg, Pennsylvania, 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 86, noes 343, not voting 8, as follows:

[Roll No. 569]

AYES—86

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Blackburn
Blunt
Bono
Burgess
Camp (MI)
Campbell (CA)
Cannon
Cantor
Castle
Chabot
Coble
Conaway
Cooper
Davis, David
Deal (GA)
Duncan
Ehlers
Feeney
Flake
Fortenberry
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Graves
Heller
Hensarling
Herger
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
McCarthy (CA)
McCaul (TX)
McHenry
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Smith (NE)
Stearns
Tancredo
Terry
Thornberry
Upton
Walberg
Westmoreland
Wilson (SC)

NOES—343

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehner
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
Burton (IN)
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
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
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
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
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.
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 (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
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
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
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—8

Davis (KY)
Davis, Jo Ann
Hunter
Jones (OH)
Nunes
Ortiz
Sessions
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining on this vote.

□ 1647

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 22 OFFERED BY MR. JORDAN OF OHIO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. JORDAN) 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 is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 150, noes 281, not voting 6, as follows:

[Roll No. 570]

AYES—150

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
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)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)

NOES—281

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Calvert
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
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 (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
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
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
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
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—6

Davis (KY)
Davis, Jo Ann
Hunter
Ortiz
Pickering
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining on the vote.

□ 1651

Mr. COLE of Oklahoma changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 29 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) 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 is a 2-minute vote. There are five 2-minute votes after this vote.

The vote was taken by electronic device, and there were—ayes 178, noes 254, not voting 5, as follows:

[Roll No. 571]

AYES—178

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
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
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ellsworth
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Lampson
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuler
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—254

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow

Becerra
Berkley
Berman
Berry
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
Carter
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Reichert
Renzi
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
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
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)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—5

Davis (KY)
Davis, Jo Ann
Marchant
Ortiz
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There are less than 30 seconds remaining on the vote.

□ 1654

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 27 OFFERED BY MRS. MUSGRAVE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE) 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 is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 193, noes 238, not voting 6, as follows:

[Roll No. 572]

AYES—193

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
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
Cardoza
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Lamborn
Lampson
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuler
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—238

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
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
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Reichert
Renzi
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
Shea-Porter
Sherman
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—6

Davis (KY)
Davis, Jo Ann
Nunes
Ortiz
Pascrell
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining on the vote.

□ 1658

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. INSLEE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. INSLEE) 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 is a 2-minute vote.

There are three more 2-minute votes continuing after this vote.

The vote was taken by electronic device, and there were—ayes 188, noes 242, not voting 7, as follows:

[Roll No. 573]

AYES—188

Ackerman
Allen
Andrews
Arcuri
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Bono
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Campbell (CA)
Capps
Capuano
Carnahan
Carson
Castle
Castor
Chabot
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Courtney
Crenshaw
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doyle
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frelinghuysen
Giffords
Gillmor
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Kirk
Klein (FL)
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler
Napolitano
Neal (MA)
Olver
Pallone
Pastor
Payne
Platts
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Solis
Stark
Sutton
Tauscher
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—242

Abercrombie
Aderholt
Akin
Alexander
Altmire
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Bordallo
Boren
Boswell
Boustany
Boyd (FL)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Cardoza
Carney
Carter
Chandler
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Cubin
Cuellar
Culberson
Davis (AL)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Dingell
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Hill
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Kagen
Kanjorski
Keller
Kind
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Oberstar
Obey
Pascrell
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—7

Burgess
Davis (KY)
Davis, Jo Ann
Herger
Norton
Ortiz
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining on the vote.

□ 1702

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. UDALL OF COLORADO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. UDALL) 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 is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 219, noes 215, not voting 4, as follows:

[Roll No. 574]

AYES—219

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gordon
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
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
Stupak
Sutton
Tauscher

Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—215

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hinojosa
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jackson-Lee (TX)
Jefferson
Jindal
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—4

Davis (KY)
Davis, Jo Ann
Ortiz
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). One minute remains in this vote.

□ 1709

Messrs. SNYDER, RANGEL, BOYD of Florida, LEVIN and BACA changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

POINT OF ORDER

Mr. WESTMORELAND. Mr. Chairman, I have a point of order.

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

Mr. WESTMORELAND. Mr. Chairman, rule XX, clause 2(a) says that no vote will be held open to change the outcome.

The Acting CHAIRMAN. The gentleman states a fair question. The vote was kept open to do the numerical calculation to see if the votes of the Delegates would change the outcome.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state it.

Mr. WESTMORELAND. Mr. Chairman, I understand that you hold the vote open for people not having voted, but this was a specific case of people changing their vote after the limit.

The Acting CHAIRMAN. The vote was not kept open for the purpose of allowing Members to vote. There had to be numerical calculations on the votes of the Delegates to see if they changed the outcome of the vote. That was the purpose of the delay. It was not for any other reason.

Mr. WESTMORELAND. Mr. Chairman, if I understand it correctly, the rule XX, clause 2(a) was put into effect to keep votes open and keep people from lobbying to change their votes. That is exactly what happened on this vote, and it is against the rules.

AMENDMENT OFFERED BY MR. LAMBORN

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. LAMBORN) 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 335, not voting 5, as follows:

[Roll No. 575]

AYES—97

Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Blackburn
Blunt
Boehner
Brady (TX)
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Crenshaw
Cubin
Culberson
Davis, David
Doolittle
Dreier
Duncan
Everett
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hunter
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Lamborn
Lewis (KY)
Linder
Manzullo
Marchant
Matheson
McCaul (TX)
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Radanovich
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Shuster
Skelton
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Taylor
Thornberry
Walberg
Weldon (FL)
Westmoreland
Wilson (SC)
Young (AK)

NOES—335

Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell

Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—5

Abercrombie
Davis (KY)
Davis, Jo Ann
Ortiz
Sessions

□ 1715

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CANNON

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. CANNON) 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 204, noes 223, not voting 10, as follows:

[Roll No. 576]

AYES—204

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Cubin
Cuellar
Culberson
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hinojosa
Hobson
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Larson (CT)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gohmert
Gordon
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
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
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
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
Stupak
Sutton
Tauscher
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)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—10

Conyers
Crenshaw
Davis (KY)
Davis, Jo Ann
Hinchey
Hoekstra
Ortiz
Reyes
Sessions
Whitfield

□ 1719

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008''.

Mr. DICKS. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. SNYDER, 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, he reported the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Under House Resolution 514, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole?

Mr. CANNON. Mr. Speaker, I demand a separate vote on the Udall amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment:

Page 111, after line 17, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available by this Act shall be used to prepare or publish final regulations regarding a commercial leasing program for oil shale resources on public lands pursuant to section 369(d) of the Energy Policy Act of 2005 (Public Law 109–58) or to conduct an oil shale lease sale pursuant to subsection 369(e) of such Act.

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 210, not voting 6, as follows:

[Roll No. 577]

YEAS—216

Abercrombie	Ferguson	Melancon
Ackerman	Filner	Michaud
Allen	Frank (MA)	Miller (NC)
Altmire	Frelinghuysen	Miller, George
Andrews	Giffords	Mitchell
Arcuri	Gilchrest	Mollohan
Baca	Gillibrand	Moore (KS)
Baird	Gonzalez	Moore (WI)
Baldwin	Gordon	Moran (VA)
Barrow	Grijalva	Murphy (CT)
Bartlett (MD)	Gutierrez	Murphy, Patrick
Bean	Hall (NY)	Murtha
Becerra	Hare	Nadler
Berkley	Harman	Napolitano
Berman	Hastings (FL)	Neal (MA)
Berry	Higgins	Oberstar
Biggert	Hill	Obey
Bishop (GA)	Hinchey	Olver
Bishop (NY)	Hirono	Pallone
Blumenauer	Hodes	Pascrell
Boyd (FL)	Holden	Pastor
Brady (PA)	Holt	Payne
Braley (IA)	Honda	Perlmutter
Brown, Corrine	Hooley	Pomeroy
Butterfield	Hoyer	Price (NC)
Capps	Inslee	Rahall
Capuano	Israel	Ramstad
Cardoza	Jackson (IL)	Rangel
Carnahan	Johnson (GA)	Reichert
Carson	Johnson (IL)	Rothman
Castle	Jones (OH)	Roybal-Allard
Castor	Kagen	Ruppersberger
Chandler	Kanjorski	Rush
Clarke	Kaptur	Ryan (OH)
Clay	Kennedy	Salazar
Cleaver	Kildee	Sánchez, Linda T.
Clyburn	Kilpatrick	
Cohen	Kind	Sanchez, Loretta
Conyers	Kirk	Sarbanes
Costa	Klein (FL)	Saxton
Costello	Kucinich	Schakowsky
Courtney	Langevin	Schiff
Cramer	Lantos	Schwartz
Crowley	Larsen (WA)	Scott (GA)
Cummings	Larson (CT)	Scott (VA)
Davis (AL)	Lee	Serrano
Davis (CA)	Levin	Sestak
Davis (IL)	Lewis (GA)	Shays
Davis, Lincoln	Lipinski	Shea-Porter
DeFazio	LoBiondo	Sherman
DeGette	Loebsack	Shuler
Delahunt	Lofgren, Zoe	Sires
DeLauro	Lowey	Skelton
Dicks	Lynch	Slaughter
Dingell	Maloney (NY)	Smith (WA)
Doggett	Markey	Snyder
Doyle	Matsui	Solis
Ehlers	McCarthy (NY)	Spratt
Ellison	McCollum (MN)	Stark
Ellsworth	McDermott	Stupak
Emanuel	McGovern	Sutton
Engel	McIntyre	Tauscher
Eshoo	McNerney	Taylor
Etheridge	McNulty	Thompson (CA)
Farr	Meek (FL)	Thompson (MS)
Fattah	Meeks (NY)	Tierney
Towns	Wasserman Schultz	Wexler
Udall (CO)	Waters	Wilson (OH)
Udall (NM)	Watson	Woolsey
Van Hollen	Watt	Wu
Velázquez	Weiner	Wynn
Visclosky	Welch (VT)	Yarmuth
Walz (MN)		

NAYS—210

Aderholt	Gerlach	Murphy, Tim
Akin	Gillmor	Musgrave
Alexander	Gingrey	Myrick
Bachmann	Gohmert	Neugebauer
Bachus	Goode	Nunes
Baker	Goodlatte	Paul
Barrett (SC)	Granger	Pearce
Barton (TX)	Graves	Pence
Bilbray	Green, Al	Peterson (MN)
Bilirakis	Green, Gene	Peterson (PA)
Bishop (UT)	Hall (TX)	Petri
Blackburn	Hastert	Pickering
Blunt	Hastings (WA)	Pitts
Boehner	Hayes	Platts
Bonner	Heller	Poe
Bono	Hensarling	Porter
Boozman	Herger	Price (GA)
Boren	Herseth Sandlin	Pryce (OH)
Boswell	Hinojosa	Putnam
Boucher	Hobson	Radanovich
Boustany	Hoekstra	Regula
Boyda (KS)	Hulshof	Rehberg
Brady (TX)	Hunter	Renzi
Brown (SC)	Inglis (SC)	Reyes
Brown-Waite, Ginny	Issa	Reynolds
	Jackson-Lee (TX)	Rodriguez
Buchanan	Jefferson	Rogers (AL)
Burgess	Jindal	Rogers (KY)
Burton (IN)	Johnson, E. B.	Rogers (MI)
Buyer	Johnson, Sam	Rohrabacher
Calvert	Jones (NC)	Ros-Lehtinen
Camp (MI)	Jordan	Roskam
Campbell (CA)	Keller	Ross
Cannon	King (IA)	Royce
Cantor	King (NY)	Ryan (WI)
Capito	Kingston	Sali
Carney	Kline (MN)	Schmidt
Carter	Knollenberg	Sensenbrenner
Chabot	Kuhl (NY)	Shadegg
Coble	LaHood	Shimkus
Cole (OK)	Lamborn	Shuster
Conaway	Lampson	Simpson
Cooper	Latham	Smith (NE)
Crenshaw	LaTourette	Smith (TX)
Cubin	Lewis (CA)	Souder
Cuellar	Lewis (KY)	Space
Culberson	Linder	Stearns
Davis, David	Lucas	Sullivan
Davis, Tom	Lungren, Daniel E.	Tancredo
Deal (GA)		Tanner
Dent	Mack	Terry
Diaz-Balart, L.	Mahoney (FL)	Thornberry
Diaz-Balart, M.	Manzullo	Tiahrt
Donnelly	Marchant	Tiberi
Doolittle	Marshall	Turner
Drake	Matheson	Upton
Dreier	McCarthy (CA)	Walberg
Duncan	McCaul (TX)	Walden (OR)
Edwards	McCotter	Walsh (NY)
Emerson	McCrery	Wamp
English (PA)	McHenry	Weldon (FL)
Everett	McHugh	Weller
Fallin	McKeon	Westmoreland
Feeney	McMorris Rodgers	Whitfield
Flake		Wicker
Forbes	Meehan	Wilson (NM)
Fortenberry	Mica	Wilson (SC)
Fossella	Miller (FL)	Wolf
Foxx	Miller (MI)	Young (AK)
Franks (AZ)	Miller, Gary	Young (FL)
Gallegly	Moran (KS)	
Garrett (NJ)		

NOT VOTING—6

Davis (KY)	Ortiz	Smith (NJ)
Davis, Jo Ann	Sessions	Waxman

□ 1741

Mr. BERRY changed his vote from ''nay'' to ''yea.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Ms. LEE. Mr. Chairman, I rise in strong support of the Interior Appropriations bill, and in favor of the rational funding increases it proposes to help manage federal lands, support Native Americans, protect our environment, and address the urgent problem of global climate change.

Chairman DICKS and his staff have put together a great bill that finally reverses the long series of cuts for environmental programs imposed by the President and previous Republican Congress.

With $2.047 billion in this bill, we can finally take a step forward to address the huge backlog of maintenance projects in our national parks system.

With $8.086 billion in this bill we can finally put some teeth into the Environmental Protection Agency's mission as it now moves to comply with the recent landmark Supreme Court decision requiring regulation of greenhouse gas emissions under the Clean Air Act.

With $5.731 billion in this bill we can finally make good on some of the promises we have made to Native American communities by supporting health care, education, economic development and law enforcement, including a targeted methamphetamine prevention initiative.

And with the important creation of a new Commission on Climate Change Mitigation and Adaptation with a $50 million budget to jumpstart scientific activity, we can begin to implement some real solutions to the problem of global climate change.

I am also pleased that in addition to making these much needed investments, the Interior bill maintains the bipartisan moratorium on new oil and gas drilling on our outer continental shelf.

We recognize that safeguarding the health and natural beauty of our coastal environment for future generations is an important priority for our nation.

We don't believe that it is worth trading away coastal habitats to the administration's cronies in the oil and gas industry to continue their massive shakedown of our constituents through tax incentives and high prices at the pump.

I again want to applaud my colleague Chairman DICKS for writing such a well-crafted, thoughtful, and forward looking bill and I urge my colleagues to support this bill.

Ms. MATSUI. Mr. Chairman, I rise today in strong support of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008.

This bill is the first step on the long road back to re-investing in our environment after years of neglect. It is a much-needed turnabout from the practice of treating the natural world merely as a source of material, rather than as the human race's one and only home. It is a necessary reversal of past policies which disregarded the value of clean water, clean air, and our public lands.

It represents the commitment of the new Democratic majority to strengthening the long-term viability of our environment. At the same time, it protects public health and demonstrates how important it is for us to act as stewards for our communities.

Treating our wastewater before it is discharged into our oceans and rivers is a crucial part of this process. However, the equipment and infrastructure that we use to clean our wastewater is rapidly aging. It no longer has the capacity to treat the amount of waste produced by our growing population. My constituents in Sacramento have battled this problem for years. When heavy rains come, the specter of sewers overflowing into our streets can become a harsh reality.

That is why I am so pleased that the Appropriations Committee has used this legislation to renew our commitment to clean water infrastructure. H.R. 2643 increases water-related research, restores funding for clean water grants to States, and directs greater resources to cleaning up contaminated groundwater sites. In doing so, this bill recognizes that investing in clean water protects our drinking supply, restores our rivers and lakes, and strengthens public health.

Mr. Chairman, Americans across the country—and in particular the people I represent from Sacramento—will benefit from this legislation's clean water provisions. No longer will we have to worry about untreated wastewater stagnating in our streets and polluting our rivers. No more will raw sewage seep into basements, public parks, and other areas where young children play.

When we pass this bill, the water our constituents drink will be cleaner. The rivers they swim in will house fewer bacteria. The sewers they rely on to transport wastewater will stop overflowing. Every Member of Congress has an interest in solving the problems of overwhelmed wastewater infrastructure, and H.R. 2643 begins to do so.

While this bill is but a beginning, Mr. Chairman, I am confident that the Democratic Congress will use it as a building block to continue restoring past cuts to clean water programs. The tangible benefits of this bill's clean water funding levels are considerable, but they are still just the first step in renewing our country's commitment to that basic building block of life that sustains us all.

I urge my colleagues to support H.R. 2643.

Mr. WELDON of Florida. Mr. Chairman, I rise to express my concerns about legislative amendments related to permitting drilling for oil or natural gas off of our Nation's Outer Continental Shelf (OSC).

I want it to be very clear what I support with regard to offshore drilling. I believe it is important to ensure that we can adequately protect Florida's shoreline and I believe that the legislation approved last year by the Congress more than protects Florida's shoreline. I support a 100-mile buffer of protection for our beaches when it comes to drilling oil wells. Additionally, I am not opposed to allowing natural gas only wells at a distance closer than 100 miles, particularly in those States that want to permit natural gas wells closer to their coasts.

The current Federal moratorium on offshore drilling bans natural gas wells not only along the Florida coast, but also along southern, central and northern California; Washington; Oregon; and the North Atlantic, including Virginia. The State of Virginia has indicated that it would like to permit drilling off of its shore. The Democrat Governor of the State has asked for the ability to allow drilling off of Virginia's shore. The Republican legislature of Virginia has asked the Federal Government to remove the barrier to drilling off the coast. The Federal moratorium in the Interior and Environment Appropriations bills stops this policy asked for by the State of Virginia.

Additionally, with regard to Florida, I would like to clarify some confusion on this issue. Some have suggested that without the Federal moratorium rider on the Interior bill drilling would be allowed within 3 miles of the Florida coast. That is just simply not the case. The Presidential moratorium would remain in place protecting Florida. Additionally, President Bush has pledged to ensure that Florida is permitted to maintain at least a 100-mile protective buffer. Moreover should the Presidential moratorium be removed, the Congress must enact legislation directing the Department of the Interior on where to permit Outer Continental Shelf (OCS) leases. This is not a one step process.

Some have suggested that allowing natural gas wells will do little to address the energy costs in the United States. This claim simply is not based on sound economics. As many of my colleagues know, over the past decade there has been a dramatic increase in the use of natural gas to produce electricity. Switching to natural gas for electric power generation has been a very quick and cost effective way to reduce greenhouse gas emissions. According a 2005 report from the Florida Public Service Commission, in 2003, 26 percent of Florida's electric power was generated using natural gas. By 2013, just 6 years from now, the FPSC projects that over 50 percent of Florida's electric power will be generated using natural gas. The cost of natural gas for electric power generation has more than doubled since 2002 from about $3.00 per thousand cubic feet to more than $7.00 in 2007. Clearly, Florida is increasingly relying on natural gas to meet our everyday energy needs and ensuring a longer term affordable supply of natural gas will make Florida consumers' power bills more affordable.

When you consider this growing reliance on clean burning natural gas along with price increases we have seen, it is clear that Florida consumers will continue to pay higher costs for electricity if we don't expand our natural gas supply.

I look forward to working with my colleagues to ensure that Florida has an adequate protective buffer while looking to meet our constituents' long-term clean energy needs.

Mr. STARK. Mr. Chairman, I rise today in strong support of strengthening environmental protections, preserving public lands, and confronting global warming.

In the past 6 years of Republican budgets, our National Parks, forests, and wildlife refuges were recklessly neglected. The Environmental Protection Agency, EPA, the main entity responsible for enforcing environmental laws, was left scrambling for funding. Nonetheless, President Bush suggested another big cut in his budget request. Fortunately for the millions of people who enjoy our public lands and who rely on the EPA to protect our air and water, the new Democratic Congress is committed to reversing years of dereliction. Instead, we are making overdue investments in environmental protections.

The Interior, Environment, and Related Agencies appropriations bill (H.R. 2643) provides for modest, but crucial, funding increases in a number of areas including: $437 million above the President's request for the Clean Water State Revolving Fund that will allow approximately 150 communities to modernize their drinking water and wastewater infrastructure; $200 million increase over 2007 levels for the National Park Service to end a decade of declines in staffing, visitor services, and maintenance; $900 million more than the President proposed for EPA enforcement and scientific research.

This bill protects coastal ecosystems and communities by maintaining the longstanding moratoria on oil and gas drilling on the Outer Continental Shelf. This restriction protects the California coastlines that my constituents and I hold dear.

Finally, after years of denials and stonewalling by Republicans, this bill recognizes that climate change is a reality and requires us to act.

It would create a Commission on Climate Change Adaptation and Mitigation to make recommendations on how to best respond to climate change. This long overdue step will allow us to begin to address the many challenges that global warming presents.

President Bush has issued a veto threat and called this bill ''irresponsible and excessive.'' What is truly ''irresponsible'' is wasting billions of dollars on a fraudulent war while ignoring the threat of global warming and failing to protect the environment and the public health. This bill begins to alter the dangerous environmental course that the President and the Republicans have led us down the last 6 years. I urge my colleagues to join me in voting yes.

Mrs. CUBIN. Mr. Chairman, the Report accompanying H.R. 2643, the fiscal year 2008 Interior and the Environment Appropriations Act, urges the Environmental Protection Agency to study the health and environmental effects of using trona in air pollution control systems. Trona is a naturally occurring, non-toxic mineral widely used in food additives, in glass manufacturing, paper, laundry products and medicine. It is odorless, non-combustible and stable in the air. Trona is a key ingredient of baking soda. Here in the United States, we are fortunate to have an abundance of this incredibly useful mineral. The Green River Basin of Wyoming is home to the world's largest trona deposit, and the Wyoming trona industry alone products close to 20 million tons of trona every year and employs more than 2,000 people.

For almost 20 years, trona has also played a critical and growing role in air pollution control at coal-fired power plants, cement plants, municipal incinerators and similar facilities around the country, including Alaska, Colorado, Florida, Virginia and Washington. Texas-based Solvay Chemicals, Inc. pioneered the use of trona in air pollution control systems, and it is the only company in the United States that produces trona products for that purpose.

Trona simply works in air pollution control systems, and it works incredibly well. The EPA, which has repeatedly approved the use of trona in air pollution control systems, reports that those systems have actually reduced sulfur dioxide emissions by more than 85 percent and hydrochloric acid emissions by 95 percent at several power plants around the country, without increasing particulate matter emissions.

Mr. HOLT. Mr. Chairman, I rise today in support of H.R. 2643. I want to thank my colleague and friend, Chairman NORM DICKS, for his tireless work in bringing to the floor a bill that we should all be proud of because of its commitment to protecting and conserving our environment and natural resources for future generations to enjoy.

John F. Kennedy said in March 1961, ''It is our task in our time and in our generation to hand down undiminished to those who come after us, as was handed down to us by those who went before, the natural wealth and beauty which is ours.'' In previous years we have

passed Interior Appropriations bills that do exactly the opposite—we have cut essential funding that has put our natural resources at risk as well as allowed policy decisions to hamper our ability to protect at-risk land, wilderness and wildlife. In previous years, I have stood before this Congress and expressed disappointment and anger with our complete disregard for environmental stewardship. But this year is different.

We finally have a bill that reflects where our budget priorities should be. While this legislation may not solve all of our problems, I believe it is an enormous step in the right direction.

First, I am proud to say that this bill allocates $50 million for the stateside grant program of the Land and Water Conservation Fund. The Land and Water Conservation Fund was separated into two components—the full federal program and the stateside grant program—to help address overdevelopment in both urban and rural areas. The stateside program has increased the number of recreation areas and facilities in our communities. It has also increased local involvement in land protection and open space preservation.

In New Jersey alone, the LWCF program has helped preserve of 73,000 acres of land by providing more than $111 million in funding. Some of the funding has been used to cleanup playgrounds, and build baseball fields, develop waterfront parks and restore open spaces. It is beyond me why the President continues to propose eliminating a program that is so successful. Fortunately, Chairman DICKS and the members of the Subcommittee understand the vital role this program plays in protecting and maintaining vital open spaces. They have invested in a program that remains a staple for conservation and land protection across the country.

These funds are long-term gifts that allow for the preservation of the wild and untouched places in America that our children and their children should have for their enjoyment.

These funds provide for Tuesday night baseball games and Sunday walks along the river, along with keeping what remains of our natural resources clean and pollutant free.

I also want to commend the committee for recognizing the dire situation of the National Parks. In preparation for the 100th anniversary of the National Parks System in 2016, we have included a hefty increase in the Parks budget for this fiscal year. This will go to park improvements, staffing increases, and visitor center upgrades in the Parks. Nearly a hundred years ago, Theodore Roosevelt urged the American people and the government to begin to conserve what natural resources we had so that some of the most majestic parts of this country would remain intact. With the 100-year anniversary of the National Park Service drawing closer, I echo the call to bring our National Parks up to standards.

Again, I would like to commend Chairman DICKS for crafting this bill before us today and I urge my colleagues to support it. By starting here today with this bill, we are voting for our sons and daughters and our grandchildren to be able to enjoy the natural resources of our country that so many of us have had the opportunity to experience in our lifetimes.

Mr. DICKS. Mr. Chairman, I submit the following for the RECORD.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R.2643)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources	866,911	879,438	888,628	+21,717	+9,190
(Energy cost recovery)	---	(21,000)	(20,000)	(+20,000)	(-1,000)
Construction	11,751	6,476	6,476	-5,275	---
Land acquisition	8,634	1,619	18,634	+10,000	+17,015
Oregon and California grant lands	108,991	110,242	110,242	+1,251	---
Range improvements (indefinite)	10,000	10,000	10,000	---	---
Service charges, deposits, & forfeitures (indefinite)	24,905	26,905	25,905	+1,000	-1,000
Offsetting fee collections	-24,905	-26,905	-25,905	-1,000	+1,000
Miscellaneous trust funds (indefinite)	12,405	12,405	12,405	---	---
Wildland fire management:					
Preparedness	274,863	268,334	274,863	---	+6,529
Fire suppression operations	249,185	294,398	294,398	+45,213	---
Other operations	234,307	239,117	237,383	+3,076	-1,734
Emergency appropriations (P.L. 110-28)	95,000	---	---	-95,000	---
Subtotal	853,355	801,849	806,644	-46,711	+4,795
Total, Bureau of Land Management	1,872,047	1,822,029	1,853,029	-19,018	+31,000
United States Fish and Wildlife Service					
Resource management	1,013,969	1,034,520	1,104,572	+90,603	+70,052
Emergency appropriations (P.L. 110-28)	7,398	---	---	-7,398	---
Construction	45,300	23,071	31,653	-13,647	+8,582
Land acquisition	28,046	18,011	43,046	+15,000	+25,035
Landowner incentive program	23,667	---	---	-23,667	---
Private stewardship grants	7,277	---	---	-7,277	---
Cooperative endangered species conservation fund	81,001	80,001	81,001	---	+1,000
National wildlife refuge fund	14,202	10,811	14,202	---	+3,391
North American wetlands conservation fund	39,412	42,646	42,646	+3,234	---
Neotropical migratory birds conservation fund	3,941	3,960	5,000	+1,059	+1,040
Multinational species conservation fund	6,404	4,257	10,000	+3,596	+5,743
State and tribal wildlife grants	67,492	69,492	85,000	+17,508	+15,508
Total, United States Fish and Wildlife Service	1,338,109	1,286,769	1,417,120	+79,011	+130,351
National Park Service					
Operation of the national park system	1,847,897	2,058,632	2,046,809	+198,912	-11,823
Emergency appropriations (P.L. 110-28)	525	---	---	-525	---
United States Park Police	---	---	---	---	---
Centennial Challenge	---	---	50,000	+50,000	+50,000
National recreation and preservation	54,369	48,885	62,881	+8,512	+13,996
Emergency appropriations (by transfer)(P.L.110-28)	(500)	---	---	(-500)	---
Historic preservation fund	55,663	63,658	81,500	+25,837	+17,842
Emergency appropriations (P.L.110-28)	10,000	---	---	-10,000	---
Emergency appropriations(transfer out)(P.L.110-28)	(-500)	---	---	(+500)	---
Construction and major maintenance	297,482	210,080	201,580	-95,902	-8,500
Land and water conservation fund (rescission of contract authority)	-30,000	-30,000	-30,000	---	---
Land acquisition and state assistance	64,024	22,529	99,402	+35,378	+76,873
Use of prior year balances	---	---	---	---	---
Total, National Park Service (net)	2,299,960	2,373,784	2,512,172	+212,212	+138,388
United States Geological Survey					
Surveys, investigations, and research	982,780	974,952	1,032,764	+49,984	+57,812
Emergency appropriations (P.L. 110-28)	5,270	---	---	-5,270	---

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R.2643)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Minerals Management Service					
Royalty and offshore minerals management	281,342	290,778	289,282	+7,940	-1,496
Use of receipts	-128,730	-135,730	-135,730	-7,000	---
Oil spill research	6,903	6,403	6,403	-500	---
Ultra deepwater research deferral	---	---	-50,000	-50,000	-50,000
State royalty administrative cost deduction	---	---	-43,000	-43,000	-43,000
Total, Minerals Management Service	159,515	161,451	66,955	-92,560	-94,496
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	109,100	115,360	117,237	+8,137	+1,877
Receipts from performance bond forfeitures (indefinite)	98	100	100	+2	---
Subtotal	109,198	115,460	117,337	+8,139	+1,877
Abandoned mine reclamation fund (definite, trust fund)	185,393	52,835	52,774	-132,619	-61
Total, Office of Surface Mining Reclamation and Enforcement	294,591	168,295	170,111	-124,480	+1,816
Bureau of Indian Affairs					
Operation of Indian programs	1,988,223	1,990,918	2,093,545	+105,322	+102,627
Construction	271,823	197,627	207,983	-63,840	+10,356
Indian land and water claim settlements and miscellaneous payments to Indians	42,000	34,069	39,136	-2,864	+5,067
Indian guaranteed loan program account	6,258	6,276	6,276	+18	---
Total, Bureau of Indian Affairs	2,308,304	2,228,890	2,346,940	+38,636	+118,050
Departmental Offices					
Office of the Secretary	116,265	101,445	136,413	+20,148	+34,968
Insular Affairs:					
Assistance to Territories	48,477	47,201	50,572	+2,095	+3,371
Northern Marianas	27,720	27,720	27,720	---	---
Subtotal	76,197	74,921	78,292	+2,095	+3,371
Compact of Free Association	3,313	2,862	3,362	+49	+500
Mandatory payments	2,000	2,000	2,000	---	---
Subtotal	5,313	4,862	5,362	+49	+500
Total, Insular Affairs	81,510	79,783	83,654	+2,144	+3,871
Office of the Solicitor	55,018	58,949	59,250	+4,232	+301
Office of Inspector General	38,823	42,322	43,822	+4,999	+1,500
Office of Special Trustee for American Indians					
Federal trust programs	189,251	186,158	182,542	-6,709	-3,616
Indian land consolidation	34,006	10,000	10,000	-24,006	---
Total, Office of Special Trustee for American Indians	223,257	196,158	192,542	-30,715	-3,616
Total, Departmental Offices	514,873	478,657	515,681	+808	+37,024

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R.2643)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Department-wide Programs					
Payments in lieu of taxes	232,528	190,000	232,528	---	+42,528
Central hazardous materials fund	9,715	9,954	9,954	+239	---
Natural resource damage assessment fund	6,043	6,224	6,224	+181	---
Working capital fund	---	22,240	---	---	-22,240
Total, Department-wide programs	248,286	228,418	248,706	+420	+20,288
Total, title I, Department of the Interior	10,023,735	9,723,245	10,163,478	+139,743	+440,233
Appropriations	(9,935,542)	(9,753,245)	(10,193,478)	(+257,936)	(+440,233)
Emergency appropriations	(118,193)	---	---	(-118,193)	---
Rescission	(-30,000)	(-30,000)	(-30,000)	---	---
TITLE II - ENVIRONMENTAL PROTECTION AGENCY					
Science and Technology	733,387	754,506	788,269	+54,882	+33,763
(By transfer from Hazardous substance superfund)	(30,156)	(26,126)	(26,126)	(-4,030)	---
Commission on Climate Change Science	---	---	50,000	+50,000	+50,000
Environmental programs and management	2,358,370	2,298,188	2,375,582	+17,212	+77,394
Office of Inspector General	37,172	38,008	43,500	+6,328	+5,492
(By transfer from Hazardous substance superfund)	(13,337)	(7,149)	(10,000)	(-3,337)	(+2,851)
Buildings and facilities	39,626	34,801	34,801	-4,825	---
Hazardous substance superfund	1,255,097	1,244,706	1,272,008	+16,911	+27,302
Transfer to Office of Inspector General	(-13,337)	(-7,149)	(-10,000)	(+3,337)	(-2,851)
Transfer to Science and Technology	(-30,156)	(-26,126)	(-26,126)	(+4,030)	---
Leaking underground storage tank program	72,035	92,235	117,961	+45,926	+25,726
Oil spill response	15,734	17,280	17,280	+1,546	---
Pesticide registration fund	10,000	10,000	10,000	---	---
Pesticide registration fees	-10,000	-10,000	-10,000	---	---
State and tribal assistance grants	2,100,634	1,679,479	2,277,667	+177,033	+598,188
Categorical grants	1,113,075	1,045,197	1,113,847	+772	+68,650
Subtotal, State and tribal assistance grants	3,213,709	2,724,676	3,391,514	+177,805	+666,838
Rescission	---	-5,000	-5,000	-5,000	---
Total, title II, Environmental Protection Agency	7,725,130	7,199,400	8,085,915	+360,785	+886,515
Appropriations	(7,725,130)	(7,204,400)	(8,090,915)	(+365,785)	(+886,515)
Rescissions	---	(-5,000)	(-5,000)	(-5,000)	---
(By transfer)	(43,493)	(33,275)	(36,126)	(-7,367)	(+2,851)
(Transfer out)	(-43,493)	(-33,275)	(-36,126)	(+7,367)	(-2,851)
TITLE III - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest and rangeland research	280,488	263,000	295,937	+15,449	+32,937
State and private forestry	279,761	202,458	280,602	+841	+78,144
National forest system	1,452,729	1,344,377	1,506,502	+53,773	+162,125
Emergency appropriations (P.L. 110-28)	12,000	---	---	-12,000	---
Capital improvement and maintenance	436,400	422,565	520,197	+83,797	+97,632
Excess purchaser elect road funds	---	---	-40,000	-40,000	-40,000
Deferral of road and trail fund payment	---	---	-15,000	-15,000	-15,000
Subtotal	436,400	422,565	465,197	+28,797	+42,632
Land acquisition	41,936	15,703	44,485	+2,549	+28,782
Acquisition of lands for national forests, special acts	1,053	1,053	1,053	---	---
Acquisition of lands to complete land exchanges (indefinite)	231	231	231	---	---
Range betterment fund (indefinite)	2,876	3,750	3,750	+874	---

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R.2643)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Gifts, donations and bequests for forest and rangeland research	63	56	56	-7	---
Management of national forest lands for subsistence uses	5,009	5,053	5,053	+44	---
Wildland fire management:					
Preparedness	665,382	349,082	675,382	+10,000	+326,300
Wildland firefighters	---	219,710	---	---	-219,710
Subtotal	665,382	568,792	675,382	+10,000	+106,590
Fire suppression operations	741,477	911,032	859,021	+117,544	-52,011
Other operations	416,744	388,803	440,245	+23,501	+51,442
Emergency appropriations (P.L. 110-28)	370,000	---	---	-370,000	---
Subtotal, Wildland fire management	2,193,603	1,868,627	1,974,648	-218,955	+106,021
Total, Forest Service	4,706,149	4,126,873	4,577,514	-128,635	+450,641
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services:					
Non-contract services	2,308,925	2,362,015	2,444,017	+135,092	+82,002
Contract care	499,562	551,515	561,515	+61,953	+10,000
Catastrophic health emergency fund	17,735	18,000	18,000	+265	---
Total, Indian health services	2,826,222	2,931,530	3,023,532	+197,310	+92,002
Indian health facilities	353,926	339,196	360,895	+6,969	+21,699
Total, Indian Health Service	3,180,148	3,270,726	3,384,427	+204,279	+113,701
National Institute of Health					
National Institute of Environmental Health Sciences	79,117	78,434	79,117	---	+683
Agency for Toxic Substances and Disease Registry					
Toxic substances and environmental public health	75,212	75,004	75,212	---	+208
Total, Department of Health and Human Services	3,334,477	3,424,164	3,538,756	+204,279	+114,592
OTHER RELATED AGENCIES					
Executive Office of the President					
Council on Environmental Quality and Office of Environmental Quality	2,698	2,703	2,703	+5	---
Chemical Safety and Hazard Investigation Board					
Salaries and expenses	9,113	9,049	9,549	+436	+500
Office of Navajo and Hopi Indian Relocation					
Salaries and expenses	8,509	9,000	9,000	+491	---
Institute of American Indian and Alaska Native Culture and Arts Development					
Payment to the Institute	6,207	7,297	7,297	+1,090	---
Smithsonian Institution					
Salaries and expenses	536,295	571,347	536,295	---	-35,052
Facilities capital	98,600	107,100	116,100	+17,500	+9,000
Total, Smithsonian Institution	634,895	678,447	652,395	+17,500	-26,052

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R.2643)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Gallery of Art					
Salaries and expenses	95,767	97,983	101,850	+6,083	+3,867
Repair, restoration and renovation of buildings	15,962	18,017	18,017	+2,055	---
Total, National Gallery of Art	111,729	116,000	119,867	+8,138	+3,867
John F. Kennedy Center for the Performing Arts					
Operations and maintenance	17,575	20,000	20,200	+2,625	+200
Capital repair and restoration	12,814	19,350	23,150	+10,336	+3,800
Total, John F. Kennedy Center for the Performing Arts	30,389	39,350	43,350	+12,961	+4,000
Woodrow Wilson International Center for Scholars					
Salaries and expenses	9,100	8,857	10,000	+900	+1,143
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration	124,562	128,412	160,000	+35,438	+31,588
National Endowment for the Humanities					
Grants and administration	125,884	126,845	145,500	+19,616	+18,655
Matching grants	15,221	14,510	14,500	-721	-10
Total, National Endowment for the Humanities	141,105	141,355	160,000	+18,895	+18,645
Total, National Foundation on the Arts and the Humanities	265,667	269,767	320,000	+54,333	+50,233
Commission of Fine Arts					
Salaries and expenses	1,873	2,092	2,092	+219	---
National Capital Arts and Cultural Affairs					
Grants	7,143	---	10,000	+2,857	+10,000
Advisory Council on Historic Preservation					
Salaries and expenses	4,828	5,348	5,348	+520	---
National Capital Planning Commission					
Salaries and expenses	8,168	8,265	8,265	+97	---
United States Holocaust Memorial Museum					
Holocaust Memorial Museum	42,349	44,996	44,996	+2,647	---
Presidio Trust					
Presidio trust fund	19,706	18,450	22,400	+2,694	+3,950
White House Commission on the National Moment of Remembrance					
Operations	247	200	200	-47	---
Total, title III, related agencies	9,203,247	8,770,858	9,383,732	+180,485	+612,874
Appropriations	(8,821,247)	(8,770,858)	(9,438,732)	(+617,485)	(+667,874)
Emergency appropriations	(382,000)	---	(-55,000)	(-437,000)	(-55,000)

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R.2643)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE IV - GENERAL PROVISIONS					
Secure rural schools (emergency)(P.L. 110-28)	425,000	---	---	-425,000	---
Grand total	27,377,112	25,693,503	27,633,125	+256,013	+1,939,622
Appropriations	(26,481,919)	(25,728,503)	(27,723,125)	(+1,241,206)	(+1,994,622)
Emergency appropriations	(925,193)	---	(-55,000)	(-980,193)	(-55,000)
Rescissions	(-30,000)	(-35,000)	(-35,000)	(-5,000)	---
(By transfer)	(43,493)	(33,275)	(36,126)	(-7,367)	(+2,851)
(Transfer out)	(-43,493)	(-33,275)	(-36,126)	(+7,367)	(-2,851)

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEWIS of California. I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Lewis of California moves to recommit the bill H.R. 2643 to the Committee on Appropriations with instructions to report the same back to the House promptly with the following amendment:

At the end of the bill (before the short title) insert the following:

TITLE VII—EFFECTIVE DATE

SEC. 701. The effective date of section 115 of this Act and of title VI of this Act shall be the day that the Secretary of the Interior, in consultation with the Secretary of Energy and the Energy Information Administration, certifies that nothing in this Act—

(1) shall reduce the amount of domestic energy available from the public lands of the United States;

(2) shall result in the increased imports of any energy otherwise available from the public lands of the United States; or

(3) shall result in higher costs, to Federal agencies funded in this Act, for gasoline, natural gas or home heating oil.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Speaker, no issue in this bill is more important than our striving towards energy independence, and to discuss that by way of our motion to recommit, I yield to the gentleman from New Mexico (Mr. PEARCE), my colleague who is an expert on energy policy.

Mr. PEARCE. I thank the gentleman from California for yielding.

I did make my living in oil and gas. I never owned one oil and gas well; but I will tell you, we went down holes. We were plumbers, and we fixed the oil wells and so I have seen the cost and difficulty of producing energy from a very close point of view. My wife and I employed 50 people in a small company that simply repaired oil weapons.

Reasonable people can have different points of view, but I have watched the trajectory of the Democrat energy bills, first H.R. 6, the energy bill that came through our Resources Committee and now this Interior Appropriations. And I will tell you that from my point of view, the Democratic energy agenda is anti-American energy. It insists that we import more. It is going to send more jobs to China and it is going to make life harder for Americans.

The motion to recommit simply says let's have the secretary certify. If you reasonably believe that I am wrong about my assumptions, we are going to send this back to the secretary to certify that nothing in this bill will reduce the amount of domestic energy or result in increased imports. I think if you believe in your bill, you should not be afraid to cause that review by the secretary and that certification that we are going to protect consumers. Because every one of us hear from consumers every day, our constituents, that the price of gasoline is too high. It is too high because of the policies that we in America, we in this American government have caused.

Section 115 is a very simple section. It is the only research and development section for ultra-deep oil. I can tell you that the deeper you go, the more expensive oil is to get. And it is not for the big companies, it is for the small companies that can't have research and development. The only research and development money that is available for small companies is in section 115. It has been taken out of every other section.

Shale oil is title VI. Shale oil is two times all the reserves of oil and gas in the entire world. Two times. It would make us self-sufficient, and yet we are removing shale oil.

My friends, these are the reasons that I believe the policies that are being promoted are anti-American and pro-import, will send jobs to China, and will make life harder for Americans.

The Washington Post, in review of the very first shot of this Democrat energy agenda, H.R. 6, The Washington Post said, ''This is something Hugo Chavez would be proud of.''

My friends, we are not on a track to make life easier for Americans; we are on a track to make life very difficult for the American economy and the American consumer.

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

Mr. DICKS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Mr. Speaker, if the motion uses the word ''promptly,'' as this one does, it takes the bill off the floor and sends it back to the Appropriations Committee. The committee is not required to act because the instructions are considered merely advisory to the committee. In other words, by using the word ''promptly,'' they would kill the bill.

Now this motion to recommit is simply a device to protect excess profits of the energy companies. It does this by overturning section 115 of the bill. This section simply requires energy companies who are realizing $9 billion of excess profits to renegotiate the faulty leases which were signed in 1997 and 1998. In legal terms, this is called ''unjust enrichment'' at the expense of the taxpayers.

The motion overturns section 115 by delaying it until impossible conditions are met, as certified by the secretary. If this language is adopted, these enormous unjustified profits will continue for an industry making tens of billions of dollars of profit.

Adoption of the amendment would kill the bill and with so many good things in it, I urge all Members to vote against the motion to recommit.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX and the order of the House of June 26, 2007, the Chair will reduce to 2 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 186, nays 233, not voting 13, as follows:

[Roll No. 578]

YEAS—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boren
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, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
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)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
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
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—233

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
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
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
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
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—13

Boehner
Davis (KY)
Davis, Jo Ann
DeFazio
Delahunt
Feeney
Hall (TX)
Melancon
Miller, George
Ortiz
Sanchez, Loretta
Sessions
Weldon (FL)

□ 1806

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 2-minute vote.

The vote was taken by electronic device, and there were—yeas 272, nays 155, not voting 5, as follows:

[Roll No. 579]

YEAS—272

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Foxx
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hayes
Heller
Herseth Sandlin
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
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
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Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
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Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
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Reyes
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
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Sánchez, Linda T.
Sanchez, Loretta
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Scott (GA)
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Slaughter
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Tanner
Tauscher
Taylor
Thompson (CA)
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Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
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Welch (VT)
Weller
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Yarmuth

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Bachmann
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Baker
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Bartlett (MD)
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Biggert
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Bishop (UT)
Blackburn
Blunt
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Bonner
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Brady (TX)
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Brown-Waite, Ginny
Buchanan
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Burton (IN)
Buyer
Calvert
Camp (MI)
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Cole (OK)
Conaway
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Davis, David
Davis, Tom
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Diaz-Balart, M.
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Everett
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Fortenberry
Fossella
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Sali
Schmidt
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Shadegg
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Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—5

Davis (KY)
Davis, Jo Ann
Frank (MA)
Ortiz
Sessions

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they have less than 1 minute to vote.

□ 1812

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1704. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

ANDEAN TRADE PREFERENCE ACT EXTENSION

Mr. RANGEL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1830) to extend the authorities of the Andean Trade Preference Act until September 30, 2009, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1830

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

SECTION 1. EXTENSION OF ANDEAN TRADE PREFERENCE ACT.

(a) EXTENSION.—Section 208(a) of the Andean Trade Preference Act (19 U.S.C. 3206(a)) is amended by striking ''June 30, 2007'' and inserting ''February 29, 2008''.

(b) REPEAL OF CONDITIONAL EXTENSIONS.—Section 208 of the Andean Trade Preference Act (19 U.S.C. 3206) is amended—

(1) by striking ''(a) TERMINATION.—Subject to subsection (b), no'' and inserting ''No''; and

(2) by striking subsection (b).

SEC. 2. TREATMENT OF CERTAIN APPAREL ARTICLES.

Section 204(b)(3)(B) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)(B)) is amended—

(1) in clause (iii)—

(A) in subclause (II)—

(i) by striking ''Subject to section 208, the'' and inserting ''The''; and

(ii) by striking ''4 succeeding 1-year periods'' and inserting ''5 succeeding 1-year periods''; and

(B) in subclause (III)—

(i) by striking ''means 2 percent'' and inserting ''means—

''(aa) 2 percent'';

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

(iii) by adding at the end the following:

''(bb) for the 1-year period beginning October 1, 2007, the percentage determined under item (aa) for the 1-year period beginning October 1, 2006.''; and

(2) in clause (v)(II)—

(A) by striking ''Subject to section 208, during'' and inserting ''During''; and

(B) by striking ''3 succeeding 1-year periods'' and inserting ''4 succeeding 1-year periods''.

SEC. 3. MERCHANDISE PROCESSING FEES.

Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking ''September 30, 2014'' and inserting ''October 14, 2014''.

SEC. 4. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''114.25 percent'' and inserting ''114.50 percent''.

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

The Chair recognizes the gentleman from New York.

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

Mr. Speaker, as most of us know, some time ago in 1991, President Bush, with bipartisan support, reached out to the Andean countries and extended favorable treatment as related to their exports to the United States.

This has proven successful in making it possible for these countries to get substitute crops for coca, and, therefore, it has been tremendously successful in building up a market for the people in this area, as well as people in the United States of America.

Right now, however, there are four free trade agreements that are pending that haven't passed the House as yet, which includes, of course, Peru. So as we speak, there are two countries for which free trade agreements have not been negotiated, Colombia and Peru. If we were to allow this provision to expire, we would find ourselves in the situation where these countries and their tariffs would be in disarray.

Because of the shortness of notice, and because we have to avoid the expiration, I have been able to work with Mr. MCCRERY in our committee to get, not a 2-year extension that we would really want, but at least an 8-month extension to avoid irreparable damage from being caused during this period, at which time we will again able to review the situation in the free trade agreements and also the substance of the continuation of the Andean Trade Preference Act, trade promotion agreements.

□ 1815

I also would like to say, in working with Mr. MCCRERY of the committee, the Members of this House should know that the cooperative spirit in which we got this extension extended to the point that we had to really go to the other Chamber in order to work out what we're able to do today.

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

Mr. MCCRERY. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, I've been an avid supporter of Andean preferences, and today I voice my support for this short-term extension of the preferences. And I want to thank Chairman RANGEL for working with me and others to effect what we believe should pass on the floor today under suspension of the rules.

Our country's relationship with the Andean countries of Peru, Colombia, Ecuador and Bolivia is vitally important, and preferences have helped enormously with their economic development and with stability in the region.

At the same time, however, I believe it is time to move to a more substantial, mature and reciprocal relationship through free trade agreements. The unilateral preferences provide duty-free treatment to products from the region, but very limited value to United States interests in return. The FTAs, the free trade agreements, provide reciprocal market access benefits, creating new opportunity for United States producers, farmers and exporters.

I might add that our FTAs also create greater obligations on our trading partners than preferences by requiring them to abide by fundamental labor rights and certain multilateral environmental agreements.

Right now we have an immediate opportunity to implement the FTAs with Peru and Colombia, with the possibility of future FTAs with Ecuador and Bolivia. We should seize this opportunity now. Both Peru and Colombia have already passed the pending FTAs, and they are expected soon to pass amendments to them reflecting the recently concluded bipartisan trade deal on labor and the environment.

It's time for our Congress here in the United States to move these FTAs, too. Preferences are a stopgap measure. Our trading partners and United States interests deserve more than that. Every day we wait is a lost opportunity to gain the advantages of those more mature agreements.

With respect to Ecuador and Bolivia, I remain very concerned with the treatment of United States investors there. This 8-month extension gives us time to evaluate how these countries are abiding by the preference program requirements with respect to United States investment. We will be watching developments very carefully.

Mr. Speaker, I support this short-term extension of preferences for 8 months, which will give us the time we need to implement our outstanding free trade agreements in the region. The first step will be to complete congressional action on the Peru agreement, I hope, before the August recess. The time is now to solidify our relationship, instead of perpetuating what I believe is an unsatisfactory status quo.

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

Mr. RANGEL. Mr. Speaker, I'd like to yield 4 minutes to Mr. LEVIN, who's been the subcommittee Chair on Trade and has done an absolutely great job in spearheading this bipartisan approach of this sensitive subject.

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

Mr. LEVIN. Mr. Speaker, as we proceed, it should be clear. We're talking now about the Andean Trade Preference Act, and we're not talking about the free trade agreements that have been discussed here.

In my view, whether one supports or opposes any of those free trade agreements, it would be counterproductive for someone to vote against extension of the ATPA for 8 months.

This relates, as mentioned, to the four nations. The original ATPA was passed in 1991, and it was expanded and

extended through a voice vote in the year 2001.

I think it should be emphasized that, basically, our trade relationship with these four nations is more complementary than it is competitive. That's a crucial issue. And if you exclude oil and oil products, our trade balance, our relationship, is essentially balanced in the range of 10- to $11 billion that we export and they export, if you exclude oil, which is not covered by the ATPA.

The Andean countries are a steadily growing market for U.S. goods, and that meant there was an increase, a rather substantial one, in 2005 over 2004.

Let me touch briefly on issues that have been discussed regarding the ATPA. First, apparel. The Andean Trade Preference Act requires the use of U.S. yarns in fabrics, so it isn't a one-way street. And it's somewhat technical, but if you include, if you look at the source of the fabric, essentially the U.S. has made clear that we're not going to be left out in the cold.

In terms of crops, whether they're fruit or vegetable crops, the trade is far more seasonal. In that sense, the trade is far more complementary than it is competitive. And so it's been of mutual interest to have this Andean Trade Preference Act. And that's why it was passed originally with broad support. It was extended with broad support. There was controversy last time because it was tied to TPA, and it essentially gave different treatment to Bolivia and Ecuador that this bill does not do.

So it's also, I think, because of the complementariness of this agreement that it has had broad support in this country, and that's true in good parts of the management ranks as well as the labor ranks.

There's been reference here to drugs, and that's been a mixed picture. But I think there is evidence that the ATPA, which was originally passed as part of a drug eradication strategy, has had some positive impact in several countries, much less so I think in Colombia than in Bolivia and Peru.

If this is not renewed, I think it would be mutually disadvantageous. I think, because of the mutuality of this agreement, the way it's worked out, that we should pass it.

And I close by emphasizing we're talking today about the renewal, or I should say the extension, of the ATPA for 8 months. We're not talking about free trade agreements. I strongly urge approval of this 8-month extension.

Mr. MCCRERY. Mr. Speaker, for the purpose of controlling time, I'd like to yield the balance of my time to Mr. HERGER from California.

The SPEAKER pro tempore (Mr. POMEROY). Without objection, the gentleman from California will control the balance of the time.

There was no objection.

Mr. HERGER. Mr. Speaker, I wish to yield 2 minutes to the gentleman from Illinois (Mr. WELLER), a member of the Ways and Means Committee and a very active member of the Trade Subcommittee.

Mr. WELLER of Illinois. Mr. Speaker, I rise to join in the strong bipartisan support for this legislation which is critical to our need to continue working to reduce poverty, to create jobs and to strengthen democracy.

Today this House has an opportunity to continue moving forward by extending the Andean trade preferences for Peru, Colombia, Ecuador and Bolivia. It's only a short-term extension, 8 months, but it moves forward.

Just like the Caribbean Basin Initiative, these preferences create jobs, reduce poverty and also build capacity in nations that previously were left out. The Andean preferences offer many who have been previously left out of the opportunity to participate in free enterprise as well as the export marketplace.

I think of examples of communities who benefit. I think of the Gatazo-Zambrano community in Chimborazo, Ecuador, 400 indigenous families now being lifted out of poverty because they are now exporting broccoli and produce to the U.S. export market.

I think of the thousands of women engaged in flower production, as well as the processing of flowers in Colombia, involved in that industry, dependent on these preferences. And if they went out of business, China would take over the flower business.

There's almost 2 million jobs dependent in the Andean region on these Andean preferences which we created to lift people out of poverty. If you care about democracy in Latin America, you should vote ''yes.'' If you want to increase and expand markets for U.S. products, you should also vote ''yes'' because we in the United States benefit from the Andean trade preferences.

U.S. workers and businesses benefit, farmers; U.S. cotton exports to Peru and Colombia totaled $110 million in 2006, almost double that of 2001. U.S. yarn and fabric exports to Peru and Colombia more than doubled between 2002 and 2006.

And I would note that when we import garments from the Andean region benefiting from the Andean trade preferences, the components are largely from inputs manufactured in the United States. The Andean trade preferences are win/win for both.

It's important to remember they're temporary. We have good trade agreements with Peru and Colombia. We also need to move forward on them. And I urge a bipartisan bill today.

Mr. RANGEL. At this time, Mr. Speaker, I'd like to yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT), an outstanding member on our committee.

Mr. MCDERMOTT. Mr. Speaker, is the gentleman from New York willing to engage in a brief colloquy?

Mr. RANGEL. I'd be glad to.

Mr. MCDERMOTT. We appreciate the legislation that you've put before us today. The Andean Trade Preference Promotion Act continues to enjoy broad bipartisan support, and I believe the program is needed because we have a responsibility to ensure that our market, the largest in the world, remains open to the products from developing nations.

ATPA is a program that is helping to reduce poverty and strengthen our economic ties with our hemisphere, but it really is only one scheme of many. The generalized system of preferences is also a vital tool we use to fight global poverty and better engage with developing countries.

As you know, the duty-free treatment GSP provides to imports coming from developing nations like India and Brazil is at risk of being eliminated by the Bush administration. In the case of India, the tariffs the Bush administration will propose on Indian jewelry will cause the loss of 300,000 jobs, and that would weaken our strategic alliance with an important ally. In this case, what's bad for India is also bad for the United States.

Now, in the coming weeks and months, I hope that we can work together to ensure that any GSP benefits aren't revoked for arbitrary reasons that would have a negative outcome in developing countries. And I hope that you would be willing to listen to those kind of proposals.

Mr. RANGEL. Let me thank my dear friend from Washington and indicate that I share your concern. At the end of the day, America must have a trade policy that helps workers here at home and provides opportunities for workers overseas. As the Chairman of the House Committee on Ways and Means, I can assure you that I will work with you and others to be sure that we can improve our trade policy as it relates to developing countries.

In the case of GSP and the benefits the administration may propose to eliminate, let me make it abundantly clear that on our watch we're going to expand opportunities to the developing world and not curtail them.

I'm pleased to know that you're working on some innovative ways to improve our trading ties with Africa and Least Developed Nations. Let it be clear to you, the Congress and everyone else that if the administration proposes to impose tariffs on products coming from poor countries, and that such tariffs serve no development purpose, I will be working with you to move toward legislation to prevent that from happening.

And let me add this, that your constant concern about making America look like it's a country for freedom and opportunity and providing trade with these nations has been indicated by your leadership in the African growth and opportunity bill, the Caribbean Basin Initiative, and I hope to continue to work with you to bring opportunities for people in developing countries and make our country all that she can be.

□ 1830

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I just want to start off by thanking my good friend CHARLIE RANGEL, the chairman of the Ways and Means Committee, for bringing this legislation to the floor. We have talked to a number of the countries involved in the preferences, and they were very concerned.

So, CHARLIE, I want to thank you for bringing this to the floor at this time. I wish it was for a longer period, but 8 months, as has been said by Mr. WELLER, is a good start.

The one issue that I would like to mention, and it has not been addressed, and that is creating jobs in Central and South America helps us with our immigration problem. We are going to be talking about illegal immigration here in a couple of weeks or a couple of days maybe. I don't know when the Senate is going to send it over. But the fact of the matter is where there is poverty, where there are no jobs, where there is conflict, people leave and the people in Central and South America, obviously, would come north to the United States. We have a very serious immigration problem right now. In 1986 we tried to solve it. It didn't work. We gave amnesty then. It won't work now. But one thing that will help and will work to a degree are trade preferences and free trade agreements, CHARLIE, and I hope that you, as chairman of the Ways and Means, will look with some favor on some of the free trade agreements when they come up later on. I think it helps not only their economy and our economy, but it also helps with the illegal immigration problem in the long run.

Mr. RANGEL. Mr. Speaker, I yield the balance of my time to the chairman of the committee, Mr. LEVIN, and ask unanimous consent that he be allowed to control that time.

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

There was no objection.

Mr. LEVIN. Mr. Speaker, it is my pleasure to yield 3 minutes to the honorable gentleman from New York (Mr. ENGEL), who chairs the Western Hemisphere Subcommittee for Foreign Affairs.

Mr. ENGEL. Mr. Speaker, I thank my friend from Michigan for yielding to me.

I rise today, Mr. Speaker, in strong support of H.R. 1830, which extends trade preferences for Peru, Colombia, Bolivia, and Ecuador. I want to thank Chairman RANGEL, the dean of the New York delegation, and Chairman LEVIN for their leadership on this issue.

I am the chairman of the Foreign Affairs Subcommittee on the Western Hemisphere, and as chairman, I believe that the extension of the Andean trade preferences is crucial in promoting development in the economically and politically fragile Andean region while also supporting essential U.S. geopolitical goals. My ranking member, Mr. BURTON, just spoke and gave very good reasons why this should be supported. I agree with every one of them.

With anti-Americanism on the rise in the Western Hemisphere, I believe that positive engagement with the Andean region can both improve our image abroad and help us to more effectively engage our neighbors. Many of our neighbors in the hemisphere feel a huge sense of neglect from the United States. The extension of the Andean preferences is a great way to show our neighbors that we are engaged and do indeed care.

I believe that the preference program has been enormously successful, having created hundreds of thousands of jobs in the Andean region. Every job created in the Andean region is another potential illegal immigrant remaining in their home country. Without the extension of these preferences, these jobs, which are in sectors that do not directly compete with U.S. jobs, will be eliminated.

I am also in possession of a letter from the AFL–CIO which gives its approval of these agreements.

Moreover, I feel that without the extension of ATPA, many of the unemployed in the Andean region would turn to drug cultivation after they lose their jobs. The Andean preference program was originally created not only to support economic development in the region but also to divert illegal coca manufacturing toward legitimate industries. Using these trade preferences as a tool in the drug war is still very important today.

Mr. Speaker, let me conclude by mentioning that President Bush recently traveled to five countries in the Americas in an effort to reinvigorate our partnership with our friends in the region. Prior to his trip, President Bush said that ''The working poor of Latin America need change, and the United States of America is committed to that change.'' I believe that the extension of ATPA can help bring this well-needed change to our friends in the Andean region.

I want to emphasize that in my travels in the region, the region feels that the United States is looking elsewhere and is not engaged. The worst thing we could do would be not to pass this because it would prove their fears. We need to pass this. We need to do it quickly, and I urge Members on both sides of the aisle to support this.

Mr. HERGER. Mr. Speaker, I yield 3½ minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend from California for yielding me the time.

I have to say that I stand here in opposition to this bill, and I am one that generally supports fair trade liberalization efforts. I believe that when properly structured, trade agreements can benefit all parties involved. But, Mr. Speaker, the Andean Trade Preference Act is not a trade agreement. This is an agreement to give access to the U.S. market in return for reduced drug production by certain Andean countries. Let me repeat that, Mr. Speaker. This is an agreement to give access to the U.S. market in return for reduced drug production by certain Andean countries.

The original idea may have been a noble one, and it probably still is, but the Act has proven to be a failure, and as a result, American asparagus growers have paid the price. In practice, the Andean Trade Preference Act has resulted in higher South American drug production and a steep loss of acreage and processing of asparagus in the United States, as reflected by this chart where in the last 16 years the amount of acreage has been reduced by 50 percent.

A recent International Trade Commission report found that asparagus was the domestic commodity most negatively affected by the Act. Unlike other sectors, American asparagus growers were not provided a transition period before tariffs on Peruvian imports were unilaterally eliminated. Since implementation of the Andean Trade Preference Act of 1991, imports of Peruvian asparagus have increased by more than 20 times. These duty-free imports have decimated U.S. asparagus growers and closed domestic asparagus processing plants in my district.

Now, perhaps, Mr. Speaker, if you are not from an asparagus production area in this country, you may be thinking this trade-off is worth it because it results in less drug production. The unfortunate reality is that this Act is a failure in that regard too. The latest studies confirm that cocaine production in the Andean countries is actually higher today than when the Andean Trade Preference Act was adopted in 1991.

In other words, we have exported jobs from rural America to these Andean countries and we are still seeing narcotics production going up. Nevertheless, we are here asking American farmers to sacrifice their livelihoods to perpetuate a wholly unrelated and unsuccessful anti-narcotics strategy.

Mr. Speaker, I also regret that we are considering an extension of this flawed policy under a process that denies Members the opportunity to amend the bill, the text of which was not even available until a couple of hours ago. This is being rushed to the floor with no time to debate or offer amendments. The markup of this bill in Ways and Means was cancelled. The bill has not gone through the Rules Committee. The House should have an opportunity to have a full and fair debate on this Act, which has a profound negative effect on my constituents.

So I ask my colleagues to oppose this bill.

I will insert into the RECORD an article from the Seattle Times that more fully points out the dilemma that asparagus growers have suffered, and,

also, I will insert into the RECORD an article from the New York Times regarding the plight of asparagus growers as a result of this Act.

[From the Seattle Times, Jan. 2, 2007]

NEW HOPE FOR ASPARAGUS GROWERS

Washington asparagus growers might get a break in the new Democrat-controlled Congress.

They sure need it.

The industry has been decimated by a U.S. drug policy designed to encourage Peruvian coca-leaf growers to switch to asparagus. Passed in 1990 and since renewed, the Andean Trade Preferences and Drugs Eradication Act permits certain products from Peru and Colombia, including asparagus, to be imported to the United States tariff-free.

The act was set to expire Dec. 31, but Congress approved a six-month extension to make time to negotiate a proposed free-trade agreement.

We believe world markets should be more open and barriers to trade should be lowered. But this trade preferences act, when it comes to asparagus, is a one-sided deal that does only harm to the U.S. industry while failing miserably at its stated intent of reducing drug production.

The White House Office of National Drug Control Policy Web site currently notes that the Peruvian coca acreage, mostly in the highlands, is the highest it has been in eight years.

Meanwhile, the small country has become a powerhouse in asparagus production along its Pacific Coast lowlands. Peruvian asparagus production has multiplied 18-fold. The industry has developed a vigorous market and attracted sizable capital investment.

Meanwhile, the Washington industry is a shadow of its former self. Acreage has been cut by 71 percent to just 9,000 acres. In 2005, Seneca closed the world's largest cannery in Dayton, Columbia County, and shipped its state-of-the-art equipment to—no surprise—Peru. So did Del Monte, when it closed its Toppenish plant.

Is it any wonder the U.S. asparagus industry hopes the preferences act will be allowed to lapse in June?

That's not to say the Washington Asparagus Commission has its head in the sand over the global economy. In particular, the commission is willing to support a proposed free-trade agreement with provisions common to other free-trade agreements.

The industry wants the tariff re-imposed on Peruvian asparagus but only during the U.S. growing season—roughly April through June in Washington—and then phased out over a period of years. The tariff on U.S. production would diminish also.

That would be a long, overdue solution for an industry decimated by a drug-reduction policy that failed miserably.

[From the New York Times, Apr. 25, 2004]

WAR ON PERUVIAN DRUGS TAKES A VICTIM: U.S. ASPARAGUS

(By Timothy Egan)

After 55 years of packing Eastern Washington asparagus, the Del Monte Foods factory here moved operations to Peru last year, eliminating 365 jobs. The company said it could get asparagus cheaper and year-round there.

As the global economy churns, nearly every sector has a story about American jobs landing on cheaper shores. But what happened to the American asparagus industry is rare, the farmers here say, because it became a casualty of the government's war on drugs.

To reduce the flow of cocaine into this country by encouraging farmers in Peru to grow food instead of coca, the United States in the early 1990's started to subsidize a year-round Peruvian asparagus industry, and since then American processing plants have closed and hundreds of farmers have gone out of business.

One result is that Americans are eating more asparagus, because it is available fresh at all times. But the growth has been in Peruvian asparagus supported by American taxpayers.

''We've created this booming asparagus industry in Peru, resulting in the demise of a century-old industry in America,'' said Alan Schreiber, director of the Washington Asparagus Commission. ''And I've yet to hear anyone from the government tell me with a straight face that it has reduced the amount of cocaine coming into this country.''

Government officials respond that it was never their intent to hobble an American industry. But they say a thriving asparagus industry in Peru stabilizes the country and provides an incentive to grow something other than coca leaves, the raw material of a drug used regularly by about 2.8 million Americans.

''Apologies to the people affected,'' said David Murray, special assistant for the White House's drug policy office, ''but the idea of creating alternative development, countrywide, does serve our purposes.'' Mr. Murray said that net cultivation of coca leaf in Peru had fallen considerably, but that it was unclear how much of a role the alternative crop incentives had played.

Here in Washington, the nation's second-leading asparagus producer, after California, about 17,000 acres have been plowed under since a 1991 trade act prompted a flood of less-expensive Peruvian asparagus, a 55 percent decline in acreage.

During the same period, Peruvian asparagus exports to the United States have grown to 110 million pounds from 4 million pounds.

Two of the biggest asparagus processing factories in the United States have closed. The Del Monte plant in Toppenish is still packing other vegetables, but it buys and packs its asparagus in Peru. The other factory was in Walla Walla.

Peruvian asparagus is sold without tariffs under terms of the Andean Trade Preference Act, signed in 1991 and renewed in 2002. The United States also spends about $60 million a year in Peru to help farmers grow and develop their industry for asparagus and other crops seen as alternatives to coca.

Many American farmers still compete, saying they offer a better-tasting and fresher product. But others have abandoned the crop.

When the American factories closed, Washington farmers were left without a buyer for millions of pounds of asparagus. Among them was Ed McKay, who has given up on asparagus, a crop that takes three to five years to mature, and then grows perennially. After growing it for 50 years and employing more than 100 people at the height of the season, he turned over his 225 acres in central Washington near Othello last year, and now plants some in corn and wheat, and lets other land go fallow.

''We're a victim of the drug war,'' said Mr. McKay, 73. ''It seems like we still got plenty of cocaine coming into this country, but now we got cheap asparagus as well.''

Acreage devoted to asparagus has dropped by a third in California, and the crop has nearly disappeared from the Imperial Valley, once a huge source of asparagus. Growers blame imports from Peru, but also cheaper asparagus from Mexico, which benefits from the North American Free Trade Agreement.

In Michigan, the value of the industry has fallen by 35 percent since the Andean trade agreement. Michigan and Washington have been hit the hardest because they lead the nation in production of canned or frozen asparagus, a segment that has been in particular decline with the year-round Peruvian crop.

''The irony is that they didn't plow under the coke to plant asparagus in Peru,'' said John Bakker, executive director of the Michigan Asparagus Advisory Board. ''If you look at that industry in Peru and where it's growing, it has nothing to do with coca leaf growers becoming normal farmers. Coca leaf is grown in the highlands. The asparagus is near sea level.''

In a letter to the State Department in March, Peru's government said the asparagus industry employed 50,000 people and 40 percent came from coca-producing regions.

''It is important to understand that the war against drugs is another face of the battle against terrorism, and will be successful only if new legal jobs are created as an alternative to illegal activities,'' the Peruvian Asparagus and Other Vegetables Institute said in the letter.

Yet United States auditors, in a 2001 report to Congress, said the Foreign Agricultural Service ''does not believe that Peruvian asparagus production provides an alternative economic opportunity for coca producers and workers—the stated purpose of the act.''

Mr. Schreiber, of the Washington asparagus board, said he had made two trips to Peru and doubted many coca growers had turned to asparagus.

''I don't fault the Peruvians,'' Mr. Schreiber said. ''We're in this situation because of what our government has done to us. They say it's a national security issue. Well, the cost of it has been borne on the back of the American asparagus grower.''

The 2001 report by the General Accounting Office, the auditing arm of Congress, found that the value of the asparagus processing industry in the United States had fallen by nearly 30 percent, which it attributed to Peruvian imports. The industry was valued at $217 million in 2000.

Asparagus is labor intensive, and some industry experts have said Washington's high minimum wage of $7.16 an hour has contributed to the industry's decline. But Mr. McKay, the farmer, said he was able to pay high wages and even give workers housing, and still make a profit before Peruvian asparagus was given trade preference.

Mr. Bakker of the Michigan asparagus board said about 300 farmers in his state had lost a total of about $25 million because of the cheaper Peruvian imports. The government has bought some Michigan asparagus, but farmers there and in Washington say money that is supposed to be available to industries hurt by free trade pacts is difficult to get, because of a formula that takes prices rather than job losses into account.

''Our industry will disappear before we qualify for any trade assistance money,'' Mr. Bakker said. ''And it's not like Michigan farmers are against the war on drugs. There are certainly social benefits from trying to curb cocaine production, but why should one industry take it on the chin for it?''

Mr. LEVIN. Mr. Speaker, it is my pleasure to yield 2 minutes to a colleague on the Ways and Means Committee, a distinguished colleague, indeed, Mr. KIND from Wisconsin.

Mr. KIND. Mr. Speaker, I thank my friend from Michigan for yielding me this time.

I rise, as a member of the Ways and Means Committee, in strong support of this 8-month extension of the Andean Trade Preference Act. It is the right thing to do at the right time, Mr. Speaker.

There is no question, as my friend from New York just referenced previously, that our image has been tattered and beaten abroad. That is no less true here in the Western Hemisphere, especially with our neighbors to the south, through Central and South America. And I have always believed that our trade policies are more than just the exchange of products and goods between our Nation and others but also an important tool in our diplomatic arsenal. An arsenal that needs to be rebuilt now even in our own Western Hemisphere.

But I also want to remind my colleagues that this is not a free pass for these four Andean nations to get this trade preference. They have certain strict criteria that they have to meet first to gain eligibility for these preferences. Criteria such as respecting internationally recognized worker rights, treating the United States investors fairly, providing market access to U.S. goods, demonstrating a commitment to implement its WTO obligations, and, finally, to meet the U.S. counter-narcotics criteria.

And on that last point, it is not insignificant that there has been substantial progress, according to our own State Department and USTR office, of the drug eradication efforts and partnership that we have established with these four Andean nations. They have also met the criteria, again, through reference of our own State Department, but ATPA is perhaps the single most effective alternative development program we have going in the region. By providing these local citizens with long-term alternatives to narcotics trafficking and illegal immigration, ATPA has helped the governments, especially in Colombia and Peru, to isolate violent extremist groups; to revise their economies; and increase their investments in their education, health care, and infrastructure system.

And I submit that if we are not trying to actively engage these nations to help them build their economy and expand economic opportunities, they are going to come to the United States to realize those opportunities that they are not receiving in their own countries.

That is why I encourage my colleagues to support this extension.

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

Mr. LEVIN. Mr. Speaker, I now would like to yield 2 minutes to a very valued Member of this body, and we came to this institution together, Ms. KAPTUR of Ohio.

Ms. KAPTUR. Mr. Speaker, I appreciate the chairman's yielding me the time even though I rise in opposition to this bill and to any bill that will continue to outsource more U.S. jobs, increase our trade deficit, and not stop the import of illegal narcotics into this country.

This is another one of those bills cast in NAFTA model that is already yielding over $10 billion a year in trade deficits to this country by the outsourcing of our jobs. Why would we want to do more?

The American people elected us to make a difference. They are expecting us to be different than the Thomas committee. Why are we delivering the same kind of bills to this floor?

Procedurally, this bill is being brought up overnight without Members even having the opportunity to read a text. I don't know who made that decision. I doubt it was anyone on this floor. But for people who represent districts like ours, it is truly a tragedy.

One fact we are certain of is that NAFTA-type agreements have cost more jobs, more job losses, more trade deficit every time one of these bills comes to the floor. When are we going to learn?

The idea of the Andean agreement was that it would help to displace coca production with other economic enterprises, and yet we see coca production increasing and more of those illegal drugs coming over our border. When something isn't working, you ought to fix it.

We look at the provisions dealing with labor enforcement. There is no enforcement, especially in the farm-related positions, in the flour industry, in the asparagus industry, and so forth. There is no enforcement in those countries. Why would we do this?

I would love to be a Member of this Congress when a trade agreement is advanced that creates jobs in the United States of America, which is our first responsibility, rather than outsourcing; that yields trade surpluses, not growing deficits that are such a huge drag on this economy, now knocking two points off GDP every year; and that treats the Members of this institution with respect, with respect. Not excluding those who disagree, but putting us around the table, letting our voices be heard, letting us be constructive Members of this institution.

□ 1845

I would say to the leadership of this institution, treat the Members with respect. We were also elected.

I thank the gentleman for allowing me this time to speak in opposition.

Mr. HERGER. Mr. Speaker, I would just like to mention that the United States is the number one trading Nation in the world. Because of the great trade that we have, we have one of the lowest unemployment rates of any Nation in the world, 4.5 percent.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas, a member of the Ways and Means Committee, a very active member of the Trade Subcommittee (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I rise in support of this bill which would provide a short-term extension of current trade preferences to our Andean neighbors.

I have always supported the Andean trade program designed to help create alternative jobs and economies to those in the drug trade and to offer hope to these nations.

And it has worked. Millions of jobs have developed in the region in the flower industry, in agriculture, all that contribute to stabilization and economic growth, all of which are in America's interest.

But preferences which are one-way trade into America aren't permanent. They aren't designed that way because they matter. The impact on American asparagus farmers, which has shrunk by a third as a result of these preferences is a good example. And that's why it's imperative that we work with our Andean neighbors to transition to two-way free trade agreements that balance and strengthen our relationships.

Not only is two-way trade fair, but it benefits all parties by encouraging more permanent investment in nations where rule of law, property rights, democracy and higher labor environmental standards are insisted upon. This helps create even more jobs in the legitimate market, more so than the preferences do today.

As an example, Peru's legislature today voted to amend our agreement that incorporates important labor and environmental provisions negotiated by Chairman RANGEL, Ranking Member MCCRERY and others.

Approving the pending free trade agreements with partners Peru and Colombia have significant security and foreign policy implications as well by strengthening our hand against President Chavez in Venezuela and his corrosive influence in the region.

Mr. Speaker, I support the preference extension. We shouldn't disrupt current trade flows or hurt our friends in the region whose livelihoods depend upon this program, but we need to move forward in a timely manner with agreements with Peru and Colombia.

I am hopeful that Ecuador and Bolivia understand that one-way preferences are temporary and require a good faith effort on their part to address outstanding trade and expropriation issues if they wish to continue.

Mr. LEVIN. Mr. Speaker, it is my pleasure to yield 2 minutes to another distinguished member of the Ways and Means Committee, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, as I appreciate what my colleague from Ohio said a moment ago. But with all due respect, I couldn't disagree with her more.

First of all, what is brought here today is not a NAFTA-type agreement. Bear in mind, this is being urged for approval by the Council of Textile Organizations, the Bush administration and the AFL–CIO. It is an 8-month extension for us to be able to move forward in an orderly fashion.

We have, in fact, heard concerns that have been voiced by our friend from Ohio and others. That's why the committee is hard at work. And I commend the leadership of Chairman RANGEL and

Chairman LEVIN to be able to put together a framework on a bipartisan basis that speaks to those concerns. I am quite confident when we bring forward the FTAs that they are decidedly not NAFTA-type agreements.

I think the gentlelady is right, there are certain parts of this decision that were made beyond perhaps the chairman, but there are also two bodies that are at work. And our chairman has been working to be able to accommodate a complex set of issues going forward.

This 8-month extension ought to be welcomed because it will enable more concrete information to be available that I think will raise the comfort level of the gentlelady. It will certainly speak to the concerns that I have heard back home, and will underscore the hard work that this committee has been doing.

I respectfully suggest that the work that we're going to see, for example, with the environment in Peru, with illegal logging, with what's happening with the environmental sector, labor standards, these are going to provide a more complete package that is going to enable us to have trade, provide that two-way comfort level, and work for all concerns.

In the meantime, I would strongly recommend that we support this extension under an expedited process that will enable us to return to this floor with a more comprehensive approach, and that will enable us to move our entire agenda forward.

Mr. HERGER. I now yield 2 minutes to the gentleman from California, the ranking member of the Rules Committee (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this extension. I want to congratulate the chairman of the Ways and Means Committee, the subcommittee chairman, and of course my very good friend and fellow Californian (Mr. HERGER) who joins with the distinguished ranking member of the Committee on Ways and Means Mr. MCCRERY in moving this effort forward in a bipartisan way.

As I listen to this debate, I heard my colleague from Ohio (Ms. KAPTUR) malign the issue of trade saying that she very much wants to see trade agreements that create American jobs. I could not agree with her more. I very much believe that as we look at trade agreements that we have put into place, recognizing that we have an excess of a third of a trillion dollars in cross-border trade between Mexico and the United States of America following implementation of the North American Free Trade Agreement, that has demonstrated that what we're doing here this evening is just a very small step in establishing these very important agreements with Peru and Colombia. We hope very much that we can do it with Bolivia and Ecuador, and we hope very much that we can do it with Panama.

And frankly, as we look at those agreements, what is it that those agreements will do? They will lower the tariff barriers that exist preventing U.S. workers from having opportunities to send their goods and services into those very important countries in this hemisphere.

I join with my colleagues who have underscored the fact that the threat of Hugo Chavez and other leaders in this hemisphere is a very serious one. The anti-American sentiment is high, and it's being fueled by Hugo Chavez. He is very much opposed to these free trade agreements. He is very much opposed to any opportunity to expand commerce within this hemisphere. And that's why, for national security reasons, for job creation reasons, and to benefit consumers right here in the United States of America, it is very important, Mr. Speaker, that we have strong bipartisan support for this effort. And let it lay the groundwork for us to pass these important trade agreements for our future.

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

Mr. HERGER. Mr. Speaker, I yield myself as much time as I may consume.

I support this short-term extension of the Andean preferences.

U.S. trade preferences for Colombia, Peru, Ecuador and Bolivia have furthered important economic development and political purposes, including creating incentives that shift from production of illegal drugs to legitimate products, increasing economic growth in these countries and strengthening democracy in the region.

The Andean trade preference expires on June 30. I believe that extending these preferences is very important, but only as a short-term bridge to implementing bilateral free trade agreements with these countries. Such FTAs are reciprocal, open up more trade opportunities, and provide permanent tariff reductions for U.S. interests as compared to the temporary tariff reductions provided to Andean interests by the preferences.

For example, the pending FTAs with Peru and Colombia will greatly enhance our economic and trade ties to the benefit of the Andean and U.S. industries and workers. According to the Office of the U.S. Trade Representative, once the Colombia and Peru FTAs are implemented, one, 80 percent of U.S. exports of consumer and industrial goods will immediately be duty free, with another 7 percent duty free within 5 years and our remaining tariffs eliminated within 10 years.

Two, a substantial amount of U.S. farm exports will receive immediate duty-free treatment.

Three, Colombia and Peru will provide substantial market access to U.S. service providers with very few exceptions.

Four, all U.S. information technology products will enter duty free.

And five, U.S. investors and intellectual property right holders will receive important protections.

From the perspective of Peru and Colombia, these FTAs will expand their trade opportunities with the United States. The FTAs, with their permanence and, in many cases, immediate tariff reductions will provide more certainty for their own industries and workers.

Moving to FTAs with our Andean trading partners also will greatly build on our growing overall trade relationship with these countries at a time when the EU and other countries are looking to strengthen their own trade ties in the region. We must act now before the EU and other countries pass us by.

At the same time we need to be wary over how Ecuador and Bolivia react over the 8 months. We have been generous with preferences, but I'm very troubled that the response in those countries has been a lack of respect for the rights of U.S. investors. Our generosity has its limits.

Mr. Speaker, I support the extension of the Andean preferences being considered today which will allow these important benefits to continue. At the same time it is important for us to remember that we have the unique opportunity now to go beyond the Andean preferences and expand our economic and trade ties to Peru and Colombia through the pending FTAs. Therefore, I look forward to House consideration of the Peru FTA in July, and then moving through the other pending FTAs.

The time is now to solidify our relationship. I urge my colleagues to support this legislation.

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

Mr. LEVIN. I want to be clear; we're voting on the Andean Trade Preference Act, we are not voting on FTAs. We are not voting for a bridge to other agreements, we're voting on the merits of the extension of this Trade Preference Act.

It has basically worked. On this side, we're opposed to one-way trade agreements. This has been a two-way passage for those countries and for this country.

Our trade, if you include oil not covered by the Trade Preference Act, has essentially been in balance. We should extend this on its own merits.

In terms of asparagus, if you look at the facts, it shows that these agreements are basically complementary and not competitive.

I urge support of this extension, as I said, on its own merits, not because anyone is trying to use this as a path to anything else.

Vote ''yes'' on this. Be clear. This has been a two-way street, which this side of the aisle has insisted on as a basic part of American trade policy, and we will continue to do that, building upon it with a new model of trade.

I urge a strong vote for this extension.

Ms. SUTTON. Mr. Speaker, trade is a complex issue. But some things are very clear—We need a fair playing field for our workers and businesses and we need a new trade model, with enforceable standards and rules to eliminate unfair trade practices.

So why are we continuing to seek to expand a trade policy that has proven time and time again to be harmful for American workers, businesses, farmers and communities? And why are we seeking to expand the Andean Trade Preference Act or ATPA when there appears no substantive reason to extend the preferences.

According to the Congressional Research Service (CRS), we have a $10 billion and growing trade deficit with the four ATPA nations, Colombia, Peru, Bolivia and Ecuador. American farmers and workers have been directly harmed by the ATPA as can be seen with our asparagus and fresh-cut flower industries. According to the U.S. International Trade Commission, these domestic producers have been affected by lower prices and many growers have gone out of business as a result.

Under the ATPA, flower imports from Colombia and Ecuador receive duty-free treatment, seven though the workers who grow, harvest, and package these flowers routinely experience a number of labor rights and human rights violations. By law, the ATPA is supposed to condition these trade benefits on improvements in worker rights in these countries. However, labor rights violations in the flower industry and other sectors, including violations of the right to freedom of association, continue unchecked.

Where is the enforcement from the Bush Administration? Where is the outrage from this Congress.

Also promised to us when the ATPA was enacted in 1991 was a reduction in coca production in the four ATPA countries. However, in Colombia, according to the CRS, coca crop size estimates remain mostly unchanged since the enactment of the ATPA and in Peru coca crop cultivation has actually grown. Colombia remains the source of roughly 90 percent of the cocaine entering the U.S. In a 2001 report to Congress, the U.S. Foreign Agricultural Service said that they ''do not believe that Peruvian asparagus production provides an alternative economic opportunity for coca producers and workers—the stated purpose of the Act.'' And all this is on top of the fact that Colombia has an appalling horrific record on labor and human rights—Leading the world in the number of unionists murdered year after year.

So why are we seeking to give Colombia further trade preferences?

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. RANGEL) that the House suspend the rules and pass the bill, H.R. 1830, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 1900

PROVIDING FOR CONSIDERATION OF H.R. 2829, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2008

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 517 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 517

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. 2829) making appropriations for financial services and general government 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. 2829 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from California (Ms. MATSUI) is recognized for 1 hour.

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

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

GENERAL LEAVE

Ms. MATSUI. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on the resolution.

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

There was no objection.

Ms. MATSUI. Mr. Speaker, House Resolution 517 provides for consideration of H.R. 2829, the Financial Services and General Government Appropriations Act for 2008 under an open rule.

Under this rule, all Members of the House are afforded the opportunity to offer any amendment that is germane and otherwise complies with House rules. In fact, I want to point out to Members that this is the sixth appropriations bill this year to be considered under an open rule.

In November, the American people demanded a change in direction in Washington and a change in priorities. The past 6 months have been an important down payment on our commitment to change. This new Congress must continue to restore our focus on a domestic agenda that helps all Americans.

To that end, today the House takes up the seventh of its annual Appropriation bills where we will continue this progress in taking America in a new direction.

I applaud Chairman SERRANO, Ranking Member REGULA, and the committee for developing a bill that reflects this needed change in priorities and for doing so through a strong, bipartisan process.

This bill aims to spur job creation and make the economy work for everyone by restoring cuts to small business loans, strengthening consumer protections and rejecting a proposal to reduce capital and financial services to underserved communities through CDFI.

In addition, the funding in the underlying bill will help our citizens to vote through upgrades to voting machines and voter registration databases. It ensures a fair tax system by enforcing the Tax Code for everyone, not just those who play by the rules. By focusing on basic priorities like these, we can help restore the American people's faith in our government again.

The programs funded by this bill demonstrate our commitment to serving all Americans, regardless of economic or social background. The $21.4 billion bill includes: $66.8 million for the Consumer Product Safety Commission to protect the public from injury or death from more than 15,000 types of consumer products;

$247.7 million for the Federal Trade Commission to investigate sub-prime lending, ID theft, and other deceptive practices;

$908 million for the Securities and Exchange Commission to enhance securities law enforcement;

$313 million for the Federal Communications Commissions to oversee the changing telecom environment, ensure the continued livelihood of Universal Service Fund and prepare for the transition to digital television;

$139.8 million to combat terrorist financing;

$5.9 billion for the Federal Courts, including $830.5 million for defender services, because every American should

have access to quality legal representation.

The bill also includes $582 million for the Small Business Administration to help small businesses prosper. Of this, $100 million is for Small Business Development Centers, or SBDCs, which is the highest ever funding level for this program. These centers provide management assistance to current and prospective small business owners. In addition, they support existing businesses and assist start-ups with high-quality, no-cost counseling and affordable training programs.

This support for our small businesses helps invigorate local economies by helping the very small businesses that are firmly rooted in our communities both succeed and grow. There are now 63 main SBDCs, at least one in every State, the District of Columbia, Guam, Puerto Rico, Samoa and the U.S. Virgin Islands, with a network of more than 1,100 service locations.

In closing, Mr. Speaker, the underlying bill made in order under this open rule is a well-crafted piece of legislation. I appreciate that the chairman and ranking member of the subcommittee worked together to produce such a product. The bill ensures taxpayer fairness, protects the right to vote, and funds programs critical to supporting our Nation's small businesses.

I urge all Members to support this rule and the underlying bill.

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

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, and I express my appreciation to my very good friend from Sacramento, Ms. MATSUI.

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

Mr. DREIER. Mr. Speaker, I rise in reluctant opposition to the rule. I know that this is a rule that follows the 200-year tradition that we have had of appropriations bills as privileged resolutions. They have the ability to come to the floor without a rule at all, but if items are protected in the bill, they have to provide waivers from the Rules Committee, and that is what has been followed here. We did this when the Republicans were in the majority and the Democrats are following suit here.

But there are a number of concerns that have come to the forefront. To me, the most important concern, Mr. Speaker, is one that I raised upstairs in the Rules Committee last night.

The Committee on Ways and Means had put into place a very important program in September of 2006 which deals with an issue that is near and dear to every single American who pays taxes. That issue is ensuring that every single American pays their taxes. I don't like paying taxes. But I do it.

Mr. Speaker, I don't like the fact that there are people out there who don't pay their taxes when they are supposed to do it. The challenge of collecting taxes is a very, very important concern of, as I said, every American who does pay their taxes. Collecting taxes is a very important thing, too. Making sure that people do comply with the law is, I believe, an imperative that we need to do all we can to enforce.

Unfortunately, this appropriations bill that we are bringing forward is one that actually eliminates a program that has been extraordinarily effective. It is a program, Mr. Speaker, that has been utilized now by the Federal Government and by 40 of the 50 States. What does it consist of? Simply contracting with private collection agencies, PCAs, to ensure that people who are deadbeats, who are not paying their taxes, actually pay their taxes.

Mr. Speaker, this issue does not fall under the jurisdiction of the Appropriations Committee. I see Mr. RANGEL here and other members of the Ways and Means Committee. Mr. MCCRERY sent a letter to us in the Rules Committee saying that he believed that this rule should not allow protection for a point of order to be made against the provision about which I am speaking.

□ 1915

So, Mr. Speaker, I feel very strongly about the need for us to make sure that the Ways and Means Committee can have the jurisdiction, and, frankly, keep in place this collection process. So far, $19.4 million has been collected from people who have not paid their taxes by these private collection agencies, and the projection is that over the next 10 years in excess of $1.5 billion will be collected by the Federal Government from these people who have been deadbeats and have not paid their taxes. So I think it is very unfortunate that this bill proceeds with this, and the fact that this rule does not provide us with an opportunity to address that has led me to oppose it.

I also want to say, Mr. Speaker, that there is going to be an effort to defeat the previous question, and if that is done, our colleague from Nebraska Mr. TERRY is going to offer an amendment to the rule that would make in order a provision that would allow for the rejection of the cost-of-living adjustment.

I know there is a lot of talk around here about that issue, so we are going to be having a vote on that. Our colleague from Nebraska, as I said, Mr. TERRY will in fact be the author of that amendment if we did defeat the previous question on this issue.

Having said that, I do want to say there are a number of items in this bill that I think are very good and important. I am particularly proud of having worked for a number of years on the issue of financial literacy training for students and for adults as well.

We see this proliferation of advertising, Mr. Speaker, that continues to come down from a wide range of entities, and it can be confusing. Unfortunately, there are many young people today who really don't have the grasp of the financial instruments that are options to them out there. For that reason, I believe that something in this bill that is very good is the effort to focus on the increase of financial literacy training.

Mr. Speaker, I want to praise my colleagues, especially Mr. REGULA, who has taken on this responsibility here as the ranking member of the subcommittee, and Mr. SERRANO, who is chairing the subcommittee. I praise them for working together in a bipartisan way on some other items that are very important.

As I said, I believe that interdicting illicit drugs is a very important issue. This drug trafficking issue was a topic of discussion in the last debate that we had on the Andean Trade Preference Act that we are going to be voting on later this evening, and I believe that there are, again, many, many other items that are included in this bill that are good and decent and appropriate measures.

But I just am very, very concerned about this issue, as I said, Mr. Speaker, of this notion of people abusing the tax provisions and not, in fact, paying their fair share of taxes. So I feel strongly that taking advantage of these private collection agencies is, in fact, the right thing to do. I know there is concern voiced about that, because people don't like being harassed. But you know what, Mr. Speaker? If they are not paying their fair share of taxes, I believe steps should be taken to try and get them to do that. So this is going to lead me to oppose the rule.

Mr. Speaker, I yield 2 minutes to my very good friend from Greensboro, North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the distinguished gentleman from California for yielding. We are in disagreement about the proposed COLA.

Mr. Speaker, I oppose the proposed cost-of-living allowance increase because it is ill-timed. I represent constituents, as do many of you, who earn $25,000 to $35,000 annually, and they read that the Congress approves a COLA increase for themselves. Not good.

According to recent polls, Americans don't like the Congress. Our numbers, lower than President Bush's numbers, are in the tank. To enact this COLA proposal will do nothing, in my opinion, to improve our already diminished reputation.

Mr. Speaker, my fiscal philosophy is very simple: Taxpayers pay our salaries, and beyond that, in my opinion, they owe us little more. I have refused a congressional pension, so when I leave the Congress I will receive not one brown penny of congressional pension money, because I don't believe taxpayers owe me a congressional pension just because I served in the Congress. By the same reasoning, Mr. Speaker, I don't believe they owe us a

cost-of-living allowance increase at this time. Do we deserve a cost-of-living allowance increase? Probably. Is now the time to enact a cost-of-living increase? Probably not.

Mr. DREIER, my good friend, you and I are in disagreement on this, but we can do so agreeably, hopefully.

Anytime you are talking about money, Mr. Speaker, sometimes emotions become frayed, and volatile activity may result. But I don't want to offend anybody, especially the gentleman who yielded to me. But I feel very strongly about this, and I thank you, Mr. DREIER, for having yielded to me.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, let me just thank the gentlewoman from California for yielding and thank her also for her steady and solid work on the Rules Committee.

Mr. Speaker, I rise in strong support of this rule and the underlying Financial Services appropriations bill. I would like to thank my friend Chairman SERRANO for his leadership and commitment to consumer issues in this spending bill and for his work on Cuba. To that end, I want to raise an issue I know that the chairman and I agree on, and that is ending the travel ban to Cuba.

I intended to offer an amendment to prohibit the Office of Foreign Asset Control from enforcing the travel ban for students, but was unable to for procedural reasons. Allowing student travel to Cuba for students to study will go a long way to foster peace and security in our region and, quite frankly, sets a good example for the type of connections and collaboration that we need to foster understanding between different cultures and countries.

Students are some of the best ambassadors, highlighting the best in our country. For the life of me, it makes no sense and I do not understand why, first of all, why this embargo exists when Americans have the right to travel wherever they so desire. That is fundamental in our democracy. But why we would keep our young people from going to Cuba to study? It makes no sense. Young people can study in China. They can study in Vietnam. Why in the world can't they study in Cuba?

We are going to continue to work on that until our young people have that right to travel and study wherever they so desire. This is an important issue, and, again, I am going to continue to work to lift this inconsistent and costly travel ban, but also to end this very ill-advised and ineffective 40-year embargo against Cuba.

Mr. DREIER. Mr. Speaker, I am happy to yield 5 minutes to my very good friend from Omaha, Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I thank the gentleman, and I rise not only in opposition to the rule, but respectfully request that my colleagues join me in voting ''no'' on the previous question.

I have drafted an amendment that would freeze our salaries for this year, much like we voted to do in the last year. We are not going to have the opportunity then to have a straight-up vote on that amendment during this appropriations bill. So our one opportunity to voice our opinion on the COLA, the cost-of-living increase, which is somewhere probably around 2.5 percent, I don't know the number itself, but that happens automatically unless we have a straight-up vote to suspend it, and we are going to be denied that opportunity. So I respectfully request that all of my colleagues on both sides of the aisle join me in voting against the previous question.

Now, let me state some of the reasons why I think it is important that we freeze our salaries again for next year.

First of all, I don't think we deserve it. Our approval rating with the American public is 14 percent, according to Gallup, the lowest in the history of polling. Obviously we are doing something wrong if the people have such little confidence in us.

I think there are a variety of reasons why the people have less confidence in us now than they even did last year, and I think one is because of maybe the viciousness and the partisanship is probably at an all-time record high. We have our political opponents that think we are down and want to put their heels on our throats and keep us that way, and I am not sure that is what the American people want.

But then let's look at effectiveness. In the major bills that have come through the House of Representatives, the congressional leadership, and I say that in toto, House and Senate, have gotten very few bills to the White House for signature. In fact, we have done a variety of resolutions and bills, many of them condemning what Republicans had done in the past. But out of 60 bills that have gone through the House in our first 6 months, since January 4, 2 have been signed into law, and that is it.

Now, if we were on a baseball team, and we hit 2 out of 60, or less than 1 percent, a .033 percentage, we would be sent down to Single A ball for such a pathetic percentage. So we are not performing well enough to deserve it.

Now, I do want to bring up one other aspect. Usually what happens with the cost-of-living increase is we have a token vote on the previous question, and there is an arrangement basically for the votes to be there to allow the previous question to go forward for the rule, with a gentleman's agreement that those who vote ''yes'' won't have to pay for it in the elections. But the reality of that is that is off the table.

This is just one of the many ads run against Republican incumbents who voted for the previous question last year. This is paid for by the Democrat Congressional Committee against Incumbents Who Vote for the Previous Question.

So I think it is important to warn everyone that comes here that is going to vote on the previous question, which is the vote for a congressional pay freeze for our next year's salaries, that if you are a Republican, DCCC is going to run ads against you, and since that agreement is off the table, if you are on my friend's side of the aisle over here, the Democrat side, the agreement is off also if you vote for it. Maybe the Republican National Congressional Committee will be running ads against you for voting for a pay raise, and maybe it is because we haven't made the Bush cuts permanent that will raise taxes on American families, or maybe it is just because of the lack of productivity in the House that protects our families. There are a variety of reasons.

But the reality is there is no such agreement left, folks. Vote against the previous question and protect yourself.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I rise today to urge my fellow Members to oppose the previous question, and I welcome my colleague from Nebraska. It has been a lonely exercise for me the last few years, and I am glad to have someone else join me on the floor and make this request, because I do think having some transparency and having accountability and having an up-or-down vote on the COLA makes a lot of sense.

These are difficult times in our Nation. We are fighting terrorism on so many fronts, our economy faces some challenges, and our future budget deficits continues to be projected in the future at great levels.

So I don't think this is the right time for Members of Congress to be allowing a pay raise to go through without even an up-or-down vote. We need to show the American people we are willing to make some sacrifices. We need to budget and live within our means and make careful spending decisions based on our most pressing priorities.

So, Mr. Speaker, let us send a signal to the American people that we recognize there is a struggle today for some in today's economy. Vote ''no'' on the previous question so we can have an opportunity to block the automatic cost-of-living adjustment to Members of Congress. Regardless of how Members feel about this issue, they should all be willing to make their position public and on the record. A ''no'' vote will allow Members to vote up or down on the COLA.

If the previous question is defeated, I also would intend to offer an amendment to the rule, and my amendment would block the fiscal year 2008 automatic cost-of-living pay raise for Members of Congress. Because this amendment requires a waiver, the only way to get to this issue is to defeat the previous question. So therefore I urge Members to vote no on the previous question.

Mr. DREIER. Mr. Speaker, I am happy to yield 5 minutes to my very good friend from Lubbock, Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, I thank the gentleman. And I was listening to the distinguished ranking member of the Rules Committee talking about people not following the rules, people that are avoiding their income taxes. Quite honestly, I want to bring a point up tonight that is about not obeying the rules. So I rise in opposition to this rule.

We spent a lot of time a few weeks ago talking about earmarks. Fortunately, we were successful in eliminating the secret slush funds of earmarks being reined in. So this is one of the ways we worked on controlling spending in an environment right now where the Democrats have already passed legislation that would increase spending by $50 billion this year, $20 billion in this current appropriations cycle.

But when we were talking about earmark reform, we really were only talking about 1 percent of our spending. If we are going to win the battle on spending, we have to focus on more than just earmarks.

One of the things that is very important is that we have a process in Congress. We say we are going to authorize programs, and then we say we are going to take time out and then fund them in the appropriations process. Tonight we are going to take up this bill, and it is called an appropriations bill. That is how we spend the money.

But one of the things we said in the House rules is a project or program has to be authorized before it can be appropriated. But you know what the very first thing that we do is? We say, oh, Congress is not going to play by the rules during this appropriations process. We are going to fund projects that aren't even authorized.

The American people understand the term ''authorization.'' Many of you have a credit card or a checking account. On your checking account, you have authorized signatures. On your credit card, you have authorized users. Unfortunately for the American people tonight, we are talking about using a credit card, because we are spending more money than we have.

One of the things that is an alarming number to me is it was recently reported that Congress is going to appropriate over $100 billion of unauthorized expenses. I don't think the people back in America, the people certainly back in the 19th District of Texas, think Congress ought to be spending $100 billion on programs that aren't even authorized.

Here are just a few examples of those. Tonight in this bill, for example, there is $23 billion worth of spending that is, what? Not authorized. Some of those projects are $100 million for a Community Development Financial Institutions Fund. That program was last authorized in 1998.

□ 1930

There is $315 million for the Election Assistance Commission. That authorization expired in 2005.

A lot of people say Congress may be just too busy to authorize these new programs. Well, you know what, if we are too busy to look at whether these current programs are relevant, whether they are efficient, or whether we should be doing them, then we are probably too busy. But by the way, we haven't been too busy to authorize just in 6 months over $600 billion in new programs.

So what we are spending money tonight on is projects that we didn't take the time to evaluate whether these projects are worthwhile and worthy of spending the American taxpayers' money on. And in the meantime, we have been very busy passing brand new programs to the tune of $228 billion, which is why this Democratic leadership is going to hand the American people a gift of the largest tax increase in American history.

If we are serious about leaving more money in the American taxpayers' pockets so that those families can pay for health care and gasoline and other things that are essential to those families, we are going to have to leave more money in their pockets, and we certainly can't do that by runaway spending. Spending money on projects that we haven't reviewed to determine whether those programs are worthwhile, relevant today, and whether some efficiencies could accrue in some of those programs and could be combined, and that we could do it better and spend less money.

Mr. Speaker, I rise tonight in support of letting the American people have more of their money and against a rule that is going to appropriate money that we haven't even authorized.

Ms. MATSUI. Mr. Speaker, I want to make a brief comment regarding the Members' COLA which, as Members know, is provided for not in this bill but directly through the Treasury Department based on a predetermined formula.

When we had a debate last year, Members on our side of the aisle objected to the rule on the grounds that Members should not receive a cost of living increase until average Americans did through an increase in the minimum wage.

I am happy to report that the Democrats kept their promise. No COLA was permitted in the long-term funding that Democrats passed earlier this year to resolve last year's appropriations gridlock. As a result of the new majority's leadership, we passed the first increase in the minimum wage in almost 10 years. It goes into effect on July 24, just less than a month from now.

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

Mr. DREIER. Mr. Speaker, first of all, I ask unanimous consent to insert in the RECORD extraneous material, including the amendment to be offered by Mr. TERRY if, in fact, we do defeat the previous question.

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

There was no objection.

Mr. DREIER. If I may inquire of my friend from Sacramento, how many more speakers do you have remaining?

Ms. MATSUI. I have no further speakers. Do you have additional speakers?

Mr. DREIER. I have no further speakers, but I understand there is some amendment here to the rule that you want to talk about, so I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I will be offering an amendment that adds a new section to the rule that allows the House to consider a current resolution providing for the adjournment of the House and Senate during the month of July.

I wanted to apprise the gentleman from California regarding that.

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

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

I am just a little confused about this amendment. I know that the Budget Act calls for us to have completed our appropriations work in the House by the 4th of July, and the promise that was made by the Democratic majority was that all of the appropriations bills would be done by the 4th of July break. I will say that I am a little confused.

I would be happy to yield to my friend as to what this proposed amendment would, in fact, entail.

Ms. MATSUI. Mr. Speaker, this is necessary because of a technical provision in section 309 of the Congressional Budget Act that prevents the House from considering any adjournment resolution for a period longer than 3 days unless all of the annual appropriations bills have been passed by the House.

Mr. DREIER. Mr. Speaker, again, I remember there was a promise made that the work on House appropriations bills would be completed by the July 4 break. It sounds to me as if there is an attempt being made to really go beyond and not comply with that promise that was made. There seems to be some kind of requirement here that we amend the rule to make this happen.

I would be happy to yield to my colleague or to the gentleman from Florida, my Rules Committee colleague.

Mr. HASTINGS of Florida. Does the gentleman remember that you did the exact same thing last year?

Mr. DREIER. Reclaiming my time, I would say last year there was not a commitment that was made that we would complete all of our appropriations work by the July 4th break.

Mr. HASTINGS of Florida. Would the gentleman yield?

Mr. DREIER. I would be happy to further yield.

Mr. HASTINGS of Florida. Does the gentleman remember the last couple of weeks here who participated in causing the delay?

Mr. DREIER. Reclaiming my time, Mr. Speaker, and I would be happy to further yield to my friend, I would say that we have been going through the appropriations process. We are in the minority. There is a new majority. A promise was made to the American people that work on the appropriations process would be completed by the July 4th break. I am just a little confused here as to how it is that we got to this point.

This is now an amendment to the rule that is being propounded, and I would just like to say that I think by virtue of doing this we are simply, Mr. Speaker, underscoring the fact that the work has not been completed. If a finger of blame is being pointed, I guess at our side, we have delayed the process of completing the appropriations work, all I am saying, Mr. Speaker, is that this was a commitment that was made at the beginning of the 110th Congress. And obviously, with the explanation just provided by my friend from Sacramento, this has not happened.

Mr. Speaker, I am happy to yield to my friend, Mr. OBEY.

Mr. OBEY. Thank you for yielding.

I was in my office and I heard you make the assertion that a ''promise'' had been made to finish all of the appropriations bills by July 4.

I am the chairman of the committee. I certainly made no promise. We indicated that it was our plan and our intent. But I would point out we have had several hundred amendments offered by Members of the minority party. We have spent approximately twice as much time debating each of the bills the last 3 weeks than was the case a year ago, despite the agreement between the two leaderships that there would be every effort made to try to handle these bills in a timetable that was consistent with last year's activities.

And so I simply want to make quite clear that there was no ''promise.'' And even if there had been, which there was not, the majority cannot be held accountable for the fact that your Members introduced 188 amendments to a single bill. One Member introduces 188 amendments to a single bill which is simply filibustering by amendment.

Mr. DREIER. Mr. Speaker, reclaiming my time, I thank the distinguished Chair of the Appropriations Committee for his explanation.

I will say, however, what we have done is we have followed the standard appropriations process. In fact, as we look at the rules that have been passed out so far through the appropriations process, in the last Congress, we made in order every single amendment that was proposed to the Legislative Branch Appropriations bill, and as the gentleman knows, only three of 23 amendments that were submitted to the Rules Committee when it came to the Legislative Branch Appropriations Subcommittee bill were made in order which did in fact limit the debate.

All I would say, Mr. Speaker, is my friend from Sacramento has come forward and said she is going to offer an amendment to the rule. I am concerned about it, the fact that it was not included in the rule and it has just come to our attention.

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

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, let me simply point out, Mr. Speaker, that in addition to the fact that we have effectively endured filibuster by amendment by the minority for the past 3 weeks, in addition to that fact, we have two other practical facts to face.

When we took over this Congress, we had to deal with last year's budget because the folks who controlled the Congress last time just didn't happen to get around to passing the appropriations bills last time. So we had to spend the first month of this session doing the work that they left over from the last session. They had passed not a single portion of the domestic part of the budget. They had not passed a single domestic appropriation bill. So first we had to run that cleanup brigade.

Then we had to deal with the fact that in order to hide the full cost of the war, the President declined to request funding for the Iraqi war in the regular defense bill which was supposed to be finished last year. So we had to take the next 3½ months to clean up that mess left over from last year. So I would say it is really the pot calling the kettle black to somehow suggest that the majority party has failed in its responsibility because it has not met a so-called mythical promise.

We laid out what the plan was, and given the fact that the first 4 months of this session was essentially spent cleaning up their mess, I think we have done pretty well.

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

I would say to my very good friend from Wisconsin, welcome to the challenge of governing, as he knows very, very well.

The fact of the matter is there was, in fact, at the beginning of this Congress, a statement made. And what has been proposed by my colleague from Sacramento is an amendment to the rule to deal with the Budget Act. All of a sudden, we are going to just waive the responsibility here to deal with this question, and I just think that the procedure around which we are now taking this action on this amendment underscores that our colleagues are having a little bit of difficulty governing.

Let me just say that I am opposed to this rule for a number of reasons. I would like to restate the concern that I raised earlier.

I had a chance to speak with our colleague from New York, the distinguished Chair, of the Ways and Means Committee, Mr. RANGEL. I told him of a letter that was sent to the Rules Committee from Mr. MCCRERY which raised concern over the fact that there are people out there who are completely abrogating their responsibility to pay their fair share of taxes. They are not complying with the law. And in September of 2006, private collection agencies were enlisted by the Federal Government to begin the collection of taxes from deadbeats who are not paying their taxes.

Mr. Speaker, 40 other States, 40 other States have enlisted private collection agencies, and they have been successful, and at the Federal level, we have, as of March of this year, seen $19.47 million collected so far, and the projection is that under these private collection agencies in the next decade, we will see between $1.5 billion and $2.2 billion in taxes that are owed to the Federal Government paid.

Unfortunately, Mr. Speaker, if we pass this rule, we are undermining the ability of the Ways and Means Committee to take on its responsibility for this issue. So I will urge my colleagues to vote ''no'' on this rule so, in fact, we will have an opportunity to do the right thing when it comes to this issue.

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

□ 1945

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to make a comment on the Members' COLA once again, that the Members' COLA was calculated by a predetermined automatic formula. This legislation does not address Members' COLA. Changes to Members' COLA formula should be addressed in authorizing legislation from the Committee on House Administration.

Mr. Speaker, the American people expect and deserve the best services their government can offer and their tax dollars pay for. This $21.4 billion bipartisan bill provides significant support to our small businesses, helps guarantee our citizens' right to vote, and works to close the tax gap. It is a good bill. I believe through simple measures such as these, we can restore our citizens' faith that the government can, and is, working for them again.

AMENDMENT OFFERED BY MS. MATSUI

Ms. MATSUI. Mr. Speaker, I have an amendment to the rule at the desk.

The Clerk read as follows:

Amendment offered by Ms. MATSUI:

At the end of the resolution add the following new section:

SEC. _____. It shall be in order, any rule of the House to the contrary notwithstanding, to consider concurrent resolutions providing for the adjournment of the House and Senate during the month of July.

Ms. MATSUI. Mr. Speaker, this amendment adds a new section to the rule that allows the House to consider concurrent resolutions providing for the adjournment of the House and Senate during the month of July.

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

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

AMENDMENT TO H. RES. 517 OFFERED BY MR. TERRY OF NEBRASKA

Strike all after the resolved clause and insert the following:

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. 2829) making appropriations for financial services and general government 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. The amendment printed in section 3 of this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, 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. 2829 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.

SEC. 3. The amendment referred to in section 1 is as follows:

At the end of the bill (before the short title), insert the following:

''Notwithstanding any other provision of this Act and notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31), the percentage adjustment scheduled to take effect under such section for 2008 shall not take effect.''

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on the amendment and the resolution will be followed by 5-minute votes on the amendment to H. Res. 517, if ordered; adoption of H. Res. 517, if ordered; and the motion to suspend the rules on H.R. 1830.

The vote was taken by electronic device, and there were—yeas 244, nays 181, not voting 8, as follows:

[Roll No. 580]

YEAS—244

Abercrombie
Ackerman
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baldwin
Barton (TX)
Becerra
Berman
Biggert
Bilbray
Bishop (GA)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boucher
Boustany
Boyd (FL)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
Capuano
Carter
Castor
Clarke
Clay
Cleaver
Clyburn
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Dreier
Ehlers
Emanuel
Engel
Eshoo
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gohmert
Gonzalez
Goodlatte
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastert
Hastings (FL)
Hastings (WA)
Herger
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Holt
Honda
Hoyer
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Marchant
Markey
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Pickering
Price (GA)
Putnam
Rahall
Rangel
Regula
Reyes
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shadegg
Shays
Sherman
Shimkus
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Stark
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—181

Aderholt
Allen
Altmire
Arcuri
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Berkley
Berry
Bilirakis
Bishop (NY)
Bishop (UT)
Boozman
Boren
Boswell
Boyda (KS)
Braley (IA)
Brown-Waite, Ginny
Buchanan
Capito
Carnahan
Carney
Carson
Castle
Chabot
Chandler
Coble
Cohen
Cole (OK)

Courtney
Cuellar
Davis (CA)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
Dent
Doggett
Donnelly
Drake
Duncan
Edwards
Ellison
Ellsworth
Emerson
English (PA)
Etheridge
Fallin
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Goode
Gordon
Graves
Hall (NY)
Hall (TX)
Hare
Hayes
Heller
Hensarling
Herseth Sandlin
Hill
Hodes
Hoekstra
Holden
Hooley
Hulshof
Inglis (SC)
Inslee
Jindal
Johnson (IL)
Jones (NC)
Jordan
Kagen
Keller
Kildee
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Latham
LaTourette
Linder
LoBiondo
Loebsack
Mahoney (FL)
Manzullo
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McIntyre
McMorris Rodgers
McNerney
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Napolitano
Paul
Pearce
Perlmutter
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rodriguez
Rogers (MI)
Roskam
Ross
Royce
Ryan (WI)
Salazar
Sali
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sestak
Shea-Porter
Shuler
Shuster
Snyder
Souder
Space
Spratt
Stearns
Sutton
Taylor
Terry
Tiberi
Tierney
Udall (CO)
Udall (NM)
Walberg
Walden (OR)
Walz (MN)
Wamp
Welch (VT)
Weller
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wu
Yarmuth

NOT VOTING—8

Cardoza
Davis (KY)
Davis, Jo Ann
Harman
Hunter
Lofgren, Zoe
Ortiz
Sessions

□ 2020

Messrs. EDWARDS, MARSHALL, ROGERS of Michigan, MOORE of Kansas, SPRATT, Ms. SCHWARTZ, Messrs. WALZ of Minnesota, MICHAUD, CARNAHAN, HALL of Texas, ELLISON, BISHOP of New York, WELCH of Vermont, TAYLOR, WILSON of South Carolina, ALLEN, KILDEE, INSLEE, LANGEVIN, Mrs. MCMORRIS RODGERS, Ms. HERSETH SANDLIN, Mr. GORDON of Tennessee and Ms. HOOLEY changed their vote from ''yea'' to ''nay.''

Messrs. EMANUEL, KNOLLENBERG, CROWLEY, FERGUSON, ISSA, MARKEY, JACKSON of Illinois, SULLIVAN, CALVERT, SHADEGG, GARRETT of New Jersey, CAMPBELL of California, KINGSTON, PENCE, GARY G. MILLER of California, HERGER, FEENEY, AKIN, CANNON, UPTON, CAMP of Michigan, GALLEGLY, SAXTON, BURGESS, SMITH of New Jersey, BURTON of Indiana, GILLMOR, MARCHANT, BUYER and EHLERS changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from California (Ms. MATSUI).

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 198, not voting 9, as follows:

[Roll No. 581]

AYES—225

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
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, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOES—198

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
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
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—9

Blunt
Cardoza
Davis (KY)
Davis, Jo Ann
Harman
Hunter
Lofgren, Zoe
Ortiz
Sessions

□ 2026

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 213, noes 206, not voting 13, as follows:

[Roll No. 582]

AYES—213

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—206

Aderholt
Akin
Alexander
Altmire
Arcuri
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
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
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Cardoza
Davis (KY)
Davis, Jo Ann
Gillmor
Harman
Hunter
Lofgren, Zoe
Ortiz
Pickering
Sessions
Sutton
Watt
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2032

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANDEAN TRADE PREFERENCE ACT EXTENSION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1830, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. RANGEL) that the House suspend the rules and pass the bill, H.R. 1830, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 365, nays 59, not voting 8, as follows:

[Roll No. 583]

YEAS—365

Ackerman
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hastert
Hastings (FL)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hobson
Hodes
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Jordan
Kagen
Keller
Kennedy
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Pascrell
Pastor
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez

Rogers (KY)	Shays	Udall (NM)
Rogers (MI)	Shea-Porter	Upton
Ros-Lehtinen	Shimkus	Van Hollen
Roskam	Shuster	Velázquez
Ross	Simpson	Walberg
Roybal-Allard	Sires	Walden (OR)
Royce	Skelton	Walz (MN)
Ruppersberger	Smith (NE)	Wamp
Rush	Smith (NJ)	Wasserman Schultz
Ryan (OH)	Smith (TX)	Waxman
Ryan (WI)	Smith (WA)	Weiner
Salazar	Snyder	Welch (VT)
Sali	Solis	Weldon (FL)
Sánchez, Linda T.	Souder	Weller
Sanchez, Loretta	Stark	Westmoreland
Sarbanes	Sullivan	Wexler
Saxton	Tancredo	Whitfield
Schakowsky	Tanner	Wicker
Schiff	Tauscher	Wilson (NM)
Schmidt	Terry	Wilson (OH)
Schwartz	Thompson (CA)	Wolf
Scott (GA)	Thornberry	Wynn
Scott (VA)	Tiahrt	Yarmuth
Sensenbrenner	Tiberi	Young (AK)
Serrano	Tierney	Young (FL)
Sestak	Towns	
Shadegg	Turner	
	Udall (CO)	

NAYS—59

Abercrombie	Kanjorski	Rohrabacher
Aderholt	Kaptur	Rothman
Andrews	Kildee	Sherman
Baldwin	Kingston	Shuler
Cohen	Kucinich	Slaughter
Costello	Kuhl (NY)	Space
Cubin	Lantos	Spratt
DeFazio	LaTourette	Stearns
Duncan	Marshall	Stupak
Everett	McIntyre	Sutton
Filner	McMorris Rodgers	Taylor
Goode	Mollohan	Thompson (MS)
Hare	Murtha	Visclosky
Hastings (WA)	Napolitano	Walsh (NY)
Hayes	Oberstar	Waters
Hirono	Pallone	Watson
Hoekstra	Payne	Watt
Holden	Rahall	Wilson (SC)
Jindal	Rogers (AL)	Woolsey
Jones (NC)		Wu

NOT VOTING—8

Bishop (UT)	Davis, Jo Ann	Ortiz
Cardoza	Harman	Sessions
Davis (KY)	Hunter	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2044

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

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A Bill to extend the authorities of the Andean Trade Preference Act until February 29, 2008.''

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Madam Speaker, on Wednesday, June 27, 2007, I was absent from the House for a familial medical emergency.

Had I been present I would have voted:

On rollcall No. 564—''yes''—Brown-Waite Amendment to H.R. 2643.

On rollcall No. 565—''no''—Campbell (CA) Amendment to H.R. 2643.

On rollcall No. 566—''no''—Campbell (CA) Amendment to H.R. 2643.

On rollcall No. 567—''no''—Flake Amendment to H.R. 2643.

On rollcall No. 568—''no''—Flake Amendment to H.R. 2643.

On rollcall No. 569—''no''—Flake Amendment to H.R. 2643.

On rollcall No. 570—''yes''—Jordan (OH) Amendment to H.R. 2643.

On rollcall No. 571—''yes''—Price (GA) Amendment to H.R. 2643.

On rollcall No. 572—''yes''—Musgrave Amendment to H.R. 2643.

On rollcall No. 573—''no''—Inslee Amendment to H.R. 2643.

On rollcall No. 574—''no''—Udall (CO) Amendment to H.R. 2643.

On rollcall No. 575—''no''—Lamborn Amendment to H.R. 2643.

On rollcall No. 576—''yes''—Cannon (UT) Amendment to H.R. 2643.

On rollcall No. 577—''no''—Re-Vote on Udall (CO) Amendment to H.R. 2643.

On rollcall No. 578—''yes''—Motion to Recommit on H.R. 2643.

On rollcall No. 579—''no''—Final Passage of H.R. 2643.

On rollcall No. 580—''no''—Ordering the Previous Question.

On rollcall No. 581—''no''—Matsui Amendment to H. Res. 517.

On rollcall No. 582—''no''—H. Res. 517.

On rollcall No. 583—''yes''—H.R. 1830, To extend the authorities for the Andean Trade Preference Act.

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 of the following title in which the concurrence of the House is requested:

S. 1701. An act to provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007, and for other purposes.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I want to inform the House of what I perceive to be the schedule for the coming balance of the week.

It is our intention to go until 1 o'clock tonight on debate only. We will roll votes. There will be no further votes. I've talked to the leadership on the other side. There will be no votes for the balance of the evening.

It is my expectation, barring some unforeseen action in conferences, that we will conclude this bill tomorrow, hopefully, with the consideration of all Members, relatively early, in the late afternoon. And that would conclude the week's business if we don't have any conference reports.

Now, I want to make it clear, should the unforeseen happen in the conference, there are a couple of conferences pending, if they move, that would change. I don't expect that to be the case, but I want everybody to understand that we do have some conferences that may go forward. I doubt that they would be in shape to come here, but if they did, that would change.

But presently, Mr. Speaker, I believe the schedule would be we go until 1 o'clock, debate amendments, offer amendments. Those amendments that called for votes would be rolled until tomorrow morning at 10 o'clock. We would vote on those. And then we would complete the bill and be complete for the week and take leave for the July work period at that point in time.

HONORING THE LIFE OF EACH OF THE FALLEN CITY OF CHARLESTON FIREFIGHTERS

Mr. CLYBURN. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the concurrent resolution (H. Con. Res. 172) honoring the life of each of the 9 fallen City of Charleston firefighters who lost their lives in Charleston, South Carolina, on June 18, 2007, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 172

Whereas firefighters work devotedly and selflessly on behalf of the people of the United States, without regard for the peril or danger to themselves;

Whereas firefighters carry out the vital role of protecting and ensuring the safety of the public and their property;

Whereas on June 18, 2007, 9 brave men of the Charleston Fire Department selflessly paid the ultimate sacrifice in service to their community;

Whereas the firemen who perished had over 120 years of combined service in the fire department;

Whereas the events of June 18, 2007, constitute the single worst loss of firefighters since September 11, 2001;

Whereas Captain William ''Billy'' Hutchinson, Captain Mike Benke, Captain Louis Mulkey, Engineer Mark Kelsey, Engineer Bradford ''Brad'' Baity, Assistant Engineer Michael French, Firefighter James ''Earl'' Drayton, Firefighter Brandon Thompson, and Firefighter Melvin Champaign were heroes in the truest sense of the word; and

Whereas Charlestonians, South Carolinians, and Americans will forever be grateful for the service of these firefighters and mourn their loss: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors the lives of the 9 fallen City of Charleston firefighters who lost their lives in Charleston, South Carolina, on June 18, 2007.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 176

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 176.

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

There was no objection.

GENERAL LEAVE

Mr. SERRANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2829 and that I may include tabular material on the same.

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

There was no objection.

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2008

Mr. SERRANO. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 2829 pursuant to House Resolution 517, 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 New York?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 517 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. 2829.

□ 2054

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. 2829) making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes, with Mr. HASTINGS of Florida in the chair.

The Clerk read the title of the bill.

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

The gentleman from New York (Mr. SERRANO) and the gentleman from Ohio (Mr. REGULA) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

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

I'm pleased to present, Mr. Chairman, and my colleagues, the first Financial Services and general government appropriations bill to the House. This is my first time as chairman, and it has been an honor and a privilege.

The subcommittee held multiple hearings this spring to explore the issues facing agencies funded through this bill. As the hearings progressed, a common theme emerged in my mind for improving these agencies. It became clear that the subcommittee needed to work to bring government closer to the people, to better fit its services to their needs.

The American people expect and deserve the best services their governments can offer. For example, with respect to the Internal Revenue Service, we, as a subcommittee, addressed the fact that the IRS needs to be fair and evenhanded in whom it audits. We also ensure that the IRS works to provide real assistance to the taxpayer who cannot afford the services of an expensive accountant.

We want the Election Assistance Commission to help promote the use of voting machines in student and school elections as an educational tool. Because these are our future voters, we must do this. We felt that government must do more to protect our consumers, and so we have directed the Federal Trade Commission to examine identity theft with an eye toward ending this hurtful crime.

We directed the Consumer Product Safety Commission to strengthen its consumer product monitoring capabilities. We have also increased funding for the community development financial institutions to help expand the availability of credit, capital and financial services to underserved communities throughout the Nation.

I feel that through funding initiatives and congressional guidance contained in this bill, government will be more responsive and more proactive on behalf of the American people whom it serves.

The total funding recommended by the bill is $21.4 billion. This funding level is tight. While the bill is $1.9 billion above the fiscal year 2007, it is $243 million below the President's budget request.

It was a challenge to reduce funding from the requested level for two reasons. First, most of this bill, over 80 percent, funds basic administrative accounts, such as the salaries of the Treasury employees who are managing the Nation's finances. These accounts cannot be reduced without reducing the most basic government services.

Second, there were a number of holes in the President's budget that needed to be filled. This bill increases funding for programs where we believe money will be well spent and will benefit, for example, disadvantaged communities or small businesses. These are important priorities that needed to be addressed.

To summarize, this bill includes $12.3 billion for the Department of the Treasury. Within this amount, $11.1 billion is for the IRS, a $550 million increase above fiscal year 2007, and $52 million above the President's request. This increase includes more money than requested for taxpayer services and the IRS Taxpayers Advocate Office.

The bill also includes $100 million for the Community Development Financial Institutions Fund's program to increase economic development and financial opportunities for folks living in disadvantaged communities.

The bill includes $722 million for the Executive Office of the President, of which $460 million is directed to the Office of National Drug Control Policy and its programs. This includes increases for the Drug Free Communities grants program, and the High-Intensity Drug Trafficking Areas program, which are critical efforts in the war on drugs.

This bill, however, rejects the 31 percent increase to the National Youth Anti-Drug Media Campaign requested in the President's budget. Recent studies have called in question the effectiveness of the campaign, and it does not make any sense to give this program the substantial increase requested in light of these questions. The recommendation reduces funding for the campaign by $6 million from last year to $93 million this year.

The judicial branch will receive $6.3 billion, which is $278 million above 2007, but $254 million below the request. While this is a reduction to the requested level, we believe that the amount in the bill will be sufficient to fund all necessary operations and staffing levels for the judiciary.

Programs related to the District of Columbia will receive $648 million, including $309 million for the District of Columbia court system. Within this figure, the bill assumes an increase in the reimbursement for attorneys who defend indigent clients so that their compensation rate is closer to the rate for defense attorneys practicing before Federal courts.

□ 2100

This will help ensure fair and just representation for these defendants. The bill also includes funding for the D.C. public schools, the Tuition Assistance Grant program, the Water and Sewer Authority, construction of a forensic lab, and other critical items requested by the D.C. Government.

General provisions for the District of Columbia are fewer in number and have been changed based on our discussions with the D.C. government.

My basic principle is that the Federal Government should not dictate to the city how to manage its own affairs or spend its own money. Therefore, you will find that we have removed or changed riders that have been in past bills that closely prescribed to the city what it should or should not do. In some cases, I would actually like to go further than this bill goes. But I consider the changes we made to be first steps toward eliminating some of the restrictions Congress has placed on the District.

Let me take this opportunity, as an aside, to mention that my ranking member, Mr. REGULA, has been excellent also on this issue. He, like I, believe that since the District of Columbia has a new mayor and an exciting

new leadership, we want to do everything we can to allow them to grow within their own boundaries, make their own decisions and develop their own vision.

The bill includes funding for numerous important independent agencies. Some, such as the General Services Administration and the Office of Personnel Management, support all government agencies in their day-to-day operations. Other agencies are smaller but equally vital. For example, the Election Assistance Commission deals with issues that are extraordinarily important to the Nation and its ability to have reliable, secure and accessible elections. This bill includes, Mr. Chairman, $300 million for payments to States to help them meet the requirements of the Help America Vote Act of 2002.

The bill also includes money for essential regulatory agencies, namely the Securities and Exchange Commission, the Federal Trade Commission, the Consumer Product Safety Commission and the Federal Communications Commission. We have provided a total of $78 million in increases over 2007 for these agencies. We are recommending funding to ensure that they have the ability to oversee, investigate, and take necessary actions relating to their respective missions. For example, the Federal Trade Commission would receive $36 million above this year's level and $7 million above the request to enhance consumer protection activities, including investigations of subprime lending and identity theft and to keep the marketplace free from anticompetitive business practices.

Another important agency in this bill is the Small Business Administration. The bill includes $582 million for the SBA, including $100 million for Small Business Development Centers, which is $12 million above the current year. The bill also funds a 7(a) loan guarantee program by providing an $80 million subsidy to make loans more affordable for small businesses.

We also include $17 million for a Microloan program, including $2.5 million for the subsidy cost of these loans, as well as funding for SBA programs that target businesses in disadvantaged or low-income communities. These include the HUBZone program, the PRIME program and the 7(j) program, which provides assistance relating to accounting practices or bidding on Federal contracts.

This bill also has numerous general provisions that apply to funds in the Act or governmentwide. The mark includes some changes in these provisions from previous bills. It includes, for example, some changes to the provision on public-private competitions, known to some as A–76, or outsourcing, that will strengthen protections for Federal employees.

Mr. Chairman, this bill will not make everyone happy. It is not even doing all that I want it to do. We have had to make compromises in order to ensure that this bill will make it through the process and to the President's desk. However, the bill is a good step towards making some important changes to funding and policies. I encourage everyone to recognize that this bill is part of a process that will take time to complete. We will not be able to do everything in our first year.

Mr. Chairman, I would like at this time to thank my friend and colleague, Mr. REGULA, for his work and collaboration. We may not always agree on everything in this bill, but we worked together where we could to develop the best possible bill. I truly appreciate his leadership and support.

I also want to express my appreciation and thanks for the dedication and hard work of our subcommittee staff, both the majority and minority, especially today when they will be here past 1, 2 o'clock in the morning.

Dale Oak, Bob Bonner, Karyn Kendall, Frank Carillo, Deb Bilek, and Jim Curry with the majority staff; John Martens and Alice Hogans with the minority staff; and Rick Limardo with Congressman REGULA's personal staff have devoted countless hours. That is why this bill is before you today. I would like to recognize their many contributions. I would like also like to acknowledge and thank my personal staff under the leadership of Nadine Berg.

Mr. Chairman, I urge support for this bill.

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2008 (H.R. 2829)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF THE TREASURY					
Departmental Offices					
Salaries and expenses	216,348	250,141	250,591	+34,243	+450
Executive direction	(10,753)	(19,815)	(10,115)	(-638)	(-9,700)
General Counsel	(8,713)	---	(9,700)	(+987)	(+9,700)
Economic policies and programs	(36,154)	(45,450)	(45,450)	(+9,296)	---
Financial policies and programs	(24,632)	(28,869)	(29,069)	(+4,437)	(+200)
Terrorism and Financial Intelligence	(43,457)	(56,225)	(56,475)	(+13,018)	(+250)
Treasury-wide management	(17,837)	(20,810)	(19,010)	(+1,173)	(-1,800)
Administration	(74,802)	(78,972)	(80,772)	(+5,970)	(+1,800)
non-print admin subtotal	216,348	250,141	250,591	+34,243	+450
Department-wide systems and capital investments programs	30,268	18,710	18,710	-11,558	---
Office of Inspector General	16,957	18,450	18,450	+1,493	---
Treasury Inspector General for Tax Administration	132,861	140,533	140,533	+7,672	---
Air transportation stabilization program account	---	-3,600	-3,600	-3,600	---
Financial Crimes Enforcement Network	73,216	85,844	83,344	+10,128	-2,500
Subtotal, Departmental Offices	469,650	510,078	508,028	+38,378	-2,050
Financial Management Service	235,381	235,191	234,423	-958	-768
Alcohol and Tobacco Tax and Trade Bureau:					
Salaries and expenses	90,618	93,515	93,515	+2,897	---
Bureau of the Public Debt	177,623	172,871	172,871	-4,752	---
Community development financial institutions fund program account	54,506	28,557	100,000	+45,494	+71,443
Payment of government losses in shipment	500	1,000	1,000	+500	---
Total, Dept. of Treasury, non-IRS	1,028,278	1,041,212	1,109,837	+81,559	+68,625
Internal Revenue Service					
Taxpayer services	2,138,238	2,103,089	2,155,000	+16,762	+51,911
Enforcement	4,686,478	4,925,498	4,925,498	+239,020	---
Operations support	3,544,835	3,769,587	3,769,587	+224,752	---
Business systems modernization	212,659	282,090	282,090	+69,431	---
Health Insurance Tax Credit Administration	14,856	15,235	15,235	+379	---
Total, Internal Revenue Service	10,597,066	11,095,499	11,147,410	+550,344	+51,911
Total, title I, Department of the Treasury	11,625,344	12,136,711	12,257,247	+631,903	+120,536
TITLE II - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT					
The White House					
Salaries and expenses	---	186,920	---	---	-186,920
Compensation of the President	---	450	---	---	-450
Total, Salaries and expenses	---	187,370	---	---	-187,370
Compensation of the President and the White House Office:					
Compensation of the President	450	---	450	---	+450
Salaries and expenses	53,616	---	53,156	-460	+53,156
Executive Residence at the White House:					
Operating expenses	12,398	---	12,814	+416	+12,814
White House repair and restoration	1,683	---	1,600	-83	+1,600
Council of Economic Advisers	4,032	---	4,118	+86	+4,118
Office of Policy Development	3,487	---	3,482	-5	+3,482
National Security Council	8,684	---	8,640	-44	+8,640
Office of Administration	88,643	---	92,829	+4,186	+92,829
Total, The White House	172,993	187,370	177,089	+4,096	-10,281

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2008 (H.R. 2829)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Management and Budget	76,714	70,866	78,394	+1,680	+7,528
Office of National Drug Control Policy	26,766	23,883	26,636	-130	+2,753
Counterdrug Technology Assessment Center	20,000	5,000	10,000	-10,000	+5,000
High intensity drug trafficking areas program	224,730	220,000	226,000	+1,270	+6,000
Other Federal drug control programs	192,951	224,485	197,800	+4,849	-26,685
Total, Office of National Drug Control Policy	464,447	473,368	460,436	-4,011	-12,932
Unanticipated needs	990	1,000	1,000	+10	---
Special Assistance to the President and Official Residence of the Vice President:					
Salaries and expenses	4,432	4,432	4,432	---	---
Operating expenses	322	320	320	-2	---
Total, title II, Executive Office of the President and Funds Appropriated to the President	719,898	737,356	721,671	+1,773	-15,685
TITLE III - THE JUDICIARY					
Supreme Court of the United States					
Salaries and expenses:					
Salaries of justices	2,000	2,149	2,149	+149	---
Other salaries and expenses	60,576	64,377	64,377	+3,801	---
Subtotal	62,576	66,526	66,526	+3,950	---
Care of the building and grounds	11,427	12,201	12,201	+774	---
Total, Supreme Court of the United States	74,003	78,727	78,727	+4,724	---
United States Court of Appeals for the Federal circuit					
Salaries and expenses:					
Salaries of judges	2,000	2,431	2,431	+431	---
Other salaries and expenses	23,311	26,107	25,545	+2,234	-562
Total, US Court of Appeals for the Fed Circuit	25,311	28,538	27,976	+2,665	-562
United States Court of International Trade					
Salaries and expenses:					
Salaries of judges	2,000	1,765	1,765	-235	---
Other salaries and expenses	13,825	14,962	14,779	+954	-183
Total, US Court of International Trade	15,825	16,727	16,544	+719	-183
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries and expenses:					
Salaries of judges and bankruptcy judges	316,000	332,434	332,434	+16,434	---
Judges COLA	---	5,000	---	---	-5,000
Other salaries and expenses	4,160,569	4,517,021	4,328,156	+167,587	-188,865
Subtotal, Salaries and expenses	4,476,569	4,854,455	4,660,590	+184,021	-193,865
Vaccine Injury Compensation Trust Fund	3,952	4,099	4,099	+147	---
Defender services	776,283	859,834	830,499	+54,216	-29,335
Fees of jurors and commissioners	60,945	62,350	62,350	+1,405	---
Court security	378,663	421,789	396,476	+17,813	-25,313
Total, Courts of Appeals, District Courts, and Other Judicial Services	5,696,412	6,202,527	5,954,014	+257,602	-248,513
Administrative Office of the United States Courts					
Salaries and expenses	72,377	78,536	75,667	+3,290	-2,869

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2008 (H.R. 2829)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Judicial Center					
Salaries and expenses	22,874	24,835	23,994	+1,120	-841
Judicial Retirement Funds					
Payment to judiciary trust funds	58,300	65,400	65,400	+7,100	---
United States Sentencing Commission					
Salaries and expenses	14,601	16,191	15,477	+876	-714
Total, title III, the Judiciary	5,979,703	6,511,481	6,257,799	+278,096	-253,682
Mandatory appropriations	(380,300)	(404,179)	(404,179)	(+23,879)	---
Discretionary appropriations	(5,599,403)	(6,107,302)	(5,853,620)	(+254,217)	(-253,682)
TITLE IV - DISTRICT OF COLUMBIA					
FEDERAL FUNDS					
Federal payment for Resident Tuition Support	32,868	35,100	35,100	+2,232	---
Federal payment for Emergency Planning and Security Costs in the District of Columbia	8,533	3,000	3,352	-5,181	+352
Federal payment to the District of Columbia Courts	216,723	213,861	256,395	+39,672	+42,534
Defender Services in District of Columbia Courts	43,475	43,475	52,475	+9,000	+9,000
Federal payment to the Court Services and Offender Supervision Agency for the District of Columbia	179,603	190,343	190,343	+10,740	---
Federal payment to the District of Columbia Public Defender Service	31,103	32,710	32,710	+1,607	---
Federal payment to the District of Columbia Water and Sewer Authority	6,930	12,000	12,000	+5,070	---
Federal payment for the Anacostia Waterfront Initiative	2,970	---	---	-2,970	---
Federal payment to the Criminal Justice Coordinating Council	1,287	1,300	1,300	+13	---
Federal payment for Transportation Assistance	990	---	---	-990	---
Federal payment for Foster Care Improvements in the District of Columbia	1,980	---	---	-1,980	---
Federal payment to the Office of the Chief Financial Officer of the District of Columbia	20,000	---	6,148	-13,852	+6,148
Federal payment for School Improvement	39,600	40,800	40,800	+1,200	---
Federal payment for consolidated laboratory facility	4,950	10,000	10,000	+5,050	---
Federal payment for Central Library/branch locations	---	10,000	10,000	+10,000	---
Federal Payment to reimburse the FBI	---	5,000	4,000	+4,000	-1,000
Total, Title IV, District of Columbia	591,012	597,589	654,623	+63,611	+57,034
TITLE V - OTHER INDEPENDENT AGENCIES					
Consumer Product Safety Commission	62,728	63,250	66,838	+4,110	+3,588
Election Assistance Commission					
Salaries and expenses	16,263	15,467	15,467	-796	---
Election Reform Programs	---	---	300,950	+300,950	+300,950
Total, Election Assistance Commission	16,263	15,467	316,417	+300,154	+300,950
Federal Communications Commission					
Salaries and expenses	291,282	313,000	313,000	+21,718	---
Transfer from USF for OIG audits (by transfer)	---	(20,480)	(20,980)	(+20,980)	(+500)
Offsetting fee collections - current year	-290,295	-312,000	-312,000	-21,705	---
Direct appropriation	987	1,000	1,000	+13	---
Federal Deposit Insurance Corporation: Office of Inspector General (by transfer)	(30,690)	(26,848)	(26,848)	(-3,842)	---

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2008 (H.R. 2829)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Election Commission	54,528	59,224	59,224	+4,696	---
Federal Labor Relations Authority	25,372	23,718	23,641	-1,731	-77
Federal Trade Commission					
Salaries and expenses	211,289	240,239	247,489	+36,200	+7,250
Offsetting fee collections - current year	-129,000	-139,000	-139,000	-10,000	---
Offsetting fee collections, telephone database	-23,000	-19,000	-20,000	+3,000	-1,000
Direct appropriation	59,289	82,239	88,489	+29,200	+6,250
General Services Administration					
Federal Buildings Fund					
Appropriations	(93,586)	(344,450)	(88,144)	(-5,442)	(-256,306)
Limitations on availability of revenue:					
Construction and acquisition of facilities	701,137	615,204	524,540	-176,597	-90,664
Repairs and alterations	618,241	804,483	733,267	+115,026	-71,216
Installment acquisition payments	163,999	155,781	155,781	-8,218	---
Rental of space	4,067,881	4,383,000	4,315,534	+247,653	-67,466
Building operations	2,003,830	2,132,450	2,105,490	+101,660	-26,960
Subtotal	7,555,088	8,090,918	7,834,612	+279,524	-256,306
Repayment of debt	43,338	50,804	50,804	+7,466	---
Rental income to fund	-7,845,000	-7,916,272	-7,916,272	-71,272	---
Total, Federal Buildings Fund	-246,574	225,450	-30,856	+215,718	-256,306
Policy and operations	---	144,338	142,945	+142,945	-1,393
Government-wide policy	52,346	---	---	-52,346	---
Operating expenses	83,176	---	---	-83,176	---
Office of Inspector General	52,621	47,382	47,382	-5,239	---
Appropriation (P.L. 110-28)	(4,500)	---	---	(-4,500)	---
Electronic Government Fund	2,970	5,000	2,970	---	-2,030
Allowances and Office Staff for Former Presidents	2,922	2,500	2,500	-422	---
Federal Citizen Information Center Fund	14,874	17,790	15,798	+924	-1,992
Total, General Services Administration	-37,665	442,460	180,739	+218,404	-261,721
Merit Systems Protection Board					
Salaries and expenses	36,063	37,507	37,507	+1,444	---
Limitation on administrative expenses	2,603	2,579	2,579	-24	---
Total, Merit Systems Protection Board	38,666	40,086	40,086	+1,420	---
Morris K. Udall Foundation					
Morris K. Udall Trust Fund	1,984	---	2,000	+16	+2,000
Environmental Dispute Resolution Fund	1,896	750	2,000	+104	+1,250
Total, Morris K. Udall Foundation	3,880	750	4,000	+120	+3,250
National Archives and Records Administration					
Operating expenses	279,338	312,874	315,000	+35,662	+2,126
Reduction of debt	-10,026	-10,896	-10,896	-870	---
Electronic records archive	45,254	58,028	58,028	+12,774	---
Repairs and restoration	9,120	8,663	16,095	+6,975	+7,432
National Historical Publications and Records Commission: Grants program	7,425	---	10,000	+2,575	+10,000
Total, National Archives and Records Admin	331,111	368,669	388,227	+57,116	+19,558
National Credit Union Administration					
Central liquidity facility:					
(Limitation on direct loans)	(1,500,000)	(1,500,000)	(1,500,000)	---	---
(Limitation on admin expenses, corporate funds)	(323)	(329)	(329)	(+6)	---

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2008 (H.R. 2829)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Community development credit union revolving loan fund	941	950	1,000	+59	+50
Office of Government Ethics	11,115	11,750	11,750	+635	---
Office of Personnel Management					
Salaries and expenses	111,605	101,765	101,765	-9,840	---
Limitation on administrative expenses	112,546	111,936	123,401	+10,855	+11,465
Office of Inspector General	2,061	1,519	1,519	-542	---
Limitation on administrative expenses	16,278	16,481	16,981	+703	+500
Govt Payment for Annuitants, Employees Health Benefits	8,780,260	8,884,000	8,884,000	+103,740	---
Govt Payment for Annuitants, Employee Life Insurance	39,000	41,000	41,000	+2,000	---
Payment to Civil Svc Retirement and Disability Fund	10,532,000	11,941,000	11,941,000	+1,409,000	---
Total, Office of Personnel Management	19,593,750	21,097,701	21,109,666	+1,515,916	+11,965
Office of Special Counsel	15,524	16,368	16,368	+844	---
Securities and Exchange Commission					
Salaries and expenses	892,560	905,330	908,442	+15,882	+3,112
Prior year unobligated balances	-25,000	-30,330	-41,397	-16,397	-11,067
Direct appropriation	867,560	875,000	867,045	-515	-7,955
Selective Service System	24,850	22,000	22,000	-2,850	---
Small Business Administration					
Salaries and expenses	327,592	310,103	346,553	+18,961	+36,450
Rescission (unobligated balances)	-6,100	---	---	+6,100	---
Office of Inspector General	13,835	15,000	15,000	+1,165	---
by transfer from Disaster Loans Program account	(1,485)	(500)	(500)	(-985)	---
Surety bond guarantees revolving fund	2,824	3,000	3,000	+176	---
Business Loans Program Account:					
Direct loans subsidy	1,283	---	2,530	+1,247	+2,530
Guaranteed loans subsidy	---	---	80,000	+80,000	+80,000
Administrative expenses	124,862	135,414	135,414	+10,552	---
Rescission (unobligated balances)	-5,000	---	---	+5,000	---
Total, Business loans program account	121,145	135,414	217,944	+96,799	+82,530
Disaster Loans Program Account:					
Administrative expenses (by transfer)	---	(156,000)	---	---	(-156,000)
Administrative expenses (P.L. 110-28)(by transfer)	(181,069)	---	---	(-181,069)	---
Economic injury loans (P.L. 110-28)(by transfer)	(25,000)	---	---	(-25,000)	---
Administrative expenses	114,931	---	---	-114,931	---
Rescission (unobligated balances)	-2,300	---	---	+2,300	---
Disaster Relief, FEMA (transfer out)	---	(-200,000)	---	---	(+200,000)
Disaster Relief, FEMA (P.L. 110-28) (transfer out)(emergency)	(-150,000)	---	---	(+150,000)	---
Office of Inspector General (transfer out)	(-1,485)	(-500)	(-500)	(+985)	---
Total, Disaster loans program account	112,631	---	---	-112,631	---
(by transfer)	(206,069)	(156,000)	---	(-206,069)	(-156,000)
(transfer out)	(-151,485)	(-200,500)	(-500)	(+150,985)	(+200,000)
Total, Small Business Administration	571,927	463,517	582,497	+10,570	+118,980
United States Postal Service					
Payment to the Postal Service Fund	29,000	---	---	-29,000	---
Advance appropriations	79,915	88,864	88,864	+8,949	---
Total, United States Postal Service	108,915	88,864	88,864	-20,051	---

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2008 (H.R. 2829)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
United States Tax Court	47,625	45,326	45,069	-2,556	-257
Total, title V, Independent Agencies	21,797,366	23,718,339	23,912,920	+2,115,554	+194,581
Appropriations	(21,730,851)	(23,629,475)	(23,824,056)	(+2,093,205)	(+194,581)
Rescissions	(-13,400)	---	---	(+13,400)	---
Advances	(79,915)	(88,864)	(88,864)	(+8,949)	---
(by transfer)	(32,175)	(203,828)	(48,328)	(+16,153)	(-155,500)
(transfer out)	(-1,485)	(-200,500)	(-500)	(+985)	(+200,000)
Grand total	40,713,323	43,701,476	43,804,260	+3,090,937	+102,784
Appropriations	(40,646,808)	(43,612,612)	(43,715,396)	(+3,068,588)	(+102,784)
Rescissions	(-13,400)	---	---	(+13,400)	---
Advances	(79,915)	(88,864)	(88,864)	(+8,949)	---
(by transfer)	(32,175)	(203,828)	(48,328)	(+16,153)	(-155,500)
(transfer out)	(-1,485)	(-200,500)	(-500)	(+985)	(+200,000)
Discretionary total	19,517,875	21,676,898	21,434,000	+1,916,125	-242,898

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

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

Mr. Chairman, I am going to include my statement in the RECORD. I will paraphrase it in the interests of time.

First, I want to congratulate Chairman SERRANO in being the pioneer chairman of the newly created Financial Services and General Government Subcommittee. He has given us great leadership in a bipartisan, inclusive spirit while shepherding this bill through the subcommittee. Additionally, my colleagues on the subcommittee on both sides have provided valuable input and guidance. The chairman has mentioned the hard work of the staff on both the majority and minority. I won't reiterate that, but I will say we have had great staff help for both majority and the minority.

I am pleased to present this Financial Services bill. We have taken into consideration the priorities of the President and the Members of the House, and I think we have produced a bill that meets the needs of Americans and our operations of government while staying below the President's budget request, which is somewhat unusual for most of the Appropriations Committee bills. I appreciate the leaders of the Appropriations Committee, Chairman OBEY and Ranking Member LEWIS, in providing a manageable allocation for the bill.

We allocate, as the chairman has said, $21.4 billion in discretionary budget authority. This is $243 million below the administration's request, but it is $2 billion above fiscal year 2007. This is in recognition of some additional responsibilities that we have.

It provides funding for a diverse number of agencies that affect the lives of all Americans. Twenty-seven different agencies are funded in this bill: Telecommunications; IRS Taxpayer Assistance; Small Business Administration, an interesting group; the General Services Administration; and also the Office of Personnel Management.

I want to mention here that in testimony, I was struck by the fact that the director of the Office of Personnel Management said that in the next 10 years, 60 percent of the workforce will retire. I would say to any young people that are listening tonight there will be a lot of opportunity in the Federal Government.

Another point that was made in the hearing was that only 15 percent of the Federal employment is in Washington, D.C., which means that there will be job opportunities all across the country. I would urge young people that are in political science or have an interest in government to think about getting the skills that might be useful in working in Federal employment. This would, of course, be some budget experience, some tax policy and some general policy of government. There will be opportunities and exciting challenges.

We have the Small Business Development Centers. Sometimes I think we only think about the big ones in terms of businesses, but it is the thousands and thousands of small businesses that really fuel this Nation's economy. I know in my own district, if you add up the 50, the 75 and the 100-employee businesses, that is a very significant total. Those businesses don't tend to go overseas. They don't sell out and move their operations somewhere offshore. They stay. Therefore, I think it is extremely important that we help small business in every possible way.

We do that in this bill. We have $100 million for Small Business Development Centers. This is an increase. It is a method, a way of providing management assistance. Just in Ohio alone, we have over almost 900,000 small businesses. Every dollar we invest in this leverages a couple of dollars in economic activity.

□ 2115

Another interesting thing in the bill is financial literacy. We hear a lot of comment about the fact that our young people don't know how to handle credit cards, they don't know how to handle their loans, and they get themselves in financial trouble. We have allocated in this bill $900,000 for the Treasury's Office of Financial Education. This is some $200,000 over the President's request.

What I would like to do is urge that Treasury work with the Department of Education and move some of this responsibility to them to work with the schools, the elementary and high schools, in improving financial literacy in this country. Credit is extremely important, and too often young people do not understand the impact of building credit card debt and other types of debt which gets them in substantial financial trouble. So we hope that we can encourage a greater amount of financial education among the students of this Nation.

We also hear a lot about the fact that $300 billion of taxes are left uncollected. As Mr. DREIER pointed out on the statement on the rule, most people pay their taxes. The United States is unique, probably in some respects in that we have a voluntary system of paying taxes, but people want to know that if they pay their taxes, they want their neighbor and their fellow citizens to also pay theirs.

If there is this $300 billion tax gap, we need to do something to address it, so we have set aside the money for taxpayer support services. And I might say, for those that are listening out in the audience across the country, that many people are not aware of the fact that there is a Taxpayer Assistance Service. It is available in most of the major cities of the country, and they can be very helpful to people who have some type of problem with IRS. We said some years ago that we want to make the IRS more taxpayer friendly, and we have tried to do that in this bill.

The chairman mentioned the District of Columbia. I often think about President Reagan, who talked about the city of Washington being the ''shining city on the hill.'' What we try to do in this bill is to move this city a little bit further along in that direction.

The District of Columbia, and we recently changed their voting status, is the Capital of this Nation and a city we should all take pride in. So what we have tried to do in this bill, since we fund D.C., their Federal money, is to make it a better city.

I want to say I think the Mayor is recognizing the challenge that is before him. They have made a dramatic change in their school system. Now the Mayor is responsible and accountable, and I am hopeful that this will make a vast improvement over a period of time in education.

The key to a successful city is a successful education system. One of the things that plagues the cities of America is the fact that they do have problems with their system, and they have a high rate of dropouts. We hope we can change that not only in the District of Columbia, but in every city in America.

If our Nation is to remain competitive in the years to come, we have to start with the education system. I am pleased that the Mayor and the city leadership here recognize that fact. We put $35 million for college tuition assistance, $41 million for school improvement, and $10 million to improve libraries. I know the Mayor has selected a new superintendent. We wish her well. We want to do everything we can to make her administration and that of the Mayor a success in dealing with education problems.

The chairman mentioned the Election Assistance Commission. This is, of course, designed to make sure that everybody has an opportunity to vote. That is, again, fundamental to our democracy, that people have not only the right to vote, but that we make it as uncomplicated as possible so they do make the effort to exercise their franchise. I think, perhaps, the $300 million is not necessarily required at this time because the Presidential primaries will start in January, and the States are already sitting on $1.3 billion, but we can perhaps address that issue in conference.

The loan program, I am a little concerned. We are giving $80 million to help subsidize loans where there is a default. Historically this is funded by a premium on both the borrowers and lenders, and I am hoping that we can work out a program that will encourage people to use the loan program.

Private debt collectors, we don't know. We have kept that in place with a very limited amount of money because we are not sure how effective that program is, but I think the Treasury would argue that it has been a successful program.

We have maintained the policies on abortion. We have maintained the policies on Cuba. Any change of these would bring about a Presidential veto.

I hope that we can work out any differences we might have in conference, and that the bill would be one that the President of the United States can sign. Certainly in terms of meeting his fiscal requirements. We have more than met that challenge by being under his numbers.

I urge Members to look at this bill and weigh the importance of it when it comes time for final passage. I know we will have a number of amendments, and we will address those as we move along.

INTRODUCTION

First, I would like to congratulate Chairman SERRANO on being the pioneer Chairman of the newly created Financial Services and General Government Subcommittee. Chairman SERRANO has provided great leadership and a bipartisan, inclusive spirit while shepherding this bill through subcommittee and full committee. Additionally, my colleagues on the subcommittee have provided valuable input and guidance throughout the process.

Also, I would like to acknowledge the hard work, dedication and expertise of the subcommittee staff. On the majority side, Dale Oak, Bob Bonner, Karyn Kendall, Frank Carillo, Deb Bilek, Jim Curry and Nadine Berg on Chairman SERRANO's personal staff. On the minority side I would like to thank John Martens and Alice Hogans for their counsel in putting together this bill.

OVERVIEW

Mr. Chairman, I am pleased to present before the House today the fiscal year 2008 Financial Services and General Government Appropriations Bill. By taking into consideration the priorities of the President and the Members of the House, we have produced a bill that meets the needs of Americans, and the operations of our government while staying below the President's budget request. I appreciate the efforts of the leaders of the House, Chairman OBEY and Ranking Member LEWIS to provide a manageable allocation for this bill.

The Financial Services and General Government Appropriations Bill allocates $21.4 billion in discretionary budget authority. This number is $243 million below the Administration's request and $2 billion above fiscal year 2007. I would like to repeat this to my colleagues who have voiced concerns over extraneous spending in appropriations bills; this bill is $243 million below the Administration's request, while still providing sufficient funds for various agencies to continue their missions and service.

The bill provides funding for a diverse number of agencies that affect the lives of all Americans. The agencies funded in this bill regulate the financial and telecommunications industries, collect taxes and provide taxpayer assistance, lend a helping hand to small businesses and disadvantaged communities by providing them with capital, support the operations of the White House and Federal Judiciary, provide Federal payments to the District of Columbia, operate and maintain Federal buildings, manage our federal workforce which is expected to experience tremendous attrition rates over the next ten years, assists in the administration of federal elections and protect consumers and investors from fraudulent practices.

SBA-SMALL BUSINESS DEVELOPMENT CENTERS

The Chairman has done a good job of highlighting the bill so I will not repeat him, but I would like to mention several items of importance to me. I am particularly pleased at the $100 million for Small Business Development Centers, an increase of nearly $13 million. The Small Business Development Centers account is the Small Business Administration's primary method of providing management assistance to small businesses. In my state of Ohio we have over 889,000 small businesses and every dollar invested in the OHIO SBDC network leverages at least $2.00. This program is vital to the life of small business, and I urge my colleagues to maintain this funding on the House floor today.

FINANCIAL LITERACY

I am also encouraged to see $900,000 for Treasury's Office of Financial Education, an increase of approximately $200,000 over the President's request. The increase is targeted toward improving the National Strategy for Financial Literacy and expanding efforts at financial literacy in elementary schools and high schools. Financial literacy is a very important life skill and I look forward to working with the Chairman to further develop this initiative and ensure maximum programmatic impact.

Additionally, the bill increases essential funding for the Internal Revenue Service to close the nearly $300 billion tax gap, which is the difference between the amount of taxes owed and the amount actually paid. Closing the tax gap is critical as most Americans do not mind paying their fair share of taxes as long as they know others are doing the same. Furthermore, $3.6 billion is set aside for taxpayer support services activities aimed at tax return preparation, the IRS National Taxpayer Advocate and IRS outreach and education efforts to serve taxpayers by helping them understand their tax obligations before they file. These activities have been steadily reduced in recent years and are in need of a boost.

D.C. EDUCATION

I am supportive of the funding appropriated in the bill to improve education in the District of Columbia, including $35 million for college tuition assistance, $41 million for school improvement, and $10 million to improve libraries. The children in Washington D.C. have been at a disadvantage for many years, and I look forward to working with the Mayor to enhance the school system to give the children of D.C. a chance to succeed.

CONCERNS

As I mentioned previously, this bill is $243 million below the Administration's request, and Chairman SERRANO has done a fair job in allocating these funds to the various agencies within the bill. However, I do have a couple spending and policy concerns, which I would like to outline.

ELECTION ASSISTANCE COMMISSION

Primarily, I am concerned about $300 million added to this bill in unrequested funding for election assistance grants. The Help America Vote Act of 2002 authorized $3.9 billion for grants to the states to improve their voting systems through 2007. This program has not been authorized to receive funding in 2008 and there still remains $1.3 billion in appropriated dollars from the Help America Vote Act that have yet to be spent by the States. Therefore, I believe that an additional $300 million is unnecessary at this time especially with Presidential primaries beginning in January. This is a short turnaround to spend $300 million while the states are sitting on $1.3 billion. Although I am supportive of the Election Assistance Commission, I remain concerned over these unrequested and unauthorized funds.

SBA 7(A) LOAN PROGRAM

Another funding item of concern that I bring up with trepidation is subsidization of 7(a) business loans. An amendment in committee was adopted which ignores the fact that the 7(a) loan program has been operating at record levels without a subsidy appropriation since fiscal year 2005. Past practice has proven that subsidies limit access to SBA loans if demand for loans exceeds the availability of appropriations. In past years, SBA has been forced to temporarily shut the program down or impose loan limits to manage within available appropriations. Zero subsidy has proven to be effective and allowed SBA flexibility to manage the program in a user friendly way. I hope to work with the Chairman in Conference to find an agreeable solution regarding 7(a) subsidization.

POLICY RIDERS

Regarding policy, I have reservations with language attempting to limit the use of private debt collectors. Private debt collectors simply pursue the low hanging fruit that the IRS does not currently devote resources to.

Otherwise longstanding policies on abortion and Cuba are maintained in this bill. Any altering of these may bring about a Presidential veto.

Lastly, while I have a few qualms with the bill, I believe it is a bill that should be passed by the House and signed by the President, as long as controversial policy riders or substantial funding changes are not made to the bill. I thank the Chairman and ask my colleagues to vote yes with me on House passage of the first Financial Services and General Government Appropriations bill.

Mr. HOLT. Mr. Chairman, I rise today to express my support for the inclusion of $300 million in funding for election reform programs under the Help America Vote Act (HAVA) in the Financial Services and General Government Appropriations bill for Fiscal Year 2008. Although this represents less than half of the funding that still remains unappropriated under HAVA, it will help states improve and secure their election systems before November 2008.

We have now been through our second post-HAVA general election, but both the 2004 and 2006 elections provided strong indications that there is much work yet to be done in the area of election reform in this country. Election protection groups across the country published extensive reports after each of those elections, documenting machine failures, incidents of suppression, voters being told wrongfully that they were not on the voter registration rolls, voters being denied provisional ballots, and a myriad of other problems. One of those reports documented more than 1,000 incidents of machine failure in more than 300 counties in 36 states. In addition, a report issued by the Brennan Center for Justice at New York University school of Law following an in-depth examination of all of the major voting systems used in the United States found that all such systems are vulnerable to tampering and failure.

Granted, many problems with our electoral system can be solved through better procedures and better enforcement of existing procedures, and do not require funding. But that is not true of issues related to the security and reliability of our voting equipment. That is why my Voter Confidence and Increased Accessibility Act (H.R. 811) authorizes $1 billion to help states transition to voting systems that provide a durable voter verified paper ballot for every vote cast, and $100 million to reimburse states for conducting routine random audits.

As the situation now stands, in November 2008, six entire states and various counties in 13 more and the District of Columbia will conduct their elections on voting systems that neither produce nor require the use of voter verified paper ballots, and therefore will provide no means of conducting meaningful recounts or audits. In total, approximately 35 million voters will be casting votes that will be completely unverifiable. That is more than ten times the margin of victory in the last Presidential race. In 2008, if the outcome of the Presidential race hinges on Pennsylvania, or Georgia, or Tennessee, or anyone of the other unauditable jurisdictions, there will be nothing tangible left that the voters themselves created or verified; whatever they will have seen on the touch screen on election day, it will be gone forever and all that will remain is a software translation that may or may not reflect voter intent. And we will never know, unless we have strong new legislation and adequate funding.

As a country, we simply cannot afford to have un-resolvable election problems in 2008. Election anomalies can be corrected by funding measures to ensure that voting systems produce durable paper ballots and that jurisdictions conduct routine audits of those ballots. Therefore, I commend the Financial Services Committee for including $300 million in HAVA funding, which may be used to meet and improve upon HAVA's requirement for permanent paper records with a manual audit capacity, in the Financial Services and General Government Appropriations Bill for Fiscal Year 2008, and I urge my colleagues to support it.

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

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

The CHAIRMAN. All time for general debate has expired.

Mr. SERRANO. 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. ANDREWS) having assumed the chair, Mr. HASTINGS of Florida, 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. 2829) making appropriations for financial services and general government 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. 2829, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2008

Mr. SERRANO. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 2829 in the Committee of the Whole pursuant to House Resolution 517, notwithstanding clause 11 of rule XVIII, no further amendments 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 Mr. STEARNS regarding currency manipulation;

An amendment by Ms. HOOLEY regarding funding for High Intensity Drug Trafficking Areas;

An amendment by Mr. POE or Mr. CUELLAR regarding funding for the Federal district courts;

An amendment by Mr. TOM DAVIS of Virginia regarding funding for District of Columbia schools programs;

An amendment by Mr. KING of Iowa reducing funding for election reform programs;

An amendment by Mr. CARDOZA regarding funding for the General Services Administration;

An amendment by Mr. CARDOZA regarding funding for the General Services Administration;

An amendment by Mr. DEFAZIO regarding funding for the Selective Service System;

An amendment by Mr. SESSIONS striking section 738;

An amendment by Mr. BOOZMAN regarding High Intensity Drug Trafficking Areas;

An amendment by Mr. BOSWELL regarding studies by the Office of National Drug Control Policy;

An amendment by Mr. CONAWAY regarding use of reductions made through amendment for deficit reduction;

An amendment by Mr. DEFAZIO regarding funding for the Selective Service System;

An amendment by Mr. ELLSWORTH prohibiting funds for certain contractors with tax debt;

An amendment by Mr. EMANUEL limiting funds for the Vice President's office;

An amendment by Mr. GARRETT of New Jersey limiting funds to enforce certain requirements under section 404 of the Sarbanes-Oxley Act;

An amendment by Mr. GOODE limiting Federal funds for registration of unmarried couples in the District of Columbia;

An amendment by Mr. HULSHOF regarding funding for High Intensity Drug Trafficking Areas;

An amendment by Mr. JORDAN of Ohio reducing funds in the bill by 8.9 percent, which shall be debatable for 30 minutes;

An amendment by Mr. KINGSTON limiting funds for contracts to entities that do not participate in a basic pilot program related to illegal immigration;

An amendment by Mr. LUCAS limiting funds to seize coins made or issued by the U.S. Government prior to 1933;

An amendment by Mr. MORAN of Kansas limiting funds to enforce certain regulations related to exports to Cuba;

An amendment by Mr. MILLER of North Carolina regarding Executive Order 13422;

An amendment by Mrs. MUSGRAVE reducing funds in the bill by 0.5 percent, which shall be debatable for 30 minutes;

An amendment by Mr. NEUGEBAUER limiting funds for the Federal Election Commission regarding certain certifications for the Presidential Election Campaign Fund;

An amendment by Mr. NEUGEBAUER limiting the collection and distribution of funds from the Presidential Election Campaign Fund;

An amendment by Mr. PENCE limiting funds to implement the Fairness Doctrine, 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 30 minutes;

An amendment by Mr. SOUDER limiting funds for needle exchange programs in the District of Columbia;

An amendment by Mr. SOUDER limiting funds for certain entities in the District of Columbia;

An amendment by Mr. STEARNS limiting funds for the IRS ''Where's My Refund'' program;

An amendment by Mr. UPTON regarding use of Energy Star certified light bulbs;

An amendment by Mr. WICKER limiting the use of funds to implement section 5112 of title 31, United States Code;

An amendment by Mr. WOLF regarding establishment and funding for a budget and entitlement reform commission;

An amendment by Mr. FLAKE limiting funds for a project of the Barracks Row Main Street;

An amendment by Mr. FLAKE limiting funds for the Fairplex Trade and Conference Center in Pomona, California;

An amendment by Mr. FLAKE limiting funds for the Grace Johnstown Area Regional Industries Incubator and Workforce Development program;

An amendment by Mr. FLAKE limiting funds for the Mitchell County Development Foundation, Inc. for the Home of the Perfect Christmas Tree project;

An amendment by Mr. FLAKE limiting funds for the Oil Region Alliance of Business, Industry and Tourism;

An amendment by Mr. FLAKE limiting funds for the San Francisco Planning and Urban Research Association, SPUR Urban Center;

An amendment by Mr. FLAKE limiting funds for the West Virginia University Research Corporation for renovations of a small business incubator;

An amendment by Mr. FLAKE limiting funds for the City of Charlotte, North Carolina, Belvedere Business Park project;

An amendment by Mr. FLAKE limiting funds for the Historic Downtown Retail project, Valley Economic Development Center;

An amendment by Mr. FLAKE limiting funds for the Advantage West Economic Development Group Certified Entrepreneurial Community program;

An amendment by Mr. CAMPBELL of California limiting funds for Abraham Lincoln National Airport Commission;

An amendment by Mr. CAMPBELL of California limiting funds for the Wittenberg University East Asian Study Center;

An amendment by Mr. CAMPBELL of California limiting funds for 147 projects requested by Members of Congress and disclosed pursuant to the rules of the House;

An amendment by Mr. REGULA regarding the IRS;

An amendment by Mr. OBEY regarding earmarks; and

An amendment or amendments by Mr. SERRANO regarding funding levels.

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 Financial Services and General Government 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 New York?

Mr. OBEY. Mr. Speaker, reserving the right to object, under my reservation I would like to simply bring a few facts of time to the House.

If we are not prepared to stay here and work until around 1 o'clock tonight, it is my estimation that if all of these amendments are offered tomorrow, even if a handful of them drop off, I think it will be virtually impossible for the House to finish its business by 6 or 7 o'clock tomorrow evening.

We have over 50 amendments. Each of them will take at least 10 minutes, plus the slippage that it takes to yield time and the rest. There are also three amendments which would take 30 minutes apiece, debating the very same issues that we debated for an hour and 20 minutes earlier today. There would then be another amendment that requires 40 minutes of debate time to debate an issue which does not exist. Then we will have the added slippage that comes from yielding time in pieces to various Members of the House. Then finally we have to add to that the amount of time it takes for the votes themselves, the amount of time it takes on the recommittal motion and the amount of time it takes for final passage.

I do not intend to object to this request, but I want it understood that if we proceed with a unanimous consent request that is being propounded now, and if we do not stay and consider amendments until around 1 o'clock, then it is a ''let's pretend'' promise to every Member of this House when we are giving them the impression that they will be able to get out of here soon enough in order to catch planes tomorrow.

Now, I am not going anywhere. I am going to be here reading Members' earmark requests between now and next Wednesday. So I am not going anywhere. But for 90 percent of the Members, who I think would appreciate it if every Member of this place would sublimate their own egos just a mite for the good of the body, I would urge that both sides of the aisle demand that Members take up their amendments tonight, rather than waiting until tomorrow, at least enough to keep us here until 1 o'clock.

Now, it is not convenient to me. It is not convenient to the gentleman from New York. It certainly is not convenient to the ranking minority member from Ohio for us to stay this late. Nobody else has to, except the persons who asked to offer these amendments.

But if you ask to offer an amendment, then I think you have an obligation to offer it in a timely fashion and not wait so that everybody can be a TV star in prime time. Because, you know what? I participated in the debate today, and I watched the debate that I didn't participate in. It was, frankly, boring as all get out. With all due respect to everybody here who thinks they are Laurence Olivier or Daniel Webster, I ''ain't'' seen many of either lately.

So I would simply suggest, Members need to understand why they aren't going to get their planes tomorrow if we don't stay here until 1 o'clock tonight.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 517 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. 2829.

□ 2130

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. 2829) making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes, with Mr. HASTINGS of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired. Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

Pursuant to the order of the House of today, no 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:

H.R. 2829

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 fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, $250,591,000, of which not to exceed $10,115,000 is for executive direction program activities; not to exceed $9,700,000 is for general counsel program activities; not to exceed $45,450,000 is for economic policies and programs activities; not to exceed $29,069,000 is for financial policies and programs activities; not to exceed $56,475,000 is for terrorism and financial intelligence activities; not to exceed $19,010,000 is for Treasury-wide management policies and programs activities; and not to exceed $80,772,000 is for administration programs activities: *Provided,* That the Secretary of the Treasury is authorized to transfer funds appropriated for any program activity of the Departmental Offices to any other program activity of the Departmental Offices upon notification to the House and Senate Committees on Appropriations: *Provided further,* That no appropriation for any program activity shall be increased or decreased by more than 2 percent by all such transfers: *Provided further,* That any change in funding greater than 2 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further,* That of the amount appropriated under this heading, not to exceed $3,000,000, to remain available until September 30, 2009, for information technology modernization requirements; not to exceed

$150,000 for official reception and representation expenses; and not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: *Provided further*, That of the amount appropriated under this heading, $5,114,000, to remain available until September 30, 2009, is for the Treasury-wide Financial Statement Audit and Internal Control Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act: *Provided further*, That of the amount appropriated under this heading, $3,000,000, to remain available until September 30, 2009, is for secure space requirements: *Provided further*, That of the amount appropriated under this heading, $2,300,000, to remain available until September 30, 2009, is for salary and benefits for hiring of personnel whose work will require completion of a security clearance investigation in order to perform highly classified work to further the activities of the Office of Terrorism and Financial Intelligence: *Provided further*, That of the amount appropriated under this heading, $2,100,000, to remain available until September 30, 2010, is to develop and implement programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements.

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

Mr. Chairman, I yield to the distinguished minority whip to engage in a colloquy.

Mr. BLUNT. Mr. Chairman, I would like to inquire of my friends, the chairman and the ranking member, whether they are willing to work with me going forward on a solution for two broadcasters that cover the Joplin, Missouri, Pittsburgh, Kansas, broadcast area. This includes a significant portion of my district.

Due to the forthcoming digital transition, which Congress has already authorized for early 2009, the channel allocation assigned to KFJX, a local FOX affiliate, is likely to be shared with emergency first responders. This could result in significant service disruptions for both the station and the first responders. Another local station, CBS affiliate KOAM, has offered to make available spare spectrum for KFJX's use after the transition, which should provide a solution to the problem.

Unfortunately, due to the fact that one of these stations, KFJX commenced operations after the FCC issued viable digital channels for all existing broadcasters, at this point the FCC believes it is unable to make the proposed change without congressional intervention. I would like to work with my friends in order to fix this problem as this bill works its way through the process.

Mr. REGULA. I thank the gentleman for his concern regarding this important issue. The digital transition will have many consequences, some unintended, such as the situation the gentleman described in Missouri.

I look forward to working with the minority whip, the chairman, and the FCC to bring resolution to this issue over the next few months and prior to the enactment of this bill.

Mr. Chairman, I yield to the chairman of the subcommittee.

Mr. SERRANO. Mr. Chairman, I thank the gentleman from Missouri for raising some important concerns about the effect of the digital transition on broadcasters in his home State. I will be glad to work with the gentleman and the ranking member to try to come to a satisfactory resolution of the matter.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $18,710,000, to remain available until September 30, 2010: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated under this heading shall be used to support or supplement ''Internal Revenue Service, Operations Support'' or ''Internal Revenue Service, Business Systems Modernization''.

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

Mr. Chairman, I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I want to thank Chairman SERRANO for yielding to me. I appreciate the opportunity to work with the gentleman from New York on this issue.

As the chairman of the Subcommittee on the Federal Workforce Postal Service and District of Columbia, I look forward to working closely with my colleagues on issues within our subcommittee's jurisdiction.

In 1971, Congress made the Postal Service self-sustaining. However, Congress continued to subsidize the mailing cost of the blind, nonprofit organizations, local newspapers, and publishers of educational material. It did so by providing an appropriation to the Postal Service to cover the revenues it had given up or ''foregone'' by charging below cost rates to these groups. Appropriations for these subsidies increased as postage rates and the number of nonprofits grew, approaching $1 billion annually in the mid-1980s.

In the early 1990s, Congress did not appropriate enough to cover these costs and refused to let the Postal Service invoke its statutory right to raise rates to cover the shortfall. The Postal Service pleaded that providing social subsidies was not part of its mission, hindered its competitiveness, and was more regressive than taxation with its impact.

The Revenue Forgone Reform Act of 1993 eliminated appropriations to support reduced rates for nonprofits, which effectively transferred the costs to other mailers. The Act retained free postage only for the blind and for overseas absentee ballot materials. Appropriations for subsidizing that narrow purpose have been in the range of $60 million to $100 million each year.

The 1993 Act also provided for an annual payment of $29 million each year for 42 years to pay off the debt accumulated in the early 1990s. Congress has appropriated this amount every year from 1994 through 2006, even though the President's fiscal year 2005 and fiscal year 2006 budgets proposed to eliminate the payment. Failure to fund this authorized appropriation places the remaining debt of more than $800 million at risk of nonpayment which would significantly increase postal costs. In addition, not providing funds for these services over time will require the Postal Service to record these obligations as a bad debt and will unfairly transfer these costs to postage ratepayers whose costs have already increased due to the recent rate determinations by the Postal Rate Commission.

It is important to note that Congress entered into this arrangement and has covered the $29 million each year without fail since the 1993 Revenue Foregone Act was enacted. By reneging on our obligation, we place the fiscal well-being of the Postal Service at risk. We also send a signal that Congress will not stand behind free mail for the blind and overseas absentee balloting materials, something we should not be doing.

For the record, I note that in addition to our subcommittee letter to the Appropriations Committee requesting that the $29 million in revenue foregone reimbursement be restored, a number of postal stakeholders echoed the request: Postal labor unions and management, the Alliance of Nonprofit Mailers, and the postmaster general all want the revenue foregone payment honored.

I ask the chairman: Will the chairman support restoring this important funding when the bill goes to conference with the Senate?

Mr. SERRANO. Reclaiming my time, the gentleman has made important observations regarding the necessity of keeping Congress' commitment to repay this long-term debt to the Postal Service. I agree with my colleague that failure to meet this commitment would adversely affect the future financial stability of the Postal Service and eventually force it to take actions that would increase cost for postal consumers. I want to assure the gentleman that I will work hard to reach an agreement with the Senate that produces a conference report that provides the $29 million payment.

Mr. Chairman, I would also like to take this opportunity to call on the administration to resume including these funds in its budget requests. The revenue forgone appropriation has not been part of the President's budget request since fiscal year 2004.

As I have previously stated, this bill's budget allocation is $243 million below the President's request, so we are placed in a very difficult position when we have to find money for critically important items that have been left out of the President's budget.

I strongly urge the administration to recognize the importance of the revenue foregone appropriation and include it in future budgets.

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

I yield to the gentleman from Montana (Mr. REHBERG), a member of the subcommittee.

Mr. REHBERG. Mr. Chairman, in light of the distressing statistics regarding the Office of National Drug Control Policy's National Youth Media Campaign, and its subsequent reduction within our committee, I rise today to let my colleagues know that it is possible to design, implement and evaluate youth anti-drug marketing.

Methamphetamine is a real problem across this great Nation, and no State is immune to its horrible effects. Montana ranks among the top 10 States nationally in per capita treatment admissions for methamphetamine use.

The statistics in Montana are truly staggering. Fifty-two percent of the children who are placed in out-of-home care are there because of meth.

Fifty percent of adults incarcerated at State prisons are there due to meth.

Twenty percent of Montanans in addiction treatment are there because of meth.

While many people would simply nod their heads and agree this is a terrible problem, some good people in Montana have taken it upon themselves to do something about it.

Tom Siebel, who lives in Wolf Creek, is an outstanding Montanan who did something that many of us could not do. He decided to use his own money to fund a prevention campaign to help raise awareness about the dangers of first time methamphetamine use. Tom Siebel founded the Montana Meth Project in 2005, which has been conducting research and running a statewide multi-media public awareness campaign aimed at significantly reducing first-time methamphetamine use through public service messaging, public policy, and community outreach.

Results from the Montana Meth Use & Attitudes Survey conducted earlier this year show the dramatic and successful impact that the Montana Meth Project's public education campaign has had on its intended audience.

Over the past 2 years, there has also been a dramatic shift in the perception of methamphetamine use, more frequent parent-child communications about the dangers of methamphetamine, and greater societal disapproval. For the first time, meth use and associated crime in Montana has declined.

The States of Arizona and Idaho are using Montana's hard-hitting ads and successful approach, launching similar youth media campaigns. Clearly, the efforts of the Montana Meth Project are working.

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

Mr. Speaker, I yield to the gentleman from Maryland (Mr. RUPPERSBERGER), a distinguished member of the subcommittee and famous Orioles fan.

Mr. RUPPERSBERGER. Mr. Speaker, I rise in support of the fiscal year 2008 Financial Services Appropriation, and I urge Members to vote for this bill. It is an excellent bill approved by the subcommittee unanimously. It is below the President's request, and fulfills our obligation to be efficient with the taxpayers' dollars. I commend Chairman SERRANO and Ranking Member REGULA for their leadership and their bipartisan achievement.

As a former prosecutor and county executive, I am especially proud of several initiatives in the bill. I would like it highlight one program specifically. There is $226 million, a $6 million increase, over the President's budget for high-intensity drug trafficking areas. HIDTA funding enables local, State and Federal law enforcement to work together in fighting the war against drugs.

As a county executive in Baltimore County, we worked with HIDTA to bring everyone to the table who had a stake in stopping drug trafficking. We don't stop drug buys with just a single piece of information. It takes solid policework, intelligence, and trained experts analyzing information to help officers make the drug arrests.

□ 2145

The HIDTA program is making a major impact in areas like Baltimore, Chicago, Houston, Los Angeles, Philadelphia, New York and other locations. Statistics show that drugs are connected to over 70 percent of all violent crime in the United States. This increase in HIDTA funding helps protect this country and our communities against drug dealers and other violent criminals.

I urge my colleagues to support the Financial Services appropriations bill.

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $18,450,000, of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $140,533,000; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

AIR TRANSPORTATION STABILIZATION PROGRAM ACCOUNT

(INCLUDING RESCISSION)

Sections 101(a)(1), 102, 104, and 107(2) of the Air Transportation Safety and System Stabilization Act (title I, Public Law 107–42) are hereby repealed. All unobligated balances under this heading are rescinded.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $83,344,000, of which not to exceed $16,340,000 shall remain available until September 30, 2010; and of which $8,955,000 shall remain available until September 30, 2009: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $234,423,000, of which not to exceed $9,220,000 shall remain available until September 30, 2010, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $93,515,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2008 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $33,200,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States,

$182,871,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until September 30, 2010, for systems modernization: *Provided*, That the sum appropriated herein from the general fund for fiscal year 2008 shall be reduced by not more than $10,000,000 as definitive security issue fees and Legacy Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2008 appropriation from the general fund estimated at $172,871,000. In addition, $70,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103–325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $100,000,000, to remain available until September 30, 2009, of which up to $13,500,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $7,500,000 may be used for the cost of direct loans, and up to $250,000 may be used for administrative expenses to carry out the direct loan program: *Provided*, That the cost of direct loans, 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 gross obligations for the principal amount of direct loans not to exceed $15,000,000.

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $2,155,000,000, of which up to $4,100,000 shall be for the Tax Counseling for the Elderly Program, of which $8,000,000 shall be available for low-income taxpayer clinic grants, and of which not less than $179,600,000 shall be available for operating expenses of the Taxpayer Advocate Service.

ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,925,498,000, of which not less than $57,252,000 shall be for the Interagency Crime and Drug Enforcement program: *Provided*, That up to $10,000,000 may be transferred as necessary from this account to the Internal Revenue Service Operations Support appropriation solely for the purposes of the Interagency Crime and Drug Enforcement program: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to operate and support taxpayer services and tax law enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 US.C. 1343(b)); and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $3,769,587,000, of which $75,000,000 shall remain available until September 30, 2009, for information technology support; of which not to exceed $1,000,000 shall remain available until September 30, 2010, for research; of which not to exceed $1,600,000 shall be for the Internal Revenue Service Oversight Board; and of which not to exceed $25,000 shall be for official reception and representation.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, $282,090,000, to remain available until September 30, 2010, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That, with the exception of labor costs, none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107–210), $15,235,000.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading ''Enforcement'' may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

SEC. 105. Of the funds made available by this Act to the Internal Revenue Service, not less than $6,822,000,000 shall be available only for tax enforcement and related support activities funded in Internal Revenue Service, ''Enforcement'' and ''Operations Support''. In addition, of the funds made available by this Act to the Internal Revenue Service, and subject to the same terms and conditions, an additional $406,000,000 shall be available for tax enforcement and related support activities.

SEC. 106. Not more than $1,000,000 of the funds made available in this or any other Act may be used to enter into, renew, extend, administer, implement, enforce, provide oversight of, or make any payment related to any qualified tax collection contract (as defined in section 6306 of the Internal Revenue Code of 1986).

SEC. 107. Section 9503(a) of title 5, United States Code, is amended by striking ''for a period of 10 years after the date of enactment of this section'' and inserting ''before July 23, 2013''.

SEC. 108. Sections 9504 (a) and (b), and 9505(a) of title 5, United States Code, are amended by striking ''For a period of 10 years after the date of enactment of this section'' each place it occurs and inserting ''Before July 23, 2013''.

SEC. 109. Section 9502(a) of title 5, United States Code, is amended by striking ''Office of Management and Budget'' and inserting ''Office of Personnel Management''.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 110. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

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

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, we have just passed an amendment that was going to be offered by one Member on our side of the aisle.

I want to make the point that if Members expect us to call them, they are wrong. As far as I am concerned, we are not running a baby-sitting service. If Members want to offer their amendments tonight, they have an obligation to pay attention and be here in a timely fashion.

I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 111. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial

Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: *Provided,* That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 112. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: *Provided,* That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 113. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with departmental vehicle management principles: *Provided,* That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 114. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 115. The Secretary of the Treasury may transfer funds from Financial Management Services, Salaries and Expenses to Debt Collection Fund as necessary to cover the costs of debt collection: *Provided,* That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 116. Section 122(g)(1) of Public Law 105–119, as amended (5 U.S.C. 3104 note), is further amended by striking ''8 years'' and inserting ''10 years''.

SEC. 117. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 118. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

This title may be cited as the ''Department of the Treasury Appropriations Act, 2008''.

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: *Provided,* That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code.

WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $53,156,000: *Provided,* That of the funds appropriated under this heading, up to $1,500,000 shall be for the Privacy and Civil Liberties Oversight Board.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $12,814,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided,* That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further,* That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further,* That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further,* That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further,* That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further,* That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further,* That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further,* That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further,* That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further,* That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $1,600,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), $4,118,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $3,482,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $8,640,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $92,829,000, of which $11,923,000 shall remain available until expended for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, $78,394,000, of which not to exceed $3,000 shall be available for official representation expenses: *Provided,* That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made and shall be allocated in accordance with the terms and conditions set forth in the accompanying statement of the managers except as otherwise provided by law: *Provided further,* That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further,* That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further,* That the preceding shall not apply to printed hearings released by the Committees on Appropriations: *Provided further,* That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: *Provided*

further, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: *Provided further*, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $26,636,000; of which $1,316,000 shall remain available until expended for policy research and evaluation: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $10,000,000, which shall remain available until expended, consisting of $5,000,000 for counternarcotics research and development projects, and $5,000,000 for the continued operation of the technology transfer program: *Provided*, That the $5,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $226,000,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities: *Provided*, That up to 49 percent, to remain available until September 30, 2009, may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than $2,100,000 shall be used for auditing services and associated activities: *Provided further*, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2007, shall be funded at no less than the fiscal year 2007 initial allocation levels unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Area Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That a request shall be submitted in compliance with the reprogramming guidelines to the Committees on Appropriations for approval prior to the obligation of funds of an amount in excess of the fiscal year 2007 budget request.

AMENDMENT OFFERED BY MR. BOOZMAN

Mr. BOOZMAN. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BOOZMAN:

Page 27, line 6, insert before the period the following: '': *Provided further*, that $6,000,000 shall not be made available until the Director of the Office of National Drug Control Policy certifies in writing that regulations established for the designation of high intensity drug trafficking areas include a requirement that the Director, in considering whether to designate an area as a high intensity drug trafficking area, shall consider whether the area lies within a State that already receives assistance under the High Intensity Drug Trafficking Areas program''.

Mr. SERRANO. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Arkansas (Mr. BOOZMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arkansas.

Mr. BOOZMAN. Thank you, Mr. Chairman.

My amendment would encourage the Office of National Drug Control Policy to give careful consideration to States that do not currently benefit from the HIDTA program when considering the request of law enforcement agencies for a new HIDTA designation.

The Office of National Drug Control Policy Reauthorization Act of 2006 was enacted on December 27, 2006. This law requires the Director of ONDCP to establish regulations under which a coalition of interested law enforcement agencies from an area may petition for designation as a high intensity drug trafficking area.

My amendment would require that of the $226 million in HIDTA funding in the underlying bill, $6 million will not be made available until the Director of the ONDCP certifies in writing that specific regulations have been established for the consideration of HIDTA application. Specifically, the Director must take into consideration whether an area that may be designated as a HIDTA lies within a State that already receives assistance from the HIDTA program.

I do not believe we should mandate a preference for States like Arkansas that have been overlooked in the designation process, but I do believe we should encourage ONDCP to take this fact into consideration when reviewing HIDTA applications.

I have seen the tragic effects of increased drug manufacturing and trafficking in Arkansas, especially the trafficking of meth. Arkansas is one of several States, including Minnesota, North Carolina, South Carolina, Delaware and several others, that have been excluded from the HIDTA program, despite many characteristics that make it both an ideal setting for illegal drug manufacturing and perfectly situated for trafficking.

In recent years Arkansas has made great progress and has much to be proud of, but we still face serious challenges when it comes to drug trafficking. Our State has one of the most serious meth problems per capita of any State in the country. Our State has become home to branches of some of the Nation's major gangs and has a transportation network that makes it ideal for drug traffickers targeting metropolitan areas, including St. Louis, Little Rock, Chicago, Memphis, Kansas City and so on. My congressional district has one of the top 10 fastest-growing metropolitan statistical areas in the Nation, and recently our State's largest city found itself high on a list of cities in the Nation suffering from violent crime.

Again, I am really discouraged in the sense that despite all of these facts, Arkansas and several States in similar situations have been overlooked in the HIDTA designation process. I don't ask for special preference for my State, but I do request that ONDCP give fair consideration to States in my situation.

I want to thank the chairman and ranking member for their hard work on the underlying bill. But again, this is just an effort to try and help the States that are in the same situation as Arkansas.

POINT OF ORDER

Mr. SERRANO. Mr. Chairman, 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 rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.'' The amendment imposes additional duties. Therefore, I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

The amendment is in the form of a limitation. Under clause 2(c) of rule XXI, an amendment in that form is not in order until the entire bill has been read. The point of order is sustained and the amendment is not in order.

The Clerk will read.

The Clerk read as follows:

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $197,800,000, to remain available until expended, of which the amounts are available as follows: $93,000,000 to support a national media campaign: *Provided*, That the Office of National Drug Control Policy shall maintain funding for non-advertising services for the media campaign at no less than the fiscal year 2003 ratio of

service funding to total funds and shall continue the corporate outreach program as it operated prior to its cancellation; $90,000,000 to continue a program of matching grants to drug-free communities, of which $2,000,000 shall be made available as directed by section 4 of Public Law 107–82, as amended by Public Law 109–469 (21 U.S.C. 1521 note); $1,000,000 for training and technical assistance for drug court professionals; $1,000,000 as directed by section 1105 of Public Law 109–469; $1,000,000 for demonstration programs as authorized by section 1119 of Public Law 109–469; $9,600,000 for the United States Anti-Doping Agency for anti-doping activities; $1,700,000 for the United States membership dues to the World Anti-Doping Agency; and $500,000 for evaluations and research related to National Drug Control Program performance measures: *Provided further*, That such funds may be transferred to other Federal departments and agencies to carry out such activities: *Provided further*, That of the amounts appropriated for a national media campaign, not to exceed 10 percent shall be for administration, advertising production, research and testing, labor, and related costs of the national media campaign.

UNANTICIPATED NEEDS

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,432,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $320,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. From funds made available in this Act under the headings ''White House Office'', ''Executive Residence at the White House'', ''White House Repair and Restoration'', ''Council of Economic Advisors'', ''National Security Council'', ''Office of Administration'', ''Office of Policy Development'', ''Special Assistance to the President'', and ''Official Residence of the Vice President'', the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, 15 days after giving notice to the House and Senate Committees on Appropriations, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from ''Special Assistance to the President'' or ''Official Residence of the Vice President'' without the approval of the Vice President.

SEC. 202. The President shall submit to the Committees on Appropriations not later than 30 days after the date of the enactment of this Act, and prior to the initial obligation of funds appropriated under the heading ''Office of National Drug Control Policy'', a financial plan on the proposed uses of all funds under the heading on a project-by-project basis, for which the obligation of funds is anticipated: *Provided*, That up to 20 percent of funds appropriated under this heading may be obligated before the submission of the report subject to prior approval of the Committees on Appropriations: *Provided further*, That the report shall be updated and submitted to the Committees on Appropriations every six months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: *Provided further*, That any new projects and changes in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations.

This title may be cited as the ''Executive Office of the President Appropriations Act, 2008''.

TITLE III

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $66,526,000, of which $2,000,000 shall remain available until expended.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $12,201,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $27,976,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $16,544,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $4,660,590,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

AMENDMENT NO. 35 OFFERED BY MR. CUELLAR

Mr. CUELLAR. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. CUELLAR:

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)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Thank you, Mr. Chairman.

First of all, I want to thank Chairman JOSE SERRANO and Ranking Member RALPH REGULA for their leadership in bringing this appropriation bill forward.

My amendment is simple. Working with my colleague Mr. TED POE, it strives to alleviate the strain that we have on the Federal district courts along the U.S.-Mexico border. In recent years, the rising number of criminal immigration cases has created considerable strain to those Federal district courts. For those courts, the percentage of criminal cases have gone to upward of 70 percent of the criminal casework that they have. The average Federal judge in a border district court sees 306.5 criminal cases per year compared with the national average of 83 cases a year.

□ 2200

The subsequent backlog has impeded the ability of the district courts to process cases in a timely manner. This backlog will only be increased with the additional funding and emphasis put into the border enforcement by Congress.

The backlog has hindered the due process for U.S. citizens and immigrants. Many defendants have fallen through the cracks, as it can take up to a year to receive judicial action. It is important that our Nation's court system not be overextended by the lack of judges.

This bipartisan amendment is a companion to the legislation I introduced, H.R. 1909, the Federal Criminal Immigration Courts Act of 2007. That legislation utilizes the recommendations of the 2007 judicial conference to increase the number of Federal judgeships in those district courts most impacted by immigration cases.

The additional judges will help ease the burden on the system and will ensure these cases will be handled in a timely manner. With your help, we can move forward in making sure our judiciary keeps up with the increased demand that we have along the border.

I believe an agreement with the chairman that I will withdraw this amendment and work with the chairman to work with them to try to get this funded in the conference committee.

Mr. SERRANO. Would the gentleman yield?

Mr. CUELLAR. Yes.

Mr. SERRANO. I will continue to work with you on this issue. I know how important it is to you and to our country. You have that commitment from us.

Mr. CUELLAR. Mr. Chairman, I don't see Mr. POE here, but we did talk about withdrawing this amendment. We ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the gentleman's amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed $4,099,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964 (18 U.S.C. 3006A); the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, $830,499,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $62,350,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $396,476,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $75,667,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $23,994,000; of which $1,800,000 shall remain available through September 30, 2009, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $59,400,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $2,300,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $3,700,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $15,477,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 605 and 610 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for ''Courts of Appeals, District Courts, and Other Judicial Services'' shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Within 90 days after the date of the enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology fund.

SEC. 305. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note) is amended in the sixth sentence (relating to the Northern District of Ohio), by striking ''15 years'' and inserting ''20 years''.

This title may be cited as ''The Judiciary Appropriations Act, 2008''.

TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $35,100,000, to remain available until expended: *Provided,* That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class, the expenditures made and the purpose therefor: *Provided further*, That not more than $1,200,000 of the total amount appropriated for this program may be used for administrative expenses.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $3,352,000, to remain available until expended, to reimburse the District of Columbia for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions of which not to exceed $352,000 is for the District of Columbia National Guard: *Provided*, That any amount provided under this heading shall be available only after such amount has been apportioned pursuant to chapter 15 of title 31, United States Code.

DISTRICT OF COLUMBIA COURTS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $256,395,000, to be allocated as follows: for the District of Columbia Court of Appeals, $10,800,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $100,543,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $54,052,000, of which not to exceed $1,500 is for official reception and representation expenses; and $91,000,000, to remain available until September 30, 2009, for capital improvements for District of Columbia courthouse facilities: *Provided,* That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further,* That the solicitation and contract shall contain the clause ''availability of Funds'' found at 48 CFR 52.232–18: *Provided further,* That funds made available for capital improvements shall be expended consistent with the General Services Administration (GSA) master plan study and building evaluation report: *Provided further,* That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the GSA, and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate: *Provided further,* That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and Senate, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under this heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $52,475,000, to remain available until expended: *Provided,* That the funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $91,000,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further,* That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $91,000,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further,* That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further,* That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $190,343,000, of which not to exceed $2,000 is for official receptions and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which not to exceed $400,000 for the Community Supervision program and $160,000 for the Pretrial Services program, both to remain available until September 30, 2009, are for Information Technology infrastructure enhancement acquisitions; of which $140,499,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which $49,849,000 shall be available to the Pretrial Services Agency: *Provided,* That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further,* That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further,* That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *Provided further,* That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost reimbursable basis.

FEDERAL PAYMENT TO DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $32,710,000: *Provided,* That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $12,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided,* That the District of Columbia Water and Sewer Authority provide a match of $7,000,000 and the District of Columbia provide a match of $5,000,000 in local funds for this payment.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $1,300,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Office of the Chief Financial Officer of the District of Columbia, $6,148,000: *Provided,* That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer of the District of Columbia (CFO) a report on the activities to be carried out with such funds no later than March 15, 2008, and the CFO shall submit a comprehensive report to the Committees on Appropriations of the House of Representatives and the Senate no later than June 1, 2008.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, $40,800,000, to be allocated as follows: for the District of Columbia Public Schools, $13,000,000 to improve public school education in the District of Columbia; for the State Education Office, $13,000,000 to expand

quality public charter schools in the District of Columbia, to remain available until September 30, 2009; for the Secretary of the Department of Education, $14,800,000 to provide opportunity scholarships for students in the District of Columbia in accordance with division C, title III of the District of Columbia Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 126), of which up to $1,800,000 may be used to administer and fund assessments.

FEDERAL PAYMENT FOR CONSOLIDATED LABORATORY FACILITY

For a Federal payment to the District of Columbia, $10,000,000, to remain available until September 30, 2009, for costs associated with the construction of a consolidated laboratory facility: *Provided,* That the District of Columbia provides a 100 percent match for this payment.

FEDERAL PAYMENT FOR CENTRAL LIBRARY AND BRANCH LOCATIONS

For a Federal payment to the District of Columbia, $10,000,000, to remain available until expended, for the Federal contribution toward costs associated with the renovation and rehabilitation of District libraries.

FEDERAL PAYMENT TO REIMBURSE THE FEDERAL BUREAU OF INVESTIGATION

For a Federal payment to the District of Columbia, $4,000,000, to remain available until September 30, 2010, for reimbursement to the Federal Bureau of Investigation for additional laboratory services, including DNA analysis, performed for cases currently waiting analysis.

DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (114 Stat. 2440) (D.C. Official Code, section 1–204.50a) and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2008 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $9,777,362,000 (of which $6,022,444,000 shall be from local funds, $2,015,853,000 shall be from Federal grant funds, $1,730,503,000 shall be from other funds, and $8,562,000 shall be from private funds), in addition, $116,552,000 from funds previously appropriated in this Act as Federal payments: *Provided further*, That of the local funds, $153,900,000 shall be derived from the District's general fund balance: *Provided further*, That of these funds the District's intradistrict authority shall be $648,289,000: *Provided further,* That in addition, for capital construction projects, there is appropriated an increase of $1,595,503,000, of which $1,042,712,000 shall be from local funds, $38,523,000 from the District of Columbia Highway Trust Fund, $73,260,000 from the Local Street Maintenance Fund, $75,000,000 from revenue bonds, $150,000,000 from financing for construction of a consolidated laboratory facility, $30,000,000 for construction of a baseball stadium, $186,008,000 from Federal grant funds, and a rescission of $212,696,000 from local funds appropriated under this heading in prior fiscal years (of which $187,450,000 are from local funds and $51,444,000 are from the Local Street Maintenance Fund), for a net amount of $1,382,807,000, to remain available until expended: *Provided further*, That the amounts provided under this heading are to be subject to the provisions of and allocated and expended as proposed under ''Title III—District of Columbia Funds'' of the Fiscal Year 2008 Proposed Budget and Financial Plan submitted to the Congress of the United States by the District of Columbia on June 7, 2007: *Provided further*, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act approved December 24, 1973 (87 Stat. 777; D.C. Official Code, section 1–201.01 et seq.) as amended by this Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2008, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

This title may be cited as the ''District of Columbia Appropriations Act, 2008''.

TITLE V

INDEPENDENT AGENCIES

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, 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 under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $66,838,000.

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002, $15,467,000, of which $3,250,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

ELECTION REFORM PROGRAMS

For necessary expenses to carry out programs under the Help America Vote Act of 2002 (Public Law 107–252), $300,950,000: *Provided,* That of the amount appropriated under this heading, $300,000,000 shall be available for requirements payments under section 257 of such Act, but only for States that file a new State plan under section 253(b)(1) of such Act for fiscal year 2008: *Provided further*, That of the amount appropriated under this heading, $750,000 shall be available for the Help America Vote College Program under title V of such Act: *Provided further,* That of the amount appropriated under this heading, $200,000 shall be available for the National Student and Parent Mock Election under part 6 of subtitle D of title II of such Act.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $313,000,000: *Provided,* That offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, of which $312,000,000 shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2008 so as to result in a final fiscal year 2008 appropriation estimated at $1,000,000: *Provided further,* That any offsetting collections received in excess of $312,000,000 in fiscal year 2008 shall not be available for obligation: *Provided further,* That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2007, shall not be available for obligation: *Provided further,* That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed $85,000,000 for fiscal year 2008: *Provided further,* That in addition, not to exceed $20,980,000 may be transferred from the Universal Service Fund in fiscal year 2008, to remain available until expended, to monitor the Universal Service Fund program to prevent and remedy waste, fraud and abuse, and to conduct audits and investigations by the Office of Inspector General.

FEDERAL DEPOSIT INSURANCE CORPORATION

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, $26,848,000, to be derived from the Deposit Insurance Fund and the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, $59,224,000, of which no less than $8,100,000 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $23,641,000: *Provided,* That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further,* That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $247,489,000, to remain available until expended: *Provided,* That not to exceed $300,000 shall be available for use to contract with a person or persons

for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed $139,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That, notwithstanding any other provision of law, not to exceed $20,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2008, so as to result in a final fiscal year 2008 appropriation from the general fund estimated at not more than $88,489,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATION ON AVAILABILITY OF REVENUE

For an additional amount to be deposited in the Federal Buildings Fund, $88,144,000. Amounts in the fund, including the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $7,834,612,000, of which: (1) $524,540,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Arizona:

San Luis, Land Port of Entry I, $7,053,000.

California:

San Ysidro, Land Port of Entry, $37,742,000.

District of Columbia:

DHS Consolidation and development of St. Elizabeths campus, $275,133,000.

St. Elizabeths West Campus Infrastructure, $20,572,000.

St. Elizabeths West Campus Site Acquisition, $7,000,000.

Maine:

Madawaska, Land Port of Entry, $17,160,000.

Maryland:

Montgomery County, Food and Drug Administration Consolidation, $57,749,000.

Minnesota:

Warroad, Land Port of Entry, $43,628,000.

New York:

Alexandria Bay, Land Port of Entry, $11,676,000.

Texas:

El Paso, Tronillo-Guadalupe Land Port of Entry, $4,290,000.

Vermont:

Derby Line, Land Port of Entry, $33,139,000.

Nonprospectus Construction, $9,398,000:

Provided, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2009, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $733,267,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services:

Repairs and Alterations:

District of Columbia:

Eisenhower Executive Office Building, Phase III, $172,279,000.

Joint Operations Center, $12,800,000.

Nebraska Avenue Complex, $27,673,000.

Nevada:

Reno, C. Clifton Young Federal Building and Courthouse, $12,793,000.

New York:

New York, Thurgood Marshall United States Courthouse, $170,544,000.

West Virginia:

Martinsburg, Internal Revenue Service Enterprise Computing Center, $35,822,000.

Special Emphasis Programs:

Energy Program, $15,000,000.

Design Program, $7,372,000.

Basic Repairs and Alterations, $278,984,000:

Provided further, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2009, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (3) $155,781,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $4,315,534,000 for rental of space which shall remain available until expended; and (5) $2,105,490,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592(b)(2)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2008, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; providing Internet access to Federal information and services; agency-wide policy direction and management; the Civilian Board of Contract Appeals; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses; $142,945,000, of which $44,984,000 is for the Office of Government-Wide Policy: *Provided*, That any change in the amount specified herein for the Office of Government-Wide Policy may only be made 15 days following approval of the Committees on Appropriations.

AMENDMENT NO. 4 OFFERED BY MR. CARDOZA

Mr. CARDOZA. 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. CARDOZA:
Page 65, line 17, insert after the first dollar amount ''(reduced by $14,295,000)''.

Mr. REGULA. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, I ask to withdraw the amendment that I just brought forward.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. CARDOZA

Mr. CARDOZA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CARDOZA:
Page 65, line 17, insert after the first dollar amount ''(reduced by $8,000,000)''.
Page 65, line 25, insert after the first dollar amount ''(increased by $6,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, shortly into my tenure as a Member of Congress in 2003 the General Services Administration, the GSA, notified me that my office space at the Bell Station in Merced, California, which I shared with the post office and the IRS would no longer be available for lease.

My office was in an historic building, and, most importantly, I was conveniently located downtown for my constituents. Despite my vigorous protests, I was literally kicked out of the Federal building.

If that wasn't enough of a slap in the face to my constituents and myself, 2 years later the GSA declared the Bell Station post office to be surplus property. The GSA closed the post office with no rhyme or reason and started to dispose of it, with no community input and no plan to replace our post office.

The GSA's handling of this situation was deplorable. The GSA turned a deaf ear to my constituents and ignored the needs of a local community.

In my 4½ years in Congress, nothing has elicited as many phone calls and letters and editorials to my local paper than the GSA's handling of post office closure in my hometown.

The GSA's blatant disregard for a community's needs hasn't only occurred in my district. This has been repeated with reckless abandon in districts across the country.

Make no mistake about it. This can happen to any Member of this Congress, and every community across America is at risk.

Three local entities in my home county attempted to obtain a historic building from GSA for public benefit use.

However, in the blink of an eye, and without advance notice to the applicants, the GSA reversed course. The GSA indicated it would put the building out for public auction and sell it to the highest bidder.

I have confirmed with the GSA experts that the GSA's activities are not only inconsistent with its mission, but are also well outside proper protocol.

I have made countless efforts to work with the GSA to rectify this situation in my district so that local communities can obtain the building. My repeated requests have been ignored. The GSA even refused to respond to a simple letter I wrote until I submitted amendments to this bill that would cut the GSA budget by 10 percent.

After panic set in at GSA, GSA sent a useless response that doesn't address a single one of my concerns, and leaves just enough wiggle room to back out of any promise of working with the original applicants. The GSA then delivered to a letter to other Capitol Hill offices, not to my own. When I was told that GSA representatives were in the Cannon Building today, they didn't even have the common courtesy to speak to me or my staff.

Mr. Chairman, this reeks of mismanagement. It shows a lack of oversight and accountability at GSA.

My amendment is very simple. It provides an additional $6 million to GSA's Office of the Inspector General. It is paid for by cutting the GSA's policy and operations account, including the Office of the Administrator and the Office of Congressional and Intergovernmental Affairs.

□ 2215

The Inspector General will ensure that the agency is operating in the best interest of taxpayers and is not beholden to the political process or to special interests.

It is absolutely critical that the Inspector General's office has the tools and resources it needs to hold the agency accountable for its actions. And it is critical that we, as Members of Congress, ensure that government is meeting the needs of our communities.

I strongly urge my colleagues to support the amendment.

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

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. REGULA. Mr. Chairman, I agree with the gentleman that the Office of Inspector General at the GSA needs adequate funds to operate. But, Chairman SERRANO's mark provided a level of funds that is both responsible and sufficient for the OIG.

In the fiscal year 2007 continuing resolution, the Congress provided $6 million in additional funds to the OIG. They were not able to spend these funds in the fiscal year, and have asked for the authority to assess them in fiscal year 2008. This authority has been granted by the committee.

Chairman SERRANO has made funding the Office of Inspector General and the other oversight offices one of his highest priorities in this bill. I commend him for his work, and oppose this attempt to change the committee mark.

I question the ability of the OIG to spend these additional funds this year, and I reiterate the fact that this was taken care of in the previous legislation. Therefore, I urge the defeat of this amendment.

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

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, I understand that the gentleman from California (Mr. CARDOZA) will agree to not offer his other amendment, which would call for deeper cuts to the account, if this one is agreed to.

I yield to the gentleman from California.

Mr. CARDOZA. The gentleman from New York is correct. I will be happy to withdraw my other amendment if, in fact, we adopt this amendment that is more acceptable to the committee.

Mr. SERRANO. In that case, Mr. Chairman, I have no objection to this amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment as offered by the gentleman from California (Mr. CARDOZA).

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

Mr. PRICE of Georgia. 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 California will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $47,382,000: *Provided*, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $2,970,000, to remain available until expended: *Provided*, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: *Provided further*,

That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Committees on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95–138, $2,500,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

FEDERAL CITIZEN INFORMATION CENTER FUND

For necessary expenses of the Federal Citizen Information Center, including services authorized by 5 U.S.C. 3109, $15,798,000, to be deposited into the Federal Citizen Information Center Fund: *Provided*, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Information Center activities in the aggregate amount not to exceed $35,000,000: *Provided further*, That appropriations, revenues, and collections accruing to this Fund during fiscal year 2008 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 501. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 502. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 503. Funds in the Federal Buildings Fund made available for fiscal year 2008 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 504. Except as otherwise provided in this title, no funds made available by this Act shall be used to transmit a fiscal year 2009 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided,* That the fiscal year 2009 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 505. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 506. From funds made available under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $37,507,000, together with not to exceed $2,579,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $2,000,000, to remain available until expended, of which up to $50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289) notwithstanding sections 8 and 9 of Public Law 102–259: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $2,000,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and the activities of the Public Interest Declassification Board, and for the hire of passenger motor vehicles, $315,000,000: *Provided,* That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

ELECTRONIC RECORDS ARCHIVES

For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, $58,028,000, of which $38,315,000 shall remain available until September 30, 2009: *Provided,* That none of the multiyear funds may be obligated until the National Archives and Records Administration submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11; (2) complies with the National Archives and Records Administration's enterprise architecture; (3) conforms with the National Archives and Records Administration's enterprise life cycle methodology; (4) is approved by the National Archives and Records Administration and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $16,095,000, to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, $10,000,000, to remain available until expended: *Provided,* That of the funds provided in this paragraph, $2,000,000 shall be transferred to the operating expenses account for operating expenses of the National Historical Publications and Records Administration.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2008, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: *Provided,* That administrative expenses of the Central Liquidity Facility in fiscal year 2008 shall not exceed $329,000.

COMMUNITY DEVELOPMENT CREDIT UNION REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $1,000,000 shall be available until September 30, 2009 for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978 and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $11,750,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500

for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $101,765,000, of which $5,991,000 shall remain available until expended for the Enterprise Human Resources Integration project; $1,351,000 shall remain available until expended for the Human Resources Line of Business project; $340,000 shall remain available until expended for the E-Payroll project; and $170,000 shall remain available until expended for the E-Training program; and in addition, $123,401,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $26,465,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2008, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,519,000, and in addition, not to exceed $16,981,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 107–304, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $16,368,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,500 for official reception and representation expenses, $908,442,000, to remain available until expended; of which not to exceed $20,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: *Provided further*, That not to exceed $867,045,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That $41,397,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2008 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2008 appropriation from the general fund estimated at not more than $0.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $22,000,000: *Provided*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

AMENDMENT NO. 8 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. DEFAZIO:

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)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. My amendment presents the Members with a very simple choice: Do we want to continue to fund a government agency whose mission is obsolete, and whose expertise the President, the Pentagon and the House have all said will never be called upon, or do you want to fund a program that has a presence in every State in the Union and the territories, and helps small businesses, creates jobs and returns $2.82 in Federal revenue for every dollar invested?

Seems a simple choice to me. Perhaps not, but we'll see when we get to the vote.

Thirty years ago Jimmy Carter created and reactivated the Selective Service System. Now, he said this was symbolic, to send a message to the Soviet Union which had invaded Afghanistan. Well, today the United States of America is in Afghanistan in pursuit of the Taliban and al Qaeda and attempting to pacify that country. Surely that symbolism is no longer needed.

No one, no one in this House, two people, in fact, the last time we voted, said they wanted to reinstitute the draft. No one downtown at the administration says they want to reinstitute the draft. No one at the Pentagon says, under any scenario, that they envision reinstituting the draft. They prefer the All-Volunteer Force.

So if we were to transfer $10 million from this obsolete, Cold War, symbolic bureaucracy which has no function in today's society, in today's world, and is not necessary for today's readiness, we could create tens of thousands of jobs across America and assist small businesses to begin to create even more jobs.

I believe it's a very simple choice: $10 million from Selective Service, and add

$10 million to the SBDC. The Congressional Budget Office says it's budget-neutral. There are 1,100 SBDC offices, all 50 States, DC., Puerto Rico, Guam, American Samoa and the U.S. Virgin Islands. They're a collaborative effort. This is not a bureaucracy. This is not dumping money into the maw of Washington, DC.

State, local governments, the private sector and education community serve more than 1.3 million small businesses and aspiring entrepreneurs a year. Every Federal dollar, as I said earlier, invested in Small Business Development Corporations yields $2.82 in additional revenue to the Treasury. A new business is opened by an SBDC in-depth client every 33 minutes in the United States of America. Our entrepreneurs need this help.

Similarly, these clients create a new job every 7 minutes and generate $100,000 in sales every 9 minutes. What a great return on a Federal investment, to help American entrepreneurs put people to work in this country and make us competitive in the international community.

In my home State of Oregon, the SBDC has created 3,300 new jobs, generated new wages of more than $53 million. The SBDC has served more than 6,000 small businesses in Oregon alone. Across the Nation those numbers are obviously much larger.

The Association of Small Business Development Centers requested funding of $110 million for SBDCs for fiscal year 2008. That would essentially provide a catch-up for all the years in which their budget was restrained or cut by the previous Congress and the administration. That could create 110,000 new jobs, save an additional 110,000 jobs, and make $11.7 billion in new sales, preserve $8.4 billion in existing sales, and obtain $4.5 billion in financing to grow businesses, and generate $310 million in new Federal revenues for economic growth.

This, I believe, is a great investment in America. We do not need to continue dumping maw down the bureaucracy of the Selective Service System. They've been incompetent since day 1. Commercial databases could better provide the data we need if ever a draft were needed. And even if a draft were needed, guess what? We have no training capacity, so the people who were drafted would have to wait 6 months to a year in any case.

So we don't need an active, on-the-edge Selective Service System in this country for a draft that no longer exists and only two Members of the previous Congress thought should exist.

I believe this is a commonsense amendment. Put Selective Service in deep stand-by and help the Small Business Development Corporation live up to its full potential creating jobs and economic potential for this country.

I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from New York seek time in opposition?

Mr. SERRANO. Yes, I do.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, I rise in opposition to this amendment. Decreasing funding to the Selective Service by $10 million would effectively shut down the agency, and we need to understand that. Regardless of how you feel about this issue, the effect would be to shut down the agency.

Now, everyone know that I'm no fan of this war. With my votes that's been made clear. But we must recognize the value of the Selective Service as an inexpensive insurance plan to back up our Active Duty and Reserve Armed Forces. We have a war going on, and we have to have in place many institutions, if you will, and programs that will, at any moment's notice, respond to a congressional call for a draft or any other involvement.

Now, there's also something that we need to understand here. The gentleman wants to take $10 million and give it to the Small Business Administration. I think it's important to note first that prior to full committee markup, we had already increased the Small Business Administration by $40 million. That was above the President's request. In full markup we added another $80 million to the Small Business Administration.

□ 2230

So right now they are at $120 million above the President's request and additional dollars that were brought to light during this whole procedure.

So to send it over to small business is not only an interesting statement because it is a way to get support for something that may be unpopular like a draft, but the fact of life is that there probably could have been another 20 agencies that one could have selected to send money to if that was the point.

So I think that, number one, the Small Business Administration has been taken care of very well in this bill. Number two, there is no need and there should be no desire to cripple the Selective Service Administration, and for that reason, I would hope that our colleagues would vote against this amendment.

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

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

Mr. Chairman, I appreciate the intent of this amendment, and in the past I have often considered voting for it. But I have a far different attitude now than I had in the past because of the Iraqi War.

The fact is that we have no sustained demonstrations in the streets against Iraq, and, in my view, largely that is not occurring because we have no draft. And we have no draft because the country has settled into a comfortable acceptance of the idea that a precious few people, namely those in the regular Armed Forces of the country and those in the Guard and Reserves, should be the only people in our society who are at risk in this stupid and fruitless war. And I just cannot abide that.

I have said many times on this floor that I think it is outrageous that there is no sense of shared sacrifice about this war. We ask our Guard and Reserve personnel to return to Iraq and Afghanistan time and time and time again. And yet of the rest of society we ask nothing except to worry about Paris Hilton and to worry about who wins the Super Bowl, and, oh, yes, if you are a millionaire, we are going to spend $57 billion this year giving you a tax cut. That is really some sense of shared sacrifice.

And so I just cannot bring myself to vote for this amendment, though it might make sense on the numbers, because I think it would be a symbolic act which would send to the country yet another signal that the only people we expect to bear any burden for this stupid, outrageous, lied-to-get-into war are those in the military. And I just think that is wrong. I know that is not the gentleman's intent, but I think that is the practical signal that we send.

So I cannot vote for this amendment. I did not even want to speak against it, but this war bugs me a lot and the total lack of the willingness of this society to face the inordinate costs which we are laying on military families bugs me a whole lot more.

Mr. SERRANO. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I just want to quote from former President Clinton in a 1994 letter to Congress, where he said, and I agree: ''Maintaining the Selective Service provides a hedge against unforeseen threats.''

And I also agree with the gentleman from Wisconsin that this is not the time, and I certainly urge my colleagues to oppose this amendment.

The Acting CHAIRMAN (Mr. ALTMIRE). The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

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

Mr. DEFAZIO. 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 Oregon will be postponed.

The Clerk will read.

The Clerk read as follows:

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108–447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $346,553,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the

Small Business Act: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, to be available for carrying out these purposes without further appropriations.

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, $15,000,000.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act of 1958, $3,000,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $2,530,000, to remain available until expended; and for the cost of guaranteed loans, $80,000,000: *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 subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2008 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, shall not exceed $7,500,000,000: *Provided further*, That during fiscal year 2008 commitments for general business loans authorized under section 7(a) of the Small Business Act, shall not exceed $17,500,000,000: *Provided further*, That during fiscal year 2008 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed $3,000,000,000: *Provided further*, That during fiscal year 2008, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $12,000,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $135,414,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 610 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $88,864,000, which shall not be available for obligation until October 1, 2008: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2008.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $45,069,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

SEC. 601. Such sums as may be necessary for fiscal year 2008 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 602. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 603. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 604. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, 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. 605. 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 authority provided in, this Act or any other appropriations Act.

SEC. 606. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 607. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 608. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 609. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 610. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $1,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $1,000,000 or 10 percent, whichever is less; or (7) reorganizes offices, programs, or activities unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit an operating plan to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 611. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2008 from appropriations made available for salaries and expenses for fiscal year 2008 in this Act, shall remain available through September 30, 2009, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 612. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 613. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 614. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

SEC. 615. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 616. The provision of section 615 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 617. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

SEC. 618. None of the funds made available in the Act may be used to finalize, implement, administer, or enforce—

(1) the proposed rule relating to the determination that real estate brokerage is an activity that is financial in nature or incidental to a financial activity published in the Federal Register on January 3, 2001 (66 Fed. Reg. 307 et seq.); or

(2) the revision proposed in such rule to section 1501.2 of title 12 of the Code of Federal Regulations.

SEC. 619. Notwithstanding section 10(b) of the Harry S Truman Memorial Scholarship Act (20 U.S.C. 2009(b)), hereafter, at the request of the Board of Trustees of the Harry S Truman Scholarship Foundation, it shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated and contributed to the Harry S Truman Memorial Scholarship Trust Fund, as provided in such section. All requests of the Board of Trustees to the Secretary provided for in this section shall be binding on the Secretary.

SEC. 620. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.— This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 621. For an additional amount under the heading ''Small Business Administration, Salaries and Expenses'', $61,318,000, to remain available until September 30, 2009, shall be for initiatives related to small business development and entrepreneurship, including programmatic and construction activities: *Provided,* That amounts made available under this section shall be provided in accordance with the terms and conditions specified in the statement of managers accompanying this Act.

TITLE VII—GENERAL PROVISIONS GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. Hereafter, funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 702. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2008 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 703. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $12,888 except station wagons for which the maximum shall be $13,312: *Provided,* That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further,* That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further,* That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 704. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 705. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992 (Public Law 102–404): *Provided,* That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further,* That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further,* That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further,* That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 706. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 707. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 708. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided,* That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 709. Hereafter, no part of any appropriation contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been

nominated after the Senate has voted not to approve the nomination of said person.

SEC. 710. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 711. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 712. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2008, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2008, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2008, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2008 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2008 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2007, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2007, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2007.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 713. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 714. Notwithstanding section 1346 of title 31, United States Code, or section 710 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 715. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 716. Hereafter, no department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964 (Public Law 88–352, 78 Stat. 241), the Age Discrimination in Employment Act of 1967 (Public Law 90–202, 81 Stat. 602), and the Rehabilitation Act of 1973 (Public Law 93–112, 87 Stat. 355).

SEC. 717. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 718. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 719. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title

10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

SEC. 720. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 721. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 722. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 723. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofor authorized by the Congress.

SEC. 724. (a) In this section, the term ''agency''—

(1) means an Executive agency, as defined under section 105 of title 5, United States Code;

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 725. Notwithstanding 31 U.S.C. 1346 and section 710 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

SEC. 726. Notwithstanding 31 U.S.C. 1346 and section 710 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse ''General Services Administration, Policy and Operations'' with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, and the Chief Acquisition Officers Council for procurement initiatives): *Provided further*, the total funds transferred or reimbursed shall not exceed $10,000,000: *Provided further*, such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 727. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 728. Nothwithstanding section 1346 of title 31, United States Code, or section 710 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 729. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: *Provided*, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 730. Subsection (f) of section 403 of Public Law 103–356 (31 U.S.C. 501 note) is repealed.

SEC. 731. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term ''regulatory'' means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term ''supervisory'' means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 732. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 733. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 734. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 735. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations

on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 736. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 737. (a) No funds shall be available for transfers or reimbursements to the E-Government Initiatives sponsored by the Office of Management and Budget prior to 15 days following submission of a report to the Committees on Appropriations by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the House and Senate Committees on Appropriations.

(b) The report in (a) shall detail—

(1) the amount proposed for transfer for any department and agency by program office, bureau, or activity, as appropriate;

(2) the specific use of funds;

(3) the relevance of that use to that department or agency, and each bureau or office within, which is contributing funds; and

(4) a description of any such activities for which funds were appropriated that will not be implemented or partially implemented by the department or agency as a result of the transfer.

SEC. 738. (a) REQUIREMENT FOR PUBLIC-PRIVATE COMPETITION.—

(1) Notwithstanding any other provision of law, none of the funds appropriated by this or any other Act shall be available to convert to contractor performance an activity or function of an executive agency that, on or after the date of enactment of this Act, is performed by more than 10 Federal employees unless—

(A) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(B) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the executive agency by an amount that equals or exceeds the lesser of—

(i) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(ii) $10,000,000; and

(C) the contractor does not receive an advantage for a proposal that would reduce costs for the Federal Government by—

(i) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract;

(ii) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Federal Government for health benefits for civilian employees under chapter 89 of title 5, United States Code; or

(iii) offering to such workers a retirement benefit that in any year costs less than the annual retirement cost factor applicable to Federal employees under chapter 84 of title 5, United States Code.

(2) This paragraph shall not apply to—

(A) the Department of Defense;

(B) section 44920 of title 49, United States Code;

(C) a commercial or industrial type function that—

(i) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(ii) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act;

(D) depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code; or

(E) activities that are the subject of an ongoing competition that was publicly announced prior to the date of enactment of this Act.

(b) USE OF PUBLIC-PRIVATE COMPETITION.—Nothing in Office of Management and Budget Circular A–76 shall prevent the head of an executive agency from conducting a public-private competition to evaluate the benefits of converting work from contract performance to performance by Federal employees in appropriate instances. The Circular shall provide procedures and policies for these competitions that are similar to those applied to competitions that may result in the conversion of work from performance by Federal employees to performance by a contractor.

(c) BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A–76.—

(1) ELIGIBILITY TO PROTEST.—

(A) Section 3551(2) of title 31, United States Code, is amended to read as follows:

''(2) The term 'interested party'—

''(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

''(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under OMB Circular A–76, includes—

''(i) any official who submitted the agency tender in such competition; and

''(ii) any one person who, for the purpose of representing them in a protest under this subchapter that relates to such competition, has been designated as their agent by a majority of the employees of such Federal agency who are engaged in the performance of such activity or function.''.

(B)(i) Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

''§ 3557. Expedited action in protests for public-private competitions.

''For protests in cases of public-private competitions conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of Federal agencies, the Comptroller General shall administer the provisions of this subchapter in a manner best suited for expediting final resolution of such protests and final action in such competitions.''.

(ii) The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

''3557. Expedited action in protests for public-private competitions.''.

(2) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

''(5) If a private sector interested party commences an action described in paragraph (1) in the case of a public-private competition conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, then an official or person described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.''.

(3) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by paragraph (1)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by paragraph (2)), shall apply to—

(A) protests and civil actions that challenge final selections of sources of performance of an activity or function of a Federal agency that are made pursuant to studies initiated under Office of Management and Budget Circular A–76 on or after January 1, 2004; and

(B) any other protests and civil actions that relate to public-private competitions initiated under Office of Management and Budget Circular A–76, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, on or after the date of the enactment of this Act.

(d) LIMITATION.—(1) None of the funds available in this Act may be used—

(A) by the Office of Management and Budget to direct or require another agency to take an action specified in paragraph (2); or

(B) by an agency to take an action specified in paragraph (2) as a result of direction or requirement from the Office of Management and Budget.

(2) An action specified in this paragraph is the preparation for, undertaking, continuation of, or completion of a public-private competition or direct conversion under Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

(e) APPLICABILITY.—This section shall apply with respect to fiscal year 2008 and each succeeding fiscal year.

□ 2245

AMENDMENT NO. 15 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment as the designee for the gentleman from Texas (Mr. SESSIONS).

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. PRICE of Georgia:

Strike section 738 (page 117, line 9, through page 124, line 13) and redesignate the succeeding provisions accordingly.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, the gentleman from Texas is unable to be here this evening, although this is, indeed, his amendment. I would ask unanimous consent that it be identified as such for all proceedings of the House.

The Acting CHAIRMAN. The Chair cannot entertain the gentleman's request.

Mr. PRICE of Georgia. Mr. Speaker, this amendment would strike section 738 of this legislation, which, as drafted, would have the same effect as language already included in a number of the Democrat majority's other appropriations bills, preventing funds from being spent to conduct public/private competitions.

While this policy may be good for increasing dues payments to public-sector union bosses, it is unquestionably bad for taxpayers and for Federal agencies because agencies are left with less money to spend on their core mission when Congress takes the opportunity to save money through competition away from them.

In 2006, Federal agencies ''competed'' only 1.7 percent of their commercial workforce, which makes up less than one-half of 1 percent of the entire civil workforce. This very small use of competition for services is expected to generate savings of $1.3 billion over the next 10 years. Competitions completed since 2003 are expected to produce almost $7 billion in savings for taxpayers over the next 10 years. This means that taxpayers will receive a return of about $31 for every dollar spent on competition, with annualized expected savings of more than $1 billion.

But the particular language included in this bill is even worse. The underlying language goes further than past Democrat efforts to gut public/private competition by unnecessarily delaying and complicating how the most efficient delivery of commercial activities is determined. This newest attempt to stack the deck against competition for services that can easily be found in the Yellow Pages also creates uneven and duplicative protest rights and intrusive new data requirements, while ignoring the consideration of quality in determining the best source of commercial services for the taxpayer.

In short, Mr. Chairman, by allowing this language to remain in the underlying legislation, approximately $200 million in expected annual savings from planned competitions will be placed at risk.

Additionally, by removing quality from the list of factors in determining who wins a competition, this bill would double costs in many competitions. In this time of stretched budgets and bloated Federal spending, Congress should be looking to use all of the tools it can to find taxpayer savings and reduce the cost of services that are already being provided by thousands of hardworking private companies nationwide.

At this point I will insert into the RECORD a letter of support for this amendment from the Fair Competition Coalition. A portion of that letter reads, This provision will discourage many private-sector firms from participating in the competitive sourcing contracting process. Section 738 would penalize private-sector bidders that offer health insurance benefits to their employees. The Office of Management and Budget reports that the competition under the A–76 process creates an average savings of 15 to 20 percent for the American taxpayer.

THE FAIR COMPETITION COALITION,

June 27, 2007.

DEAR REPRESENTATIVE: As you continue consideration of the FY 2008 appropriations bills, I would like to bring to your attention some anticompetitive language that was included in Section 738 of the FY 2008 Financial Services and General Government Appropriations Act. This provision will discourage many private sector firms from participating in the competitive sourcing contracting process, which is being held at most Federal agencies. The members of the Fair Competition Coalition ask that you support an amendment offered by Representative Pete Sessions (R–TX) which would strike the Section 738 language from the bill.

Section 738 would penalize private sector bidders that offer health insurance benefits to their employees. In an unprecedented intrusion into the competitive process, this provision singles out one benefit element, and ignores the reality of the total compensation packages commonly offered in the private sector. These compensation packages typically include a wide range of health, matching retirement, bonus/incentive, professional and personal development, and other benefits. It also undermines and ignores unique and innovative health benefits plans, particularly those that are provided by the small business community.

Section 738 also would allow employees of the Federal government to protest the award to the private sector. Congress and the Executive Branch have properly excluded Federal employees from challenging agency management decisions in Federal court. Beyond the constitutional questions of whether such action creates the required ''case or controversy,'' the President has properly asserted his responsibility to supervise the ''unitary'' executive branch and opposed establishing ''interested party'' status for these decisions.

Already many companies are not pursuing A–76 competitions, and the language in Section 738 will drive companies further away from the process. The Office of Management and Budget reports that the competition under the current A–76 process creates an average savings of 15% to 20% for the American taxpayer. The proven benefits of competitive sourcing are too high to place arbitrary restrictions on the program. We urge you to support effectiveness and efficiency in Government by voting YES to the Sessions amendment.

If you have any questions, please contact our Coalition points of contact: Michele Kaplan of the Professional Services Council or Kent Sholars of the Contract Services Association.

Sincerely,

Aerospace Industries Association, American Congress on Surveying and Mapping, Airport Consultants Council, American Council of Independent Laboratories, American Council of Engineering Companies, American Electronics Association, American Institute of Architects, Associated General Contractors of America, Business Executives for National Security, Construction Management Association of America, Contract Services Association of America.

Design Professionals Coalition, Electronic Industries Alliance, Information Technology Association of America, Management Association for Private Photogrammetric Surveyors, National Association of RV Parks and Campgrounds, National Defense Industrial Association, National Federation Of Independent Business, Professional Services Council, Small Business Legislative Council, Textile Rental Services Association of America, The National Auctioneers Association, United States Chamber of Commerce.

Mr. Chairman, I urge all of my colleagues to follow the advice of that letter and support this commonsense taxpayer-first amendment to oppose the underlying provision to benefit public-sector union bosses by keeping cost-saving competition available to the government.

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

Mr. SERRANO. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. SERRANO. Mr. Chairman, the provisions of this bill ensure that when Federal employees compete with private contractors, it will be done on a level playing field.

The administration's push to contract out Federal employees' jobs is part of a massive push towards private contracting by this administration. Federal contracts rose from 207 billion in 2000 to roughly 400 billion in 2006.

The New York Times reported in February that the increase in contracting is driven by a philosophy that encourages outsourcing almost everything government does. I may add that the day is not far off when they will try to outsource the Congress.

The administration claims that it wants a smaller government, yet it has promoted a hidden workforce of private-sector contractors and grantees who get rich off the government, but are not accountable. The number of contractors increased by 2.5 million since 2002, which is 98 percent higher than the slight increase in the Civil Service workforce.

Congress has raised serious questions regarding the cost-effectiveness in this level of contracting and of outsourcing many Federal employees' functions. In many cases we see government employees working side by side with contractors with the same responsibilities, yet their compensation, benefits, protections and accountability are much different. These are serious issues.

This amendment would strike the modest improvements in the competitive sourcing language that has been carried on appropriations bills for several years. These improvements would help protect the rights of Federal employees.

And let me just comment on the fact that this amendment not only takes out the language that was included in

this bill, but, in fact, takes a full step backward and undoes that which we have done in past bills, even during the time that the Republicans were in control of the House.

What we do here is ensure that a contractor does not receive a cost advantage by not offering a health plan, or offering an inferior health plan or retirement plan to its employees, assuring appeals rights for Federal employees in cases of privatization decisions that adversely affect them just as contractors currently have appeal rights, and ensuring that OMB doesn't direct or request agencies to conduct competitions if they otherwise would choose not to.

This is really just an unnecessary amendment. It is directed at destroying the last bit of opportunity the Federal employees have for full protection. That has to be made clear. There is no need for this amendment other than to try to outsource everything and destroy the Federal workforce.

We all have great respect for our Federal employees. Throughout the history of this Congress and in recent years, we've worked in a bipartisan fashion to reduce spending here and there, but this just goes at the heart of this assault that this administration has on Federal employees. And for that reason, and so many others, I urge a strong ''no'' vote on this amendment.

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

Mr. PRICE of Georgia. Mr. Chairman, I respect the gentleman's comments.

I, too, have respect, as well we all do, for all Federal employees. But this is serious business. Spending the taxpayers' money is serious business. And outsourcing does one thing, private contracting does one thing: It provides for an opportunity to save hard-earned taxpayer money.

The majority says that they oppose and fight adamantly as they oppose no-bid contracts. So how can be it be consistent to oppose a competitive contracting process that allows private firms the opportunity to have outsource contracts?

This is a commonsense amendment. I offer it on behalf of the gentleman from Texas (Mr. SESSIONS).

I urge my colleagues to support this commonsense, fiscally responsible amendment.

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

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

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

Mr. OBEY. Mr. Chairman, I simply want to congratulate the gentleman for at least being willing to stay here and debate the amendment tonight. It's more than I can say for a whole lot of other people, and I respect him for that. Let me say, however, that I don't have quite as much high regard for his amendment.

Mr. PRICE of Georgia. Will the gentleman yield? It is Mr. SESSIONS' amendment.

Mr. OBEY. Well, whoever. I have minimum high regard for it, let me put it that way.

Mr. Chairman, I think we need to fully understand what is afoot with respect to contracting.

I want to cite some other facts, because there is an inexorable and stealthy effort to put much of the activities of government in the hands of contractors rather than in the hands of public servants. And more and more of that contracting is being provided in a noncompetitive manner. That also applies to many, many grants being provided by the executive branch.

For example, the Congressional Research Service documented an unusually large number of sole-source grants issued by the Employment and Training Administration within the Department of Labor, which resulted in 90 percent of discretionary funds for the High Growth Job Training Initiative being awarded on a noncompetitive basis over a 5-year period. It isn't just Halliburton and Blackwater who are getting lots of taxpayers' dollars in a noncompetitive fashion.

□ 2300

The administration's use of contracting has increased significantly in the past 5 years. For example, the Department of Health and Social Services' contract obligations have nearly doubled from $5 billion in fiscal year 2001 to $8.7 billion in fiscal year 2006. The number of contract employees at the Department of Health and Social Services exceeds 32,000, about half the number of Civil Service employees. A significant share of those contracts were awarded on a noncompetitive basis.

In fiscal year 2006 alone, Health awarded nearly 21,000 contracts worth more than $1.9 billion with less than full and open competition. That is four times the total amount of congressionally directed earmarks that are expected to eventually be included in the Labor, Health, Education appropriation bill.

I won't even bother to get into what has been happening at the Education Department where local school districts have virtually been blackmailed into accepting contracts with book publishers preferred by the administration or else they are frozen out of the program entirely.

So I would simply say I think the gentleman's amendment is ill-advised, and when the time comes late tomorrow evening, I would hope that we will have a ''no'' vote on the 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 Georgia (Mr. PRICE).

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

Mr. PRICE of Georgia. 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 Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 739. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2008 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 3.5 percent, and this adjustment shall apply to civilian employees in the Department of Homeland Security and shall apply to civilian employees in the Department of Defense who are represented by a labor organization as defined in 5 U.S.C. 7103(a)(4), and such adjustments shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2008. Civilian employees in the Department of Defense who are eligible to be represented by a labor organization as defined in 5 U.S.C. 7103(a)(4), but are not so represented, will receive the adjustment provided for in this section unless the positions are entitled to a pay adjustment under 5 U.S.C. 9902.

(b) Notwithstanding section 712 of this Act, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2008 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentage in paragraph (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304 of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5 and prevailing rate employees described in section 5343(a)(5) of title 5 shall be considered to be located in the pay locality designated as ''Rest of US'' pursuant to section 5304 of title 5 for purposes of this paragraph.

(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2008.

SEC. 740. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 741. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) or of section 552.224 of title 48 of the Code of Federal Regulations.

SEC. 742. Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually-billed travel charge cards shall include an assessment of the individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91–508): *Provided*, That section 604(a)(3) of such Act shall be amended by adding to the end the following:

''(G) executive departments and agencies in connection with the issuance of government-sponsored individually-billed travel charge cards.'':

Provided further, That the department or agency may not issue a government travel charge card to an individual that either

lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided further*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 743. CROSSCUT BUDGET.—

(a) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) GREAT LAKES.—The terms ''Great Lakes'' and ''Great Lakes State'' have the same meanings as such terms have in section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22).

(2) GREAT LAKES RESTORATION ACTIVITIES.—The term ''Great Lakes restoration activities'' means any Federal or State activity primarily or entirely within the Great Lakes watershed that seeks to improve the overall health of the Great Lakes ecosystem.

(b) REPORT.—Not later than 30 days after submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary of each agency that has budget authority for Great Lakes restoration activities, containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carries out Great Lakes restoration activities in the upcoming fiscal year, separately reporting the amount of funding to be provided under existing laws pertaining to the Great Lakes ecosystem; and

(B) identifies all expenditures since fiscal year 2004 by the Federal Government and State governments for Great Lakes restoration activities;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and, to the extent available, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities.

SEC. 744. Except as expressly provided otherwise, any reference to ''this Act'' contained in any title other than title IV or VIII shall not apply to such titles IV or VIII.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

SEC. 801. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 802. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 803. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 804. None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 805. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this title, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) reestablishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center, unless in the case of federal funds, the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the reprogramming and in the case of local funds, the Committees on Appropriations of the House of Representatives and Senate are provided summary reports on April 1, 2008 and October 1, 2008, setting forth detailed information regarding each such local funds reprogramming conducted subject to this subsection.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds in excess of $3,000,000 from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are provided summary reports on April 1, 2008 and October 1, 2008, setting forth detailed information regarding each reprogramming conducted subject to this subsection, except that in no event may the amount of any funds transferred exceed 4 percent of the local funds in the appropriations.

(c) The District of Columbia Government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through September 30, 2008.

SEC. 806. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 807. (a) Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; sec. 1–601.01 et seq., D.C. Official Code), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (sec. 1–204.22(3), D.C. Official Code), shall apply with respect to the compensation of District of Columbia employees. For pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

(b) Notwithstanding section 8344(a) of title 5, United States Code, the amendment made by section 2 of the District Government Reemployed Annuitant Offset Elimination Amendment Act of 2004 (D.C. Law 15–207) shall apply with respect to any individual employed in an appointive or elective position with the District of Columbia government after December 7, 2004.

SEC. 808. No later than 30 days after the end of the first quarter of fiscal year 2008, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the new fiscal year 2008 revenue estimates as of the end of such quarter. These estimates shall be used in the budget request for fiscal year 2009. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 809. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b)(1) No such Federal, private, or other grant may be obligated, or expended pursuant to subsection (a) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

(B) the Council has reviewed and approved the obligation, and expenditure of such grant.

(2) For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the obligation, and expenditure of a grant if—

(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A); or

(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A).

(c) No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.

(d) The Chief Financial Officer of the District of Columbia may adjust the budget for Federal, private, and other grants received by the District government reflected in the amounts appropriated in this title, or approved and received under subsection (b)(2)

to reflect a change in the actual amount of the grant.

(e) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia, to the Committees on Appropriations of the House of Representatives and Senate, not later than 15 days after the end of the quarter covered by the report.

SEC. 810. (a) Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) the Mayor of the District of Columbia; and

(4) the Chairman of the Council of the District of Columbia.

(b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2008, an inventory, as of September 30, 2007, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 811. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 812. None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 813. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District of Columbia) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted: *Provided,* That the Chief Financial Officer of the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and Senate by April 1, 2008 and October 1, 2008, a summary list showing each report, the due date, and the date submitted to the Committees.

SEC. 814. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a ''conscience clause'' which provides exceptions for religious beliefs and moral convictions.

SEC. 815. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate quarterly reports addressing—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;

(3) management of parolees and pre-trial violent offenders, including the number of halfway houses escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia; and

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools.

SEC. 816. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, section 1–204.42), for all agencies of the District of Columbia government for fiscal year 2008 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency where the Chief Financial Officer of the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 817. (a) None of the funds contained in this Act may be made available to pay—

(1) the fees of an attorney who represents a party in an action or an attorney who defends an action brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of $4,000 for that action; or

(2) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer, or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

(b) In this section, the term ''action'' includes an administrative proceeding and any ensuing or related proceedings before a court of competent jurisdiction.

SEC. 818. The amount appropriated by this Act may be increased by no more than $42,000,000 from funds identified in the comprehensive annual financial report as the District's fiscal year 2007 unexpended general fund surplus. The District may obligate and expend these amounts only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify that the use of any such amounts is not anticipated to have a negative impact on the District's long-term financial, fiscal, and economic vitality.

(2) The District of Columbia may only use these funds for the following expenditures:

(A) One-time expenditures.

(B) Expenditures to avoid deficit spending.

(C) Debt reduction.

(D) Program needs.

(E) Expenditures to avoid revenue shortfalls.

(3) The amounts shall be obligated and expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

(4) The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

(5) The amounts may not be obligated or expended unless the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate not fewer than 30 days in advance of the obligation or expenditure.

SEC. 819. (a) To account for an unanticipated growth of revenue collections, the amount appropriated as District of Columbia Funds pursuant to this Act may be increased—

(1) by an aggregate amount of not more than 25 percent, in the case of amounts proposed to be allocated as ''Other-Type Funds'' in the Fiscal Year 2008 Proposed Budget and Financial Plan submitted to Congress by the District of Columbia; and

(2) by an aggregate amount of not more than 6 percent, in the case of any other amounts proposed to be allocated in such Proposed Budget and Financial Plan.

(b) The District of Columbia may obligate and expend any increase in the amount of funds authorized under this section only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify—

(A) the increase in revenue; and

(B) that the use of the amounts is not anticipated to have a negative impact on the long-term financial, fiscal, or economic health of the District.

(2) The amounts shall be obligated and expended in accordance with laws enacted by the Council of the District of Columbia in support of each such obligation and expenditure, consistent with the requirements of this Act.

(3) The amounts may not be used to fund any agencies of the District government operating under court-ordered receivership.

(4) The amounts may not be obligated or expended unless the Mayor has notified the Committees on Appropriations of the House of Representatives and Senate not fewer than 30 days in advance of the obligation or expenditure.

SEC. 820. The Chief Financial Officer for the District of Columbia may, for the purpose of cash flow management, conduct short-term borrowing from the emergency reserve fund and from the contingency reserve fund established under section 450A of the District of Columbia Home Rule Act (Public Law 98–198): *Provided,* That the

amount borrowed shall not exceed 50 percent of the total amount of funds contained in both the emergency and contingency reserve funds at the time of borrowing: *Provided further*, That the borrowing shall not deplete either fund by more than 50 percent: *Provided further*, That 100 percent of the funds borrowed shall be replenished within 9 months of the time of the borrowing or by the end of the fiscal year, whichever occurs earlier: *Provided further*, That in the event that short-term borrowing has been conducted and the emergency or the contingency funds are later depleted below 50 percent as a result of an emergency or contingency, an amount equal to the amount necessary to restore reserve levels to 50 percent of the total amount of funds contained in both the emergency and contingency reserve fund must be replenished from the amount borrowed within 60 days.

SEC. 821. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 822. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 823. (a) DIRECT APPROPRIATION.—Section 307(a) of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 2–1607(a), D.C. Official Code) is amended by striking the first 2 sentences and inserting the following: ''There are authorized to be appropriated to the Service in each fiscal year such funds as may be necessary to carry out this chapter.''.

(b) CONFORMING AMENDMENT.—Section 11233 of the Balanced Budget Act of 1997 (sec. 24–133, D.C. Official Code) is amended by striking subsection (f).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2008 and each succeeding fiscal year.

SEC. 824. Except as expressly provided otherwise, any reference to ''this Act'' contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

Mr. SERRANO (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 146, line 22, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. 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. TOM DAVIS of Virginia:

At the end of the bill add the following new section:

TITLE ____

Sec. ____. The amount otherwise provided for under Title IV for the Federal Payment for Resident Tuition Support is increased by $1,000,000 and the amount otherwise provided for Salaries and Expenses of the Office of Special Counsel is reduced by $1,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Virginia (Mr. TOM DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, this is a very simple amendment. I think it is a win-win. This amendment will reduce the appropriation to the U.S. Office of Special Counsel by $1 million, but it redirects those funds to a far more deserving entity, District of Columbia students who wish to attend college, the D.C. College Access Act.

I was the original author of this legislation in 1999. This legislation essentially allows students in the District of Columbia to attend out-of-state universities and pay in-state tuitions because the District of Columbia does not have a state university system,

Since that time, what had once been a pipe dream for D.C. students, because college was so unaffordable to them, paying for private colleges and out-of-state universities, has become a reality and is becoming part of the culture of the District. It has doubled the number of students in the District of Columbia that are now able to go to colleges. It has doubled that number. It is changing the culture. It is changing the aspirations of these students.

This amendment, the $1 million that is added here, will allow an additional 200 District of Columbia students to take advantage of this program and go on to higher education. There will be no waiting lists. There will be no backups. They won't have to wait to see if the money is there. It will be there for them.

If you want to change the culture of the city, we start with the education system. Mayor Fenty has started with a new system trying to revamp the public school system. But it doesn't do these students any good if they can't, at the same time, go on to higher education.

The other thing this has done is it has kept people in the District of Columbia. Instead of having to move to Virginia or Maryland to attend universities, they can now live in the District and afford to send their kids on to college. Aspiring students who come from, in many cases, single-parent or no-parent homes, can now work their way through colleges, community colleges and other state universities in the region, and be able to commute back and forth. This has been a win-win situation.

Now, we take this money from the Office of the Special Counsel. This office was increased by about $800,000 this year over last year's appropriations. We are bringing them basically to the level of appropriation they had last year.

It is a troubled office. In February, Tom Devine of the Government Accountability Project testified before our committee that the Office of Special Counsel has become a caricature and an object of contempt among the constituencies it supposedly services. It illegally gags its own employees, engages in ugly retaliation against its staff and is engaging in heavy-handed obstruction of justice tactics to intimidate its own employees from testifying in ongoing investigations of its activities.

In April, Melanie Sloan, Executive Director of Citizens For Responsibility and Ethics in Washington, or CREW, said, ''Having transformed OSC into a virtual black hole for legitimate complaints of retaliation, Bloch is decidedly not the right person to tackle issues of misconduct and illegality.''

More recently, we witnessed a Special Counsel who is trying to rehabilitate himself. But Beth Daley, the Director of the Project on Government Oversight, was quoted last month as saying, ''It is hard to believe the Office of Special Counsel will be able to conduct a thorough investigation into the White House while the Special Counsel is under investigation himself.''

So I think this office can go back to the basic appropriation it had last year. This money can be better spent invested in the students of the District of Columbia as they aspire for higher education.

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

Mr. SERRANO. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. SERRANO. Mr. Chairman, I have the utmost respect for the gentleman. He knows how much I respect his desire to improve every bit of the educational programs in D.C., but there are a couple of things we need to know.

First of all, this program is funded at $35.1 million. Interestingly enough, when we approached the D.C. government about this program, we asked what amount they wanted, and this was exactly the amount which was the President's request. They told us that they did not want or need any more. So it is funded at the President's request.

The big problem with this, and what I want to speak about, is the message that this cut sends to the public and to those folks who like to spend a lot of time attacking Members of Congress on both sides. The Special Counsel's Office is involved at this very moment in some very sensitive and high-profile investigations having to do with whistleblower issues, having to do with the Hatch Act and having to do with so many other issues that we have read about and talked about for a while.

If you are talking about a bipartisan way of inviting attacks on Congress and criticism of Congress, this is probably the best way to accomplish that. Because for $1 million to a program that is funded at the full presidential

request, a program where the District of Columbia has said they didn't want any more money, for that $1 million, to give the impression they were somehow trying to put a damper on the investigations taking place is just the wrong message. For that alone, we should oppose it on both sides of the aisle.

In fact, I would hope, after listening to what I know the gentleman has maybe already paid attention to in the past in putting together this amendment, that he would actually consider withdrawing the amendment.

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

Mr. TOM DAVIS of Virginia. Let me just say, first of all, it is the President's requested number, but the District can use this money because of the students that are still waiting in line to make sure that they have a place and there is no waiting list.

Let me just add this. You are defending the Office of Special Counsel. The Special Counsel, just weeks after he came into office, removed any reference to discrimination on the basis of sexual orientation from the OSC Web site. He then testified before the Senate that he did not believe current law protects Federal employees from discrimination on the basis of sexual orientation, an assertion that flies in the face of decades of precedent and defies an Executive Order by President Bush.

Today, the Special Counsel is under investigation by the President's Council For Integrity and Efficiency and the Office of Personnel Management for claims that he retaliated against employees who complained about office policies, issued an illegal gag order, abused his hiring authority, discriminated against homosexuals, allowed political bias to influence enforcement of the Hatch Act, and forced senior career staff to relocate from OSC's Washington headquarters to a new regional office in Detroit.

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I would suggest that the gentleman go back and do his homework on this office. There are some sensitive issues they are dealing with. But I will tell you, this takes it back to last year's appropriation level, I think, or just about that level. More importantly, I think this money can be better spent on the students of the District of Columbia.

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

Mr. SERRANO. Mr. Chairman, I would say to the gentleman, had I not done my homework, you would have helped me do it, because you started out by telling us you wanted to help D.C., but then you did tell us that it was that you were having problems with the Special Counsel. Well, that is the issue. The issue is you want to get at the Special Counsel.

I am suggesting this is the wrong time and the wrong place to do it, because they are involved in very serious investigations, and the last thing we need is for the public and the talk show hosts to say that Congress, because they won't say you or I, that party or this party, that Congress is trying to put a chill on these investigations.

During the hearings, for the record, we asked the D.C. Government if they wanted more dollars. We gave them the opportunity to tell us if they wanted more than the President's request, and they said no.

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

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, can I ask my friend, what are the sensitive investigations he is referring to?

Mr. SERRANO. The Special Counsel has been asked to look at various issues, including violations of the Hatch Act.

Mr. TOM DAVIS of Virginia. Are there any particular ones you are referring to at this point?

Mr. SERRANO. All of the above.

Mr. TOM DAVIS of Virginia. They have been looking at these investigations for years. This amendment still gives them $14 million to do that.

Mr. SERRANO. That is true.

Mr. TOM DAVIS of Virginia. Which is almost the number they had last year. In light of the record that has been compiled here, the investigation of GSA is complete. That has been forwarded to the President. That is no longer pending, so that is no longer an issue. I just wanted to make that clear on the record. This is not about that. This is about a number of other issues that have been concerns expressed from your side of the aisle as well.

Mr. SERRANO. If the gentleman will yield further, my point to the gentleman is he started his argument by saying he wanted to help the tuition program, but, in fact, he has a problem with the Special Counsel. I am suggesting hat for the good of this House, we should not be doing anything that appears like we are trying to chill.

Mr. TOM DAVIS of Virginia. We had to get the money from somewhere, and this seemed to me an appropriate place to take it.

I am no stranger to this program. I was the chief author of authorizing this legislation to begin with. So we are not taking it for some program. This is a program I had a lot to do with creating and feel strongly about it and feel it could use additional money. I think the District feels the same way. The fact the committee funded it at the President's level doesn't mean it couldn't use additional money and fund additional students.

Mr. SERRANO. If the gentleman will continue to yield, my point would be until at least one of those investigations has concluded, which has gotten quite a bit of publicity in this country and been discussed widely, we should not be cutting what is not a large budget.

Mr. TOM DAVIS of Virginia. The one the gentleman is referring to has been completed. It has been forwarded to the President, and they have no additional jurisdiction. For the record, we need to clear that up.

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

Mr. SERRANO. I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

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

Mr. TOM DAVIS of Virginia. 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 Virginia will be postponed.

AMENDMENT OFFERED BY MR. MILLER OF NORTH CAROLINA

Mr. MILLER of North Carolina. 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. MILLER of North Carolina:

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 by this Act may be used to implement Executive Order 13422.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from North Carolina (Mr. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MILLER of North Carolina. Mr. Chairman, I offer this amendment on my own behalf and the behalf of Ms. LINDA SÁNCHEZ of California.

Mr. Chairman, this amendment prohibits the use of funds to implement an Executive Order entered earlier this year. The Executive Order claims powers for the President over agency rulemaking that is consistent neither with statutes passed by Congress nor with the Constitution.

There are safeguards on how agencies can use that power, their power of rulemaking. Agencies are supposed to make rules in the public, with public participation, in the open, and citizens can sue an agency if regulations are too tough or too lenient.

Executive Order 13422 dramatically changes how rulemaking works and lets political appointees overrule the professionals at each agency in secret with no accountability to anyone. Decisions that are supposed to be made in the open can be made in closed rooms on the basis of improper political considerations, and often no citizen will know to sue to challenge a rule or more often sue to challenge agencies inaction because no citizen will know

what really happened. No citizen will know what the professionals at an agency be recommended be done.

The issues raised by Executive Order 13422 need Congress' attention, but this amendment stops this President or any Presiding from seizing the power to rewrite almost every law that Congress passes, laws to protect public health, the environment, safety, civil rights, privacy, and on and on, without answering to Congress or the American people.

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

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

Mr. Chairman, I rise in support of the amendment. The gentleman has raised some very serious issues that need addressing, and I would accept the amendment and support it.

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

Mr. Chairman, I oppose the gentleman's amendment. I am not going to call for a vote. I think this is something that needs to be studied a little more, and would anticipate that in conference we would try to address the problem. This Executive Order is relatively new. I am not sure what the impact of that would be nor what the impact of this amendment would be.

For the record, tonight I oppose it. As I say, I am not going to call for a vote on it, but I think the chairman and I ought to take a second look at it and decide whether we want to address the issue in conference.

Mr. Chairman, I yield back my time.

Mr. MILLER of North Carolina. Mr. Chairman, I yield back the balance of my time.

Mr. SERRANO. Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. MILLER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. INGLIS OF SOUTH CAROLINA

Mr. INGLIS of South Carolina. Mr. Chairman, I offer an amendment as the designee of the gentleman from Michigan (Mr. UPTON).

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INGLIS of South Carolina:

At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISION

SEC. 901. 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 gentleman from South Carolina (Mr. INGLIS) and a Member opposed each will control 5 minutes.

Mr. SERRANO. Mr. Chairman, I am ready to accept the gentleman's amendment.

Mr. REGULA. On this side we are ready to accept it also.

The Acting CHAIRMAN. The Chair recognizes the gentleman from South Carolina.

Mr. INGLIS of South Carolina. Mr. Chairman, we are very grateful for the opportunity to offer the amendment. It is on behalf of myself and Mr. LIPINSKI, the gentleman from Illinois, and the gentleman from Michigan Mr. UPTON, and the gentlewoman from California Ms. HARMAN.

It is an exciting thing to see an opportunity to save money and to save energy by changing some light bulbs. So we hope that we see these energy savings, and we know that it is something that will benefit the country.

Mr. Chairman, I would be happy to yield to the gentleman from Illinois (Mr. LIPINSKI). Even though we are very grateful for the chairman already accepting the amendment, he should say something about our bill.

Mr. LIPINSKI. Mr. Chairman, I thank Mr. INGLIS for yielding.

Mr. Chairman, Mr. INGLIS and I introduced the Bulb Replacement in Government with High-Efficiency Technology (BRIGHT) Energy Savings Act earlier this year, a bipartisan bill that garnered over 80 bipartisan cosponsors. Last week, it was incorporated into a comprehensive climate change and energy bill that the Transportation and Infrastructure Committee reported.

This amendment is a great step towards this goal of cutting down on the energy used by the Federal Government, cutting down on the emission of global climate-changing gases and saving taxpayers money.

So, I thank the chairman and the ranking member for accepting this amendment. This amendment has been included on every appropriations bill so far that has been brought to the floor, and I hope we can continue this. It is very rare that you can meet all of these goals at once while saving taxpayer dollars.

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman for his support. I very much appreciate the chairman and ranking member's acceptance of our 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 South Carolina (Mr. INGLIS).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. 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. 1 offered by Mr. GARRETT of New Jersey:

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.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise today to offer an amendment that will positively affect thousands of small businesses across the country. I would like to thank my good friend from Florida, Congressman Tom Feeney, for sponsoring this amendment with me and for all of his hard work on pushing for much-needed Sarbanes-Oxley reform.

Mr. Chairman, the 5-year anniversary of the passage of Sarbanes-Oxley is almost upon us, and there are many of us who believe, myself included, that SO_X used a sledgehammer where a simple tap would do. The accountability and transparency goals that were so laudable in developing SO_X could have been met, at least in part, through a competitive market where empowered investigators have a real role.

One thing is for certain, however, and that is the regulatory scheme and structure that SO_X established has created more problems than it resolved. You see, we are in a global economy, and our financial markets must be able to be competitive. But when going public in an American market means added out-of-pocket expenses of $4 million to $6 million per accelerated filer, that is more than 50 times the original SEC estimate, it begs the question why any company rising through the ranks would go public and be subject to those requirements. Worse yet, it begs the question of why that successful company would go public in the U.S. at all.

In fact, there have been very many credible reports pointing to a loss in the supremacy of the American financial market as a direct result of the SO_X implementation. Only one of 24 listings with over $1 billion in capital raised has listed in the U.S. as opposed to London, according to the New York Stock Exchange. And there is also evidence that some U.S. companies have even returned to being privately held because of their inability to meet the costs and extensive accounting requirements of SO_X.

We have seen this directly with our Nation's two largest financial markets, the New York Stock Exchange and NASDAQ, both looking to expand into a less regulated, less litigated environment in Europe.

One segment of the U.S. economy that will bear a disproportionate brunt of SO_X is the American small business. Because the SEC expected small businesses to have difficulty meeting all of

these costs and filing requirements, they were temporarily exempted from the regulatory burdens of section 404 to give them time to prepare. This exemption was last extended now through 2007 so that the SEC and the PCAOB could finalize their revised guidelines to management and new standards to the auditors. So while I am commend the SEC and the PCAOB in trying to improve the implementation of 404, it still remains unclear whether these revisions make it possible for small businesses to comply without suffering dire economic consequences.

Furthermore, it is unfair to make our small businesses comply with new regulations that are being finalized and adopted halfway through this year for which these small businesses are supposed to report.

So I offer this amendment today to extend the exemption for small businesses to comply with section 404. The amendment will prohibit the SEC from forcing small businesses to comply with section 404(a)for fiscal year 2008.

There is just too much evidence out there that small companies are not going public or are doing so overseas because of the onerous burdens of section 404, and this amendment will address that. It is essential that we do not add to the overly burdensome new costs on our Nation's small businesses, especially while new auditing standards are still being revised and finalized.

So by delaying the requirements for 1 year, and that is all, we are giving our small businesses more time to ensure that they are not unfairly hurt, without jeopardizing the accountability goals of the original SO_X legislation.

Mr. Chairman, I include for the RECORD The National Taxpayer Unions Vote Alert in support of this amendment that is on the floor today, along with a letter from the Property Casualty Insurers Association of America.

NATIONAL TAXPAYERS UNION,
June 27, 2007.

NATIONAL TAXPAYERS UNION VOTE ALERT

NTU urges all Members to vote ''YES'' on an amendment by Representative Scott Garrett (R–NJ) to H.R. 2829, the Financial Services Appropriations Bill. This amendment would extend the moratorium on small business compliance under Section 404 of the Public Company Accounting Reform and Investor Protection Act, also known as the Sarbanes-Oxley Act. Shielding small businesses from crushing regulations brought on by Sarbanes-Oxley is an important step in protecting a vital source of economic growth. A ''YES'' vote, in support of easing the burden on small businesses, will be significantly weighted in our annual Rating of Congress.

U.S. CHAMBER OF COMMERCE,
June 27, 2007.

Members of the U.S. House of Representatives: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, urges you to support the Garrett-Feeney amendment to H.R. 2829 the ''Financial Services and General Government Appropriations Act, 2008.'' This amendment would extend the current moratorium for Section 404 compliance for small businesses through FY2008.

While the Chamber supports effective internal controls and the intent of Sarbanes-Oxley, the Chamber strongly believes smaller companies should not have to bear the disproportionately burdensome costs of Section 404 until the implementation of Section 404 has been fixed.

The Garrett-Feeney amendment would delay compliance for smaller public companies until the new standards have been adopted and tested for a full year's worth of experience for larger companies. Failure to pass the amendment would seriously undermine the cost-cutting objectives of the new standards.

Companies, auditors, and regulators will need at least a full year's experience to know if the Securities and Exchange Commission and Public Company Accounting Oversight Board's efforts to fix Section 404 implementation are working or if additional corrections are needed.

The Chamber strongly urges you to protect small businesses from being unfairly and disproportionately disadvantaged by voting for the Garrett-Feeney amendment to the Financial Services and General Government Appropriations Act, 2008. The Chamber may consider votes on, or in relation to, this issue in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

PROPERTY CASUALTY INSURERS
ASSOCIATION OF AMERICA,
Des Plaines, IL, June 27, 2007.

Hon. SCOTT GARRETT,
House of Representatives,
Washington, DC

DEAR MR. GARRETT: The Property Casualty Insurers Association of America (PCI) thanks you for introducing your amendment to H.R. 2829, the Financial Services and General Governmental Appropriations Bill, 2008, that would extend for another year the amount of time that smaller public companies have to comply with Section 404 of the Sarbanes-Oxley Act of 2002. PCI represents the broadest cross-section of insurers of any national property/casualty trade association, with over 1000 members writing over $194 billion in direct written premium annually, over 40 percent of the nation's property/casualty insurance.

PCI supports strong corporate governance for all corporations. Since the Sarbanes-Oxley Act became law, however, it has become clear that the overbroad way in which Section 404 was implemented has been a major competitive disadvantage for U.S. corporations. We believe that the costs of compliance with Section 404 must continue to be reduced for all publicly-traded insurance companies, including the small-to-medium sized insurers to which your amendment applies.

PCI congratulates you for taking the lead on this important issue, and we look forward to working with you to lessen the burden of Section 404 compliance for smaller public businesses.

Sincerely,

STEPHEN W. BROADIE.

With that, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I claim the time in opposition.

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

Mr. FRANK of Massachusetts. Mr. Chairman, might I inquire, who has the right to close?

The Acting CHAIRMAN. The Chair would advise the gentleman that the gentleman from New Jersey has the right to close. The gentleman from Massachusetts is not a member of the committee.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, sic transit gloria Oxley. Mike Oxley, my Republican predecessor, is barely gone, when one of his great works is being trashed by his former colleagues.

Indeed, as I look at this assault, the gentleman from New Jersey started out talking about small business, but small business clearly appeared to be the stalking horse here. He talked about the New York Stock Exchange. They don't deal with small business. He talked about Sarbanes-Oxley in very negative terms broadly. His complaint is not about small business, but about Sarbanes-Oxley in general. If you analyze what the gentleman said, it was an assault on Sarbanes-Oxley.

Now, Sarbanes-Oxley was passed by a Republican House and a Democratic Senate. It was signed and claimed as a great triumph by our Republican President, George Bush.

I am sad for President Bush. No Child Left Behind, Sarbanes-Oxley, immigration, Medicare part D, even the war in Iraq. Mr. Chairman, are there no Bush policies left that can escape the assault of the Republican Party? I am inclined to think that there are only two Bush policies left that command strong support on the Republican side: illegal wiretapping and torture. Everything else they appear to have abandoned.

In fact, 10 days ago, the Secretary of the Treasury, Secretary Paulson, explicitly disagreed with the gentleman from New Jersey on the need for this amendment and said, no, we don't want to do this now. This is working.

What is working is a couple of days ago the Chairman of the Securities and Exchange Commission, our former colleague Mr. Cox, said, we don't need legislation. We are in the process of changing this. All five of the Commissioners appeared, and none of them asked us for legislation. Mr. Cox specifically said it is not needed.

This is a vote of no confidence in Chris Cox and the SEC. They have said, yes, we should change this. We have more time. It is in a deferment period, and the SEC is in the process, along with the Public Company Accounting Oversight Board, of winding this down, of making it easier.

Mr. Cox was asked just yesterday, well, what is this going to cost small business? He said, we don't know yet, because we are changing it already for the big businesses that have to pay. But we are going to look at that, and we will make adjustments.

So Chris Cox, on behalf of a unanimous SEC, three Republicans, two Democrats, along with the Republican Secretary of the Treasury Mr. PAULson, says we are fixing this. Please do not at this point legislate.

Of course, what we see is, if you listen to the gentleman from New Jersey, this is the beginning of an assault on Sarbanes-Oxley in general, because much of his speech was not about small business, it was about Sarbanes-Oxley in general, which he does not like and thinks is a terrible burden and is driving people overseas.

□ 2330

It is not driving small business overseas. Nobody argues that. It is not driving small businesses off the New York Stock Exchange; they were never on it. So this is step one in the assault on Sarbanes-Oxley. It is an unnecessary assault because the SEC, under Chairman Cox, with a Republican majority and Secretary Paulson are already trying to fix this problem.

Mr. GARRETT of New Jersey. Mr. Chairman, I thank the gentleman for his comments and just point out that I also did not support No Child Left Behind, the medicare bill, the immigration bill or SOX, and I do have a No Child Left Behind bill if you would like to sign on to reform that piece of legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I voted against No Child Left Behind. I understand that. You have got nothing with Bush, and I understand that. I just felt sorry for the poor man being abandoned so much.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. FEENEY) who has been a staunch advocate of businesses large and small and making sure that they are competitive and stay strong in this country.

Mr. FEENEY. I want to thank the gentleman from New Jersey (Mr. GARRETT) because he has a great amendment here. And I also want to recognize my chairman, Mr. FRANK, because he is a passionate advocate for doing the right thing and balancing markets and freedom versus the social good.

By the way, we are not renouncing everything that the Bush administration has done. Tax cuts and pro-growth issues, the fact that we have not had a terrorist strike since 9/11 are all a few things that we ought to recognize about the Bush administration.

But look, Congress messed up before Congressman GARRETT and I got here. We are now outsourcing because of section 404 of Sarbanes-Oxley America's 100-year lead in world capital markets. Like it or not, this was never debated in the House. It was added in the Senate; 264 words, section 404 was added. Nobody knew what the cost of this would be.

By the way, the Securities and Exchange Commission testified in the Senate that it would cost the average company $92,000 a year. It turns out to be more like 30 times that. Being off by 30 times is bad work even by government standards. It's amazing.

I will tell you that one study published by the American Enterprise Institute and the Brookings Institute says that the drag on the American economy is equivalent to a $1.1 trillion regulatory tax on the U.S. economy. That is about an 8 percent tax on everything we do. It is unbelievable.

The Acting CHAIRMAN. The time of the gentleman from New Jersey (Mr. GARRETT) has expired.

Mr. FEENEY. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts and the gentleman from New Jersey each be given an additional minute.

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

There was no objection.

Mr. GARRETT of New Jersey. I yield to the gentleman from Florida.

Mr. FEENEY. I will tell you this, before Sarbanes-Oxley, foreign initial public offerings raised 90 cents of every new dollar in America. Now 90 cents of new dollar raised by international public offerings is raised overseas. We are outsourcing America's 100-year lead in capital markets.

If we want Shanghai and Hong Kong and London to be the leader in capital markets, so be it. But we are fiddling while the capital markets burn. I admire my chairman, Mr. FRANK. I think it is too little too late to let the SEC fiddle while the capital markets of America burn to their death.

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

I yield to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, just a reflection on the comments by the chairman. I appreciate the chairman wishing to defer to the expertise of the SEC. Would the chairman and the committee defer in the same manner to the SEC with regard to the issue of executive compensation as he does to the area of SOX.

The problem with the testimony that we heard in committee the other day is that after repeated questioning from both sides of the aisle as to exactly what the cost will be on business in America through the SOX reform that they are proposing right now out of the SEC on both large and small businesses, their answer was basically ''we don't know.''

They have had 2 years to look at it at the SEC, to come up with new rules and regulations, to try to bring down the complexity and the burden on businesses large and small. And after 2 years, they don't know.

Congress has directed them and the message has been made clear to the SEC that the burden, as the gentleman from Florida has already pointed out, is excessive and we asked them repeatedly, can you categorize this? Can you pinpoint how much, if any, savings there will be for businesses? And they say they don't know.

So until they do know, all we are asking for is a 1-year extension so that small businesses can have an opportune time to learn the new regulations that are basically being promulgated as we speak before they have to implement them.

Mr. REGULA. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the gentleman for yielding me time.

First, as to executive compensation, the gentleman from New Jersey, he finds inconsistencies where none exist. They are kind of like Harvey, his invisible rabbit.

On executive compensation, the SEC has said when asked that they do not have the power to do what our bill does. That is very different than Sarbanes-Oxley. With regard to Sarbanes-Oxley, Chris Cox has said I am doing this, so they are quite different.

The SEC with executive compensation said we can make them say how much it will be; if you want to go further, we have no power to do that.

That is exactly the opposite of what they have said on Sarbanes-Oxley in which they said we are fixing this, and Chris Cox said there is no reason for you to legislate.

The gentleman from New Jersey is being unfair to Chairman Cox in caricaturing him as saying ''we don't know.''

What he said when asked what it would cost is very straightforward: ''We don't know yet.'' He said we are in the process of finding out because what the chairman said is we are downsizing Sarbanes-Oxley. We are downsizing it for everybody. We will know better after we see what the new requirements are for larger businesses, how much there will be saved for smaller businesses.

The fact is that the gentleman from New Jersey quite graphically misrepresented what the SEC said. The SEC did not say ''we don't know,'' the SEC said ''we will tell you after we have had some experience.''

Mr. REGULA. Mr. Chairman, reclaiming my time, I yield to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. I believe my friend from Massachusetts, who is a great chairman of the Committee on Financial Services, I would ask him: Is it true or is it not true that America's market share of capital formation and capital control has declined since Sarbanes-Oxley has been enacted?

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The answer is ''yes'' for a variety of reasons, but I want to make this point. It has nothing to do with this amendment. The gentleman has proven my point. Small businesses don't do IPOs. It is not in the small business area where the decline has happened. So

what we see here is small business has been taken hostage by people who never liked Sarbanes-Oxley because the argument the gentleman makes has nothing to do with the specifics of the gentleman's amendment.

Mr. REGULA. Reclaiming my time, and I yield to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. I thank the gentleman.

The chairman is very sophisticated. He understands free markets more than anybody even though he doesn't always believe in free markets. But the truth of the matter is we have lost our capital market leadership for the first time in 100 years. There may be other variables, and I would agree with the chairman. But one of the variables is Sarbanes-Oxley is discouraging investment in America. By the way, American investors are sending their money overseas.

And I would ask the chairman very briefly: Do you agree or not agree that overtaxation, overregulation through Sarbanes-Oxley, and section 404, by the way, was never debated in the committee that you now chair. It was done in the Senate.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Again, the gentleman from Florida has made a general assault on Sarbanes-Oxley. He is now attacking Speaker HASTERT. The number of people who are in trouble on the Republican side by this group grows and grows and grows. It is the Speaker of the House, the gentleman from Illinois, the former Speaker, who apparently acquiesced, inappropriately, according to the gentleman. Take it up with him, I would say to the gentleman.

Mr. FEENEY. Would the gentleman yield?

Mr. FRANK of Massachusetts. Briefly.

Mr. FEENEY. Was section 404 ever debated in the Financial Services Committee that you now chair?

Mr. FRANK of Massachusetts. Because I was not the chairman, I do remember discussion of it during the conference report. But reclaiming my time.

Mr. FEENEY. Wait a minute, you didn't answer the question.

Mr. FRANK of Massachusetts. It is my time.

Mr. FEENEY. Was 404 ever debated?

Mr. FRANK of Massachusetts. Regular order, Mr. Chairman.

The Acting CHAIRMAN. The gentleman from Massachusetts controls the time.

Mr. FRANK of Massachusetts. The fact is that I will not allow my time to be diverted by internecine Republican warfare. You don't like George Bush's bill that he signed. You don't think that Oxley did a very good job. You are upset at your own leadership procedurally. You think Chris Cox doesn't know what he is doing. You disagree with Paulson.

Mr. Chairman, they can fight it out. I would like to discuss substance. I'm not here to get even for past grievances that Republicans have with other Republicans.

Again, the gentleman from Florida's assault has nothing to do with this amendment, but it is relevant in this sense: It shows that what we have here is the beginning of an attack on Sarbanes-Oxley.

The IPOs, small business don't do IPOs. Small business hasn't left America to go to England. That is the clear indication of what is up.

Now to get back to the substance, Chairman Cox and the other members of the commission said we agree it went too far in the regulation. We are scaling it back. We are scaling it back first for the big businesses who will be affected by it, and we will learn from that scaling back how much it will help smaller businesses.

Again, the gentleman from New Jersey quite unfairly mischaracterized what the commissioners said. The commissioners didn't say ''we don't know,'' period. They said we don't know now because we expect to get experience from the reductions in the scaling back we have already ordered, and that will tell us how that will help small business.

Mr. GARRETT of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. I quite candidly don't recall in any of the questioning by my side of the aisle or yours that he used the word ''yet.''

Mr. FRANK of Massachusetts. The gentleman is simply wrong. He made it very clear. I am quoting him almost verbatim when I say they said: We will find out from scaling back in general how much it will save, and then we will be able to tell you how much the savings will be.

No, I am not yielding any more because this is just not a debatable issue. The five commissioners didn't say simply ''we don't know.'' They said, ''We don't know as of now, but we will know better once we have had this experience.''

I want to go back and respond, the gentleman from Florida said the SEC is fiddling while capital markets burn. I don't think Chris Cox is fiddling.

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

Let me simply say, Mr. Chairman, I recognize this specific discussion is aimed at Sarbanes-Oxley. But in fact I have been around here for awhile, and I know that this occurs in the context of a much broader and much more insidious pattern.

The fact is if you take a look at what Republican controlled Congresses have tried to do since 1995, you will see that they have voted for appropriation after appropriation that cut the SEC budget even below the President's request. What that meant was that while that agency's workload was expanding and exploding, the ability of the SEC staff to keep up with that workload was being undermined by this body.

The percentage of all corporate filings reviewed by the agency declined dramatically from 21 percent in 1991 to about 8 percent in 2000. Is it any wonder that the Enrons of this world were convinced that they could get away with anything. After Enron failed and after we had a series of other corporations that failed, and their officers went to jail, people got scared. They decided we better do something or we will be seen as being complicit in the abandonment of government's obligation to see that investors are protected.

So what happened is they were scared finally in backing into passing Sarbanes-Oxley. They fought it all the way. And now that it is on the books and the heat is off and the cops ain't watching as much, then what are they doing, they once again want to whittle away at Sarbanes-Oxley. Not with my vote they are not going to.

I yield to the gentleman from Massachusetts.

□ 2345

Mr. FRANK of Massachusetts. Let me make the substantive argument here.

Law enforcement in America is not totalitarian. It is not authoritarian. It requires a buy-in by those regulators. And that's why this amendment would do so much damage. There is, of course, a disconnect between the amendment which hides behind small business and the broader attack on Sarbanes-Oxley that we have heard from the two speakers.

But here's where the connection comes in. The SEC, with the full backing of Secretary Paulson, all these Republican nominees, Secretary Paulson from Goldman Sachs, Chris Cox and the others, they understand that Sarbanes-Oxley was overwritten in the regulatory phase. They are writing it down, but they don't want people to just think this is chaos. They have asked us explicitly, the Secretary of the Treasury and the SEC, the Republican appointees, to let them work this out. They agree that it needs to be reduced.

But if you start now with Congress piecemeal amending it, the degree of consensus they are trying to reach in the business community will erode. If people think, oh, we got one amendment through, we got this piece out, then there will be others who want another piece, people who have always resented it. And Mr. Cox has been very careful to try to get, for instance, unanimity in the commission because he wants people not to think this is a chance he's saying, it's going one way, it's going the other. And to begin now to whittle away at his authority, when he is in the process of doing exactly what critics of Sarbanes-Oxley as it now stands say they want to do, undermines his ability to reform this in an orderly way.

Mr. FEENEY. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. FEENEY. When Sarbanes-Oxley was passed, America had roughly 48 percent of the world capital market formation. We're down to about 39 percent.

Mr. Chairman, I ask you, because you're a good friend and you're smart about this stuff, at what point will you say that there's a problem?

Mr. OBEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. First of all, does the gentleman not understand that his question, as virtually all of his debate, has zero to do with the amendment he purports to be supporting?

The fact is that the problems, yes, in China they have decided to do it in Shanghai. I think there are a lot of reasons why there has been a shifting and we're no longer overall in the world. But it has nothing to do with this amendment because it's not about small business. We haven't lost the share of small business. But the gentleman has reinforced my point. I mentioned Shanghai. Shanghai is appropriate, because this amendment is an attempt to shanghai small business into the cause of undermining Sarbanes-Oxley and undercutting the effort by the SEC, supported by the Secretary of the Treasury—and I assume the Bush administration—to allow the process of scaling back Sarbanes-Oxley to be done in an orderly, reasonable fashion.

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

The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

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

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 6 OFFERED BY MR. CONAWAY

Mr. CONAWAY. 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. 6 offered by Mr. CONAWAY:

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.

Mr. SERRANO. 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 Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Thank you, Mr. Chairman.

Perhaps the next couple of hours, and certainly most of all day tomorrow, Member after Member on our side will come down here to these microphones and attempt to reduce spending in this appropriations bill. My amendment would fix a problem that they will have should they be successful in any of their amendments.

Under our existing rules, the existing processes under which we work, the budget is passed and is allocated among the various programs under what we call a 302(b) allocation. Each of these subcommittees bring their bills down here in a total amount to be spent. As I have mentioned, Member after Member will come down here to attempt to convince a majority of us to reduce the spending that is included in the bill. Should they be successful, it's not likely but should they be successful in reducing that spending the little known secret, unknown outside the Beltway, is that the actual total amount of spending under the 302(b) allocation will not change, no matter what we do here on this floor. It stays where it is.

And so what my amendment would do, it would be to take those successful attempts to reduce spending and would funnel those dollars against the deficit that this country will continue to experience in 2008. If you look at the budget that was passed by the Democrats, the budget shows a deficit for this year. So should we be successful on any of these bills, my amendment would allow the savings to go against the deficit and in future years should we have a surplus, it would actually allow the surplus to increase.

So it's a pretty straightforward concept. Most folks back home understand when they save money in certain areas on spending, they have that money available to spend somewhere else, to put in savings, to reduce debt, to do all the kinds of things, but under our arcane system here, that money simply stays with the committee and through some process in conference gets spent again should we be successful.

I understand there's a point of order that lies against this. I do not intend to push it, and I will withdraw my amendment, but I seek to point this out one more time to anyone who might be listening at this early hour in Hawaii or late here on the east coast.

I would also like to get acknowledgment that I'm getting my amendment out of the way tonight as opposed to tomorrow when the heavy lifting on the spending cuts will occur.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. SOUDER

Mr. SOUDER. 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. SOUDER:

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 (including funds made available in title IV or VIII) may be used by the District of Columbia for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

Mr. SERRANO. 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 Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I yield myself 3 minutes.

This amendment would continue the existing ban on public funding for needle exchange programs in Washington, D.C. We have prohibited this since 1999, so we've done this for 7 years. We generally speaking have had votes in the House and Senate and voted overwhelmingly not to have the taxpayers be heroin dealers.

Intravenous drug use is associated with two epidemics, the spread of infectious diseases such as HIV and hepatitis C and illicit drug abuse and the physical, economic and social damages it does. Needle exchange programs do not increase drug abuse. They maintain it, they sustain it, they support the intravenous drug use.

Also, over the years, we can argue about the studies and we've argued on this on the House floor over and over about this study and that study. The best that you can say is studies are inconclusive. In fact, recent studies are moving to prove what I have alleged in these debates over the years, that there's no significant impact on HIV infection, in fact, we merely subsidize heroin use.

Responsible public health policy and compassion requires us to meet the primary illness, not just the outward symptoms of the disease. Addiction is what fuels HIV risk. Providing needles to addicts isn't going to help end their addiction. It is not compassionate to enable addicts to continue their addiction. What we need to do is get them off. For example, D.C. has actually reduced the funding for drug abuse and addiction treatment. They need to be focusing on addiction treatment, not providing free heroin needles.

I want to speak briefly about Vancouver, Canada, which was the model

in the western hemisphere. When they first implemented this program, I visited Vancouver and watched the distribution of needles. They assured me that this was going to get the problem under control, even though they saw rising drug abuse in the center city of Vancouver. By the next time I went up to Vancouver, they had multiple needle sites, that in fact some of the needle sites in downtown Vancouver were competing with each other and arguing over who got to provide the needles. We saw in many of these urban center areas, which has been repeated in New York and in other places where they've had these experimental programs that in fact it has increased codependency because in many of these areas where you see people who are being treated for a variety of different illnesses, you have homeless shelters, and we've seen a rise in codependency because the needle exchange programs and the heroin dealers are down where the needle exchange programs are and we've seen an increase and a rise in this.

Recent studies out of Vancouver are continuing to prove on a steady, systematic way that it has been one colossal failure that had been touted on this House floor as a solution to HIV. I believe that it is not only practically wrong for us to provide the funds through taxpayer funds to a program that is not only practically not effective in stopping HIV, it is, I believe, morally and ethically wrong to ask the taxpayers to in effect provide the very needles that keep people addicted to heroin.

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

The Acting CHAIRMAN. Does the gentleman continue to reserve his point of order?

POINT OF ORDER

Mr. SERRANO. Mr. Chairman, 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 rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.'' The amendment requires a determination.

I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair finds that this amendment imposes new duties on the Secretary. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. SOUDER

Mr. SOUDER. 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. SOUDER:

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 (including funds made available in title IV or VIII) may be used for the Prevention Works or Whitman-Walker Clinic needle exchange programs.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

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

I was hoping that we could deal with this issue in a broader amendment and I misspoke. We have a battle on the House floor over direct funding. This is in particular a limitation and I understood that under parliamentary rules my earlier amendment might be tossed out on grounds of trying to legislate on an appropriations bill.

In the past, just for the record, the Rules Committee has always protected this amendment because we felt it was absolutely critical not to have the distribution of needles to heroin addicts in our capital city of America. But since the Rules Committee did not protect the general, this particular amendment in front of us doesn't really have a broad, sweeping effect on the District of Columbia but in fact targets two programs that have in fact in the past ineffectively distributed needles and syringes.

The general question is, and this is a proxy vote, is do you believe that needles should be distributed to heroin addicts by public enemies, and particularly in our Nation's Capital. Should we repeat in the streets of Washington, DC, what has failed in so many cities in the United States and around the world, in a, I believe, heartfelt honest attempt to reduce HIV virus, instead hasn't reduced HIV virus or at least at best—there is dispute as to that—but has in fact increased and sustained heroin addiction in the United States.

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

Mr. SERRANO. Mr. Chairman, I rise in very strong opposition to this amendment.

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

Mr. SERRANO. Mr. Chairman, this is one of those amendments that leaves you scratching your head. This really is an issue that has been visited for so many years and well understood by the medical profession and activists and citizens throughout this country. We are not promoting the use of drugs. In fact, every needle exchange program that I am familiar with, including the one that exists in my congressional district, encourages people to seek treatment, demands in many cases that you seek treatment. But all it says is that while you are a drug addict, while you are trying to get off that addiction, that you not spread the HIV virus by sharing needles.

This is a very sensible medical approach to a very serious social issue and a medical issue. When you have folks who are addicted, the impression that some people get is that this is some sort of a party that people go to and they get drugs by getting needles. What you get is a medical procedure that says you're addicted, we want to help you, we want you to submit yourself to treatment, but in the meantime we will ask you to use this needle rather than one that you can share with someone else and either get the HIV virus or pass it on to someone else.

Washington, DC, is number one in the Nation in AIDS cases right now. All this language says is that the local government will be able to use its local funds to put forth a needle exchange program. My God. To what extent will we continue in this House as we have in the past to take every social issue that we can't win in our local districts and bring it and put it on the people of the District of Columbia and say this is how we want you to behave, because this is what I believe in and back home I can't do this, so I'm going to do it on you and I'm going to do it to you.

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The mayor, city council, the leadership, has asked over and over again, give us the opportunity to deal with this issue on our own, in our own way, and in our own terms.

We are not, if I had my way, I would have said that Federal funds could be used for a needle exchange program. That's who I am. But that's not what this says. This simply says that those dollars that are raised locally by the people in the District of Columbia, that they can use it for a program that can save lives, that can stop the spread of AIDS, that can deal with an issue in the most proper and humane way.

This is one of those issues where you have to go deep into your soul, into your heart and not deal with the rhetoric of what sounds right in a 30-second sound bite, but what is proper for public safety, for public health, and for the human dignity of a person that already has a major problem.

I have dealt with a lot of people who are addicted for a long time in my district. I know the pain they go through. At the expense of perhaps making light of it, when they show up at a needle exchange program, they are not dressed in tuxedos with martinis in their hands having a ball. They are people who are hurting, hurting and trying to survive somehow. This may just give them a chance not to get sick, but perhaps just as important, or most importantly, not to make someone else sick.

I would hope that the gentleman fully understands what this is. One, it's local control over the destiny of the District of Columbia; and, secondly, it is a proper medical way for this society to deal with an issue.

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

Mr. SOUDER. Mr. Chairman, may I ask how much time remains?

The CHAIRMAN. The gentleman from Indiana has 3½ minutes remaining.

Mr. SOUDER. Mr. Chairman, I yield myself 2½ minutes.

First, I want to make it absolutely career that I have spent much of my career work on antinarcotics effort, and it is not a cavalier, cheap shot-type amendment here. I have visited the Vancouver multiple times. I have visited the heroin centers in Switzerland. I have been on the streets of New York and other areas where this has purported to do what the gentleman claims it does. It doesn't. The gentleman didn't cite any study, to the degree there are studies. I have already acknowledged they are mixed. But the net impact is it hasn't seen a reduction in HIV use, and it has seen an increase in heroin use.

Secondly, as far as Washington DC, they have 80 beds, capacity for 80 beds for detoxification. That is not a serious effort to reduce heroin.

Thirdly, we fund the District of Columbia. It is our national capital. You can criticize or say that we micromanage, but, in fact, we provide much of the funding that goes in the District of Columbia, and it is, if not directly, at least indirectly taxpayer funds. Because it is a national capital, that is why it is set up as the District of Columbia.

Now, I understand there is frustration with that, but we have also tried to limit any direct or indirect funds to heroin needle exchanges anywhere in the country. This isn't targeted at Washington DC. You can look at my record. I am willing to target anybody on this program, because I don't believe it reduces HIV. I do believe it increases heroin addiction. I do believe that, in fact, it has been a well-intended, as I said, program, that has worked out to be counterproductive.

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

Mr. SERRANO. Mr. Chairman, just one comment. First of all, the committee received a letter in support of removing the prohibition signed by 29 leaders of medical, public health and social service organizations.

In addition, while drug use is illegal, users should not have to pay with their lives. Studies conducted by the CDC, NIH, National Academies of Science and the GAO, which demonstrate that needle exchange programs reduce the incidence of HIV. I mean, this is an array of serious government agencies saying that this, in fact, reduces HIV.

So, on the one hand we spent a lot of money in this country, both here at home and overseas. To the President's credit, he has picked up the ball lately on that issue, and has responded better than in the past on the idea of fighting this disease throughout the world.

Well, right here at home, right here in the Nation's Capital, where the largest number of people infected exist now, the largest ratio, we could deal with this by simply allowing them to do what they must do.

Mr. SOUDER. Mr. Chairman, I yield myself the balance of my time.

First off, we have quoted study after study on this House floor, indirect studies contracted out by different people at different times have, in fact, proven different things depending on what you want to try to prove. The net impact of it is it hasn't reduced HIV, and it has not reduced but, in fact, we have seen heroin addiction go up.

Medical associations are on both sides of the record on this issue, because on the early days of this issue it showed great promise, and there was great hope that, in fact, it might work, but that it has not. What we really need is drug treatment, not drug enable willing. What you can see when you go into these difference centers and visit them is, as a matter of fact, some people come in, they see it as a way to get clean needles. But when you analyze the studies, it's not even that those who were using dirty needles used dirty needles less, they use heroin more.

During the periods of time where they could get the needles at the distribution points, they get the needles at the distribution points. At other times, when they want to get caught up, they go get the dirty needles. It doesn't even reduce. In a case-by-case basis, there's not proven sustained evidence that it even reduces the dirty needles of those who go to the centers. Unless you have round-the-clock constant track usage in a controlled setting, it simply doesn't have the impact that it claims to have.

I believe that this is good Federal policy that we have maintained since 1999, and we should keep this policy.

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

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

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

Mr. OBEY. Mr. Chairman, I want to congratulate the gentleman from Indiana. I was not aware of the fact that he had gotten a medical degree. I don't think he is a doctor, and neither am I, and so I would submit that neither one of us are actually qualified to make final judgments about medical matters.

But I am also bothered by something else. You know, I came here to be a Member of the United States Congress. I didn't come here to be a Member of the D.C. City Council. I'm certainly not getting paid for it. I don't know if the gentleman is, but I'm not, and I don't feel like doing double duty as a city councilman at 7 minutes after midnight. I don't even think I would feel like doing that tomorrow.

But what I am bothered by is the idea that somehow we think we can come from our own communities, our own States, and then come to this town, because we happen to technically approve the district's budget in a plantation-type style, we, therefore, begin to tell the District of Columbia that we are going to decide what kind of medical advice is relevant. I heard the gentleman say this in debate, I believe it is wrong.

Well, the gentleman is perfectly entitled to that opinion, just as I am entitled to my opinion. But the fact is that I don't believe that it makes much sense for either Dr. SOUDER or Dr. OBEY to be telling D.C. how they can use their own money. I think it's the height of arrogance on the part of the Congress.

If you want to dictate to communities, would you dare go home and dictate to your own hometown what the city council ought to do? Would you say that because we provide Federal money to your city council, that somehow we should decide what their policy ought to be on medical matters? I don't think so.

I am baffled by people, especially by conservatives, who every day will profess to believe in local control, States' rights and the like, but then when it comes to the District of Columbia, they say, well, because we have a special opportunity, we are going to impose our judgment on yours. I don't think this is about the issue of needle exchange or drugs. I detest drugs. My God, look what they have done to Rush Limbaugh.

But for God's sake, it seems to me that we ought to have enough restraint to recognize that if we wanted to dictate to the D.C. what their policies ought to be, then we ought to resign from Congress and run for city council for the District of Columbia, or maybe even mayor.

But until that time, it seems to me that the District of Columbia government has the right to make their own choices even if they are wrong.

Now, Will Rogers said once that when two people agree on everything, one of them is unnecessary.

I would submit that I don't have to agree with the gentleman's opinion, and he doesn't have to agree with mine to recognize that we have got a right to state those opinions and follow up on them on Federal matters. But we are interfering in the operation of a local city, and we have no right to do that on education, on drugs or anything else.

You learn from your own mistakes, and if the District of Columbia is making the wrong choice, then I suspect in time evidence will show they made the wrong choice.

But, until then, we are imposing our own judgment on a life-threatening matter. As one layman to another, that makes no sense whatsoever.

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

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

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

Mr. REGULA. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, as my friend from Wisconsin knows my issue on this commitment goes far beyond the District of Columbia. This doesn't have anything to do with the goal of being a city council member in the District of Columbia.

I believe any type of funding of heroin needles is counterproductive, and there are plenty of medical experts on both sides who will make that argument either direction. But evidence is increasingly proving that the one group of doctors, the one group of researchers and the 7 years of legislation here are being proven correct, and time will prove them even more correct.

But I do want to address the underlying fundamental question on whether we have a right to legislate in the District of Columbia.

Obviously, the Constitution from the founding of this country has treated the District of Columbia differently. It's our national capital. We have increasingly given them more flexibility.

I think that that is, generally speaking, a good thing. But we don't have a Fort Wayne, Indiana, appropriations bill that comes to the floor. We get some funding, but there are not special bills that come from taxpayer dollars all over America. Nor is there a northern Wisconsin funding bill that comes to the House floor.

When we take large sums of money from our districts that then gets used in policies, in our national capital, that was set up to be different than the other States, with different guidelines and difference regulations, then we do have some obligation to the taxpayers in our district and to our Nation that chose us as the national capital and an appropriations process that set us up where we are taking funds from other States because this is our national capital, and which none of us resents putting funds in because it's our national capital. We use much of the space here, we have put certain restrictions in the city.

I believe we are justified then in trying to do wise policies to the degree possible when necessary in the city. But my opposition to heroin needles is not just restricted to District of Columbia. This is bad policy that does not help the HIV problem and does expand the heroin problem.

Mr. OBEY. Would the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me simply say, I would agree with the gentleman if his amendment was limited only to the money that we are appropriating to the District of Columbia. What I don't agree with is when we impose that same judgment on the use of their local money.

Mr. SOUDER. Would the gentleman yield?

Mr. REGULA. I yield to the gentleman from Indiana.

Mr. SOUDER. The point is, we have debated this in multiple ways, we had faith-based debates. We had the debate the other day on international family planning. Money is fungible, and it's very difficult to sort out which is which when it's this big amount of funds we put into the city.

Mr. REGULA. I yield back the balance of my time.

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

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

Mr. SERRANO. Mr. Chairman, in anticipation of the possibility that we would allow them to use their local dollars, the District of Columbia already has put together a plan, a very comprehensive plan to deal with this issue.

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That is the plan presented to the committee by Dr. Greg Payne, the Director of the Department of Health. In it, they speak about the dollars they want to spend and the agencies they want to deal with at the local level. They are very serious about the fact that they want this done, and we should be supportive of it.

I did not, in my comments, intend, nor do I now, to question the gentleman's commitment to his belief that this is not a good program. I respect that. I disagree with you, but that was never my intent, if that's what you got out of it.

But I know that you would not be able to present this kind of an approach anywhere else except when it comes to dealing with the District of Columbia because it is, for all intents and purposes, a territory or a colony. And I take that very seriously because I was born there, an America colony. And I'll be darned if I'm going to be the Governor, now in charge by the Congress of a colony. I don't want to do to D.C. what I feel has been done to my birthplace for 109 years. I fight every day to make that a better situation.

And I think what's happened is somewhere along the way we discovered in Congress, and at times it's been done by everybody, we discovered in Congress that there was a playground, there was a place where we could put forth issues that we thought were important issues. And so if you look at the provisions that prohibit local and/or Federal funds from being used in D.C., you see everything from the abortion issue to the gay issue, to the domestic partners issue, to the needle exchange issue; just about every issue that we have ever decided is important in this country, we've used D.C. as the example. And why? Because they can't fight back because they're powerless because they are, indeed, a colony.

Well, I don't know how long I'm going to be chairman of this committee, but as long as I'm chairman of this committee, I will work hard on many issues, and one of them is to alleviate the burden of the District of Columbia to have to be treated like a colony of the U.S. Congress.

Let us do this locally. Let us all decide that if you really believe in something like this, do it locally.

Let me read to you something that Mayor Fenty wrote to us. And I always mention the fact, and I don't want to put my ranking member in a difficult situation, although, you know, he's tough enough to handle it, but he and I are big fans of this Mayor. We're big fans of the vision he presents. We're big fans of giving the District every opportunity to succeed. He says it more than I do. In every opening statement, at every committee hearing, he brings up D.C. as something, a group of people he wants to help.

The Mayor says, statistics in 2005 show that D.C. has the highest rate of AIDS cases in the country, a rate that is over six times the national average. An estimated 1 in 20 D.C. residents is infected with HIV. Nearly 1 in 50 has full-blown AIDS.

My God, if this is true, and it is, then why wouldn't we let them at least use their local funds to deal with this issue?

You know, I don't know 50 years from now how we're going to be judged, but I think that an issue that may not get the importance it gets now, like this one, will be one of the ones that will judge all of us as to what we did when we had an opportunity to do something.

Mr. SOUDER. Will the gentleman yield?

Mr. SERRANO. Absolutely.

Mr. SOUDER. I want to make just two brief points. One is Vancouver, when they were first looking at it because of their at that time rising AIDS rates, which were not nearly as high at D.C., had a similar plan, or met with similar people from the medical community, and they've been proven wrong. Just because you have a plan and it came from the medical community does not mean it will work, and the program hasn't worked.

But I do want to make, if I could, one personal clarification. I am more than willing and have worked to put this restriction on every city in America. I don't distinguish Washington, D.C., from others, and I don't appreciate the implication that I would treat it like a plantation. I believe this restriction ought to apply to every city.

Mr. SERRANO. Well, with all due respect, and reclaiming my time, you may not feel that it's treated like a plantation, you may not feel that it's treated like a colony, but let me tell you, I don't know a plantation, but I know a colony, and we do treat it like a colony.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. 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 Indiana will be postponed.

Mr. SERRANO. 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. LIPINSKI) having assumed the chair, Mr. ALTMIRE, 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. 2829), making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

PUBLICATION OF THE RULES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Madam Speaker, I submit for publication the attached copy of the Rules of the Committee on Standards of Official Conduct for the U.S. House of Representatives for the 11Oth Congress. The Committee on Standards of Official Conduct adopted these rules pursuant to House Rule XI, clause 2(a)(1) on February 16, 2007. I am submitting these rules for publication in compliance with House Rule XI, clause 2(a)(2).

RULES—COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

ADOPTED FEBRUARY 16, 2007

FOREWORD

The Committee on Standards of Official Conduct is unique in the House of Representatives. Consistent with the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help insure that the Committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House of Representatives.

PART I—GENERAL COMMITTEE RULES

Rule 1. General Provisions

(a) So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee. The Committee adopts these rules under the authority of clause 2(a)(I) of Rule XI of the Rules of the House of Representatives, 110th Congress.

(b) The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

(d) The Chairman and Ranking Minority Member shall have access to such information that they request as necessary to conduct Committee business.

Rule 2. Definitions

(a) ''Committee'' means the Committee on Standards of Official Conduct.

(b) ''Complaint'' means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate an inquiry.

(c) ''Inquiry'' means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(d) ''Investigative Subcommittee'' means a subcommittee designated pursuant to Rule 19(a) to conduct an inquiry to determine if a Statement of Alleged Violation should be issued.

(e) ''Statement of Alleged Violation'' means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations against a Member, officer, or employee of the House of Representatives of a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities.

(f) ''Adjudicatory Subcommittee'' means a subcommittee designated pursuant to Rule 23(a), that holds an adjudicatory hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(g) ''Sanction Hearing'' means a Committee hearing to determine what sanction, if any, to adopt or to recommend to the House of Representatives.

(h) ''Respondent'' means a Member, officer, or employee of the House of Representatives who is the subject of a complaint filed with the Committee or who is the subject of an inquiry or a Statement of Alleged Violation.

(i) ''Office of Advice and Education'' refers to the Office established by section 803(i) of the Ethics Reform Act of 1989. The Office handles inquiries; prepares written opinions in response to specific requests; develops general guidance; and organizes seminars, workshops, and briefings for the benefit of the House of Representatives.

(j) ''Member'' means a Representative in, or a Delegate to, or the Resident Commissioner to, the U.S. House of Representatives.

Rule 3. Advisory Opinions and Waivers

(a) The Office of Advice and Education shall handle inquiries; prepare written opinions providing specific advice; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives, may request a written opinion with respect to the propriety of any current or proposed conduct of such Member, officer, or employee.

(c) The Office of Advice and Education may provide information and guidance regarding laws, rules, regulations, and other standards of conduct applicable to Members, officers, and employees in the performance of their duties or the discharge of their responsibilities.

(d) In general, the Committee shall provide a written opinion to an individual only in response to a written request, and the written opinion shall address the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as employing authority.

(e) A written request for an opinion shall be addressed to the Chairman of the Committee and shall include a complete and accurate statement of the relevant facts. A request shall be signed by the requester or the requester's authorized representative or employing authority. A representative shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(f) The Office of Advice and Education shall prepare for the Committee a response to each written request for an opinion from a Member, officer or employee. Each response shall discuss all applicable laws, rules, regulations, or other standards.

(g) Where a request is unclear or incomplete, the Office of Advice and Education may seek additional information from the requester.

(h) The Chairman and Ranking Minority Member are authorized to take action on behalf of the Committee on any proposed written opinion that they determine does not require consideration by the Committee. If the Chairman or Ranking Minority Member requests a written opinion, or seeks a waiver, extension, or approval pursuant to Rules 3(1), 4(c), 4(e), or 4(h), the next ranking member of the requester's party is authorized to act in lieu of the requester.

(i) The Committee shall keep confidential any request for advice from a Member, officer, or employee, as well as any response thereto.

(j) The Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.

(k) Information provided to the Committee by a Member, officer, or employee seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under clause 3(a)(2) or clause 3(b) of Rule XI of the Rules of the House of Representatives, if such Member, officer, or employee acts in good faith in accordance with the written advice of the Committee.

(l) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule), or for any other waiver or approval, shall be treated in all respects like any other request for a written opinion.

(m) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule) shall specify the nature of the waiver being sought and the specific circumstances justifying the waiver.

(n) An employee seeking a waiver of time limits applicable to travel paid for by a private source shall include with the request evidence that the employing authority is aware of the request. In any other instance where proposed employee conduct may reflect on the performance of official duties, the Committee may require that the requester submit evidence that the employing authority knows of the conduct.

Rule 4. Financial Disclosure

(a) In matters relating to Title I of the Ethics in Government Act of 1978, the Committee shall coordinate with the Clerk of the House of Representatives, Legislative Resource Center, to assure that appropriate individuals are notified of their obligation to file Financial Disclosure Statements and that such individuals are provided in a timely fashion with filing instructions and forms developed by the Committee.

(b) The Committee shall coordinate with the Legislative Resource Center to assure that information that the Ethics in Government Act requires to be placed on the public record is made public.

(c) The Chairman and Ranking Minority Member are authorized to grant on behalf of the Committee requests for reasonable extensions of time for the filing of Financial Disclosure Statements. Any such request must be received by the Committee no later than the date on which the statement in

question is due. A request received after such date may be granted by the Committee only in extraordinary circumstances. Such extensions for one individual in a calendar year shall not exceed a total of 90 days. No extension shall be granted authorizing a non-incumbent candidate to file a statement later than 30 days prior to a primary or general election in which the candidate is participating.

(d) An individual who takes legally sufficient action to withdraw as a candidate before the date on which that individual's Financial Disclosure Statement is due under the Ethics in Government Act shall not be required to file a Statement. An individual shall not be excused from filing a Financial Disclosure Statement when withdrawal as a candidate occurs after the date on which such Statement was due.

(e) Any individual who files a report required to be filed under title I of the Ethics in Government Act more than 30 days after the later of—

(1) the date such report is required to be filed, or

(2) if a filing extension is granted to such individual, the last day of the filing extension period, is required by such Act to pay a late filing fee of $200. The Chairman and Ranking Minority Member are authorized to approve requests that the fee be waived based on extraordinary circumstances.

(f) Any late report that is submitted without a required filing fee shall be deemed procedurally deficient and not properly filed.

(g) The Chairman and Ranking Minority Member are authorized to approve requests for waivers of the aggregation and reporting of gifts as provided by section 102(a)(2)(C) of the Ethics in Government Act. If such a request is approved, both the incoming request and the Committee response shall be forwarded to the Legislative Resource Center for placement on the public record.

(h) The Chairman and Ranking Minority Member are authorized to approve blind trusts as qualifying under section 102(t)(3) of the Ethics in Government Act. The correspondence relating to formal approval of a blind trust, the trust document, the list of assets transferred to the trust, and any other documents required by law to be made public, shall be forwarded to the Legislative Resource Center for such purpose.

(i) The Committee shall designate staff counsel who shall review Financial Disclosure Statements and, based upon information contained therein, indicate in a form and manner prescribed by the Committee whether the Statement appears substantially accurate and complete and the filer appears to be in compliance with applicable laws and rules.

(j) Each Financial Disclosure Statement shall be reviewed within 60 days after the date of filing.

(k) If the reviewing counsel believes that additional information is required because (1) the Statement appears not substantially accurate or complete, or (2) the filer may not be in compliance with applicable laws or rules, then the reporting individual shall be notified in writing of the additional information believed to be required, or of the law or rule with which the reporting individual does not appear to be in compliance. Such notice shall also state the time within which a response is to be submitted. Any such notice shall remain confidential.

(l) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who concurs with the Committee's notification that the Statement is not complete, or that other action is required, shall submit the necessary information or take appropriate action. Any amendment may be in the form of a revised Financial Disclosure Statement or an explanatory letter addressed to the Clerk of the House of Representatives.

(m) Any amendment shall be placed on the public record in the same manner as other Statements. The individual designated by the Committee to review the original Statement shall review any amendment thereto.

(n) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who does not agree with the Committee that the Statement is deficient or that other action is required, shall be provided an opportunity to respond orally or in writing. If the explanation is accepted, a copy of the response, if written, or a note summarizing an oral response, shall be retained in Committee files with the original report.

(o) The Committee shall be the final arbiter of whether any Statement requires clarification or amendment.

(p) If the Committee determines, by vote of a majority of its members, that there is reason to believe that an individual has willfully failed to file a Statement or has willfully falsified or willfully failed to file information required to be reported, then the Committee shall refer the name of the individual, together with the evidence supporting its finding, to the Attorney General pursuant to section 104(b) of the Ethics in Government Act. Such referral shall not preclude the Committee from initiating such other action as may be authorized by other provisions of law or the Rules of the House of Representatives.

Rule 5. Meetings

(a) The regular meeting day of the Committee shall be the second Wednesday of each month, except when the House of Representatives is not meeting on that day. When the Committee Chairman determines that there is sufficient reason, a meeting may be called on additional days. A regularly scheduled meeting need not be held when the Chairman determines there is no business to be considered.

(b) The Chairman shall establish the agenda for meetings of the Committee and the Ranking Minority Member may place additional items on the agenda.

(c) All meetings of the Committee or any subcommittee shall occur in executive session unless the Committee or subcommittee, by an affirmative vote of a majority of its members, opens the meeting or hearing to the public.

(d) Any hearing held by an adjudicatory subcommittee or any sanction hearing held by the Committee shall be open to the public unless the Committee or subcommittee, by an affirmative vote of a majority of its members, closes the hearing to the public.

(e) A subcommittee shall meet at the discretion of its Chairman.

(f) Insofar as practicable, notice for any Committee or subcommittee meeting shall be provided at least seven days in advance of the meeting. The Chairman of the Committee or subcommittee may waive such time period for good cause.

Rule 6. Committee Staff

(a) The staff is to be assembled and retained as a professional, nonpartisan staff.

(b) Each member of the staff shall be professional and demonstrably qualified for the position for which he is hired.

(c) The staff as a whole and each individual member of the staff shall perform all official duties in a nonpartisan manner.

(d) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(e) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific prior approval from the Chairman and Ranking Minority Member.

(f) All staff members shall be appointed by an affirmative vote of a majority of the members of the Committee. Such vote shall occur at the first meeting of the membership of the Committee during each Congress and as necessary during the Congress.

(g) Subject to the approval of the Committee on House Administration, the Committee may retain counsel not employed by the House of Representatives whenever the Committee determines, by an affirmative vote of a majority of the members of the Committee, that the retention of outside counsel is necessary and appropriate.

(h) If the Committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(i) Outside counsel may be dismissed prior to the end of a contract between the Committee and such counsel only by a majority vote of the members of the Committee.

(j) In addition to any other staff provided for by law, rule, or other authority, with respect to the Committee, the Chairman and Ranking Minority Member each may appoint one individual as a shared staff member from his or her personal staff to perform service for the Committee. Such shared staff may assist the Chairman or Ranking Minority Member on any subcommittee on which he serves. Only paragraphs (c) and (e) of this Rule and Rule 7 (b) shall apply to shared staff.

Rule 7. Confidentiality

(a) Before any Member or employee of the Committee, including members of an investigative subcommittee selected under clause 5(a)(4) of Rule X of the House of Representatives and shared staff designated pursuant to Committee Rule 6(j), may have access to information that is confidential under the rules of the Committee, the following oath (or affirmation) shall be executed in writing:

''I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Standards of Official Conduct, any information received in the course of my service with the Committee, except as authorized by the Committee or in accordance with its rules.''

Copies of the executed oath shall be provided to the Clerk of the House as part of the records of the House. Breaches of confidentiality shall be investigated by the Committee and appropriate action shall be taken.

(b) No member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the Committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the Committee.

(c) Committee members and staff shall not disclose any evidence relating to an investigation to any person or organization outside the Committee unless authorized by the Committee.

(d) Members and staff of the Committee shall not disclose to any person or organization outside the Committee, unless authorized by the Committee, any information regarding the Committee's or a subcommittee's investigative, adjudicatory or other proceedings, including but not limited to: (i) the fact or nature of any complaints; (ii) executive session proceedings; (iii) information pertaining to or copies of any Committee or

subcommittee report, study or other document which purports to express the views, findings, conclusions or recommendations of the Committee or subcommittee in connection with any of its activities or proceedings; or (iv) any other information or allegation respecting the conduct of a Member, officer or employee of the House.

(e) Except as otherwise specifically authorized by the Committee, no Committee member or staff member shall disclose to any person outside the Committee, the name of any witness subpoenaed to testify or to produce evidence.

(f) The Committee shall not disclose to any person or organization outside the Committee any information concerning the conduct of a respondent until it has transmitted a Statement of Alleged Violation to such respondent and the respondent has been given full opportunity to respond pursuant to Rule 22. The Statement of Alleged Violation and any written response thereto shall be made public at the first meeting or hearing on the matter that is open to the public after such opportunity has been provided. Any other materials in the possession of the Committee regarding such statement may be made public as authorized by the Committee to the extent consistent with the Rules of the House of Representatives. If no public hearing is held on the matter, the Statement of Alleged Violation and any written response thereto shall be included in the Committee's final report on the matter to the House of Representatives.

(g) Unless otherwise determined by a vote of the Committee, only the Chairman or Ranking Minority Member of the Committee, after consultation with each other, may make public statements regarding matters before the Committee or any subcommittee.

(h) The Committee may establish procedures necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

Rule 8. Subcommittees—General Policy and Structure

(a) Notwithstanding any other provision of these Rules, the Chairman and Ranking Minority Member of the Committee may consult with an investigative subcommittee either on their own initiative or on the initiative of the subcommittee, shall have access to evidence and information before a subcommittee with whom they so consult, and shall not thereby be precluded from serving as full, voting members of any adjudicatory subcommittee. Except for the Chairman and Ranking Minority Member of the Committee pursuant to this paragraph, evidence in the possession of an investigative subcommittee shall not be disclosed to other Committee members except by a vote of the subcommittee.

(b) The Committee may establish other noninvestigative and nonadjudicatory subcommittees and may assign to them such functions as it may deem appropriate. The membership of each subcommittee shall provide equal representation for the majority and minority parties.

(c) The Chairman may refer any bill, resolution, or other matter before the Committee to an appropriate subcommittee for consideration. Any such bill, resolution, or other matter may be discharged from the subcommittee to which it was referred by a majority vote of the Committee.

(d) Any member of the Committee may sit with any noninvestigative or nonadjudicatory subcommittee, but only regular members of such subcommittee may vote on any matter before that subcommittee.

Rule 9. Quorums and Member Disqualification

(a) The quorum for an investigative subcommittee to take testimony and to receive evidence shall be two members, unless otherwise authorized by the House of Representatives.

(b) The quorum for an adjudicatory subcommittee to take testimony, receive evidence, or conduct business shall consist of a majority plus one of the members of the adjudicatory subcommittee.

(c) Except as stated in clauses (a) and (b) of this rule, a quorum for the purpose of conducting business consists of a majority of the members of the Committee or subcommittee.

(d) A member of the Committee shall be ineligible to participate in any Committee or subcommittee proceeding in which he is the respondent.

(e) A member of the Committee may disqualify himself from participating in any investigation of the conduct of a Member, officer, or employee of the House of Representatives upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision. If the Committee approves and accepts such affidavit of disqualification, or if a member is disqualified pursuant to Rule 17(e) or Rule 23(a), the Chairman shall so notify the Speaker and ask the Speaker to designate a Member of the House of Representatives from the same political party as the disqualified member of the Committee to act as a member of the Committee in any Committee proceeding relating to such investigation.

Rule 10. Vote Requirements

(a) The following actions shall be taken only upon an affirmative vote of a majority of the members of the Committee or subcommittee, as appropriate:

(1) Issuing a subpoena.

(2) Adopting a full Committee motion to create an investigative subcommittee.

(3) Adoption or amendment of a Statement of Alleged Violation.

(4) Finding that a count in a Statement of Alleged Violation has been proved by clear and convincing evidence.

(5) Sending a letter of reproval.

(6) Adoption of a recommendation to the House of Representatives that a sanction be imposed.

(7) Adoption of a report relating to the conduct of a Member, officer, or employee.

(8) Issuance of an advisory opinion of general applicability establishing new policy.

(b) Except as stated in clause (a), action may be taken by the Committee or any subcommittee thereof by a simple majority, a quorum being present.

(c) No motion made to take any of the actions enumerated in clause (a) of this Rule may be entertained by the Chair unless a quorum of the Committee is present when such motion is made.

Rule 11. Committee Records

(a) All communications and all pleadings pursuant to these rules shall be filed with the Committee at the Committee's office or such other place as designated by the Committee.

(b) All records of the Committee which have been delivered to the Archivist of the United States shall be made available to the public in accordance with Rule VII of the Rules of the House of Representatives.

Rule 12. Broadcasts of Committee and Subcommittee Proceedings

(a) Television or radio coverage of a Committee or subcommittee hearing or meeting shall be without commercial sponsorship.

(b) No witness shall be required against his or her will to be photographed or otherwise to have a graphic reproduction of his or her image made at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness, all media microphones shall be turned off, all television and camera lenses shall be covered, and the making of a graphic reproduction at the hearing shall not be permitted. This paragraph supplements clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The Committee may allocate the positions of permitted television cameras among the television media in consultation with the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of that witness and that member to each other.

(e) Television cameras shall not be placed in positions that unnecessarily obstruct the coverage of the hearing or meeting by the other media.

PART II—INVESTIGATIVE AUTHORITY

Rule 13. House Resolution

Whenever the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation, the provisions of the resolution, in conjunction with these Rules, shall govern. To the extent the provisions of the resolution differ from these Rules, the resolution shall control.

Rule 14. Committee Authority to Investigate—General Policy

(a) Pursuant to clause 3(b) of Rule XI of the Rules of the House of Representatives, the Committee may exercise its investigative authority when:

(1) information offered as a complaint by a Member of the House of Representatives is transmitted directly to the Committee;

(2) information offered as a complaint by an individual not a Member of the House is transmitted to the Committee, provided that a Member of the House certifies in writing that he or she believes the information is submitted in good faith and warrants the review and consideration of the Committee;

(3) the Committee, on its own initiative, establishes an investigative subcommittee;

(4) a Member, officer, or employee is convicted in a Federal, State, or local courts of a felony; or

(5) the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation.

(b) The Committee also has investigatory authority over:

(1) certain unauthorized disclosures of intelligence-related information, pursuant to House Rule X, clauses 11(g)(4) and (g)(5); or

(2) reports received from the Office of the Inspector General pursuant to House Rule II, clause 6(c)(5).

Rule 15. Complaints

(a) A complaint submitted to the Committee shall be in writing, dated, and properly verified (a document will be considered properly verified where a notary executes it with the language, ''Signed and sworn to (or affirmed) before me on (date) by (the name of the person)'' setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereinafter referred to as the ''complainant'');

(2) the name and position or title of the respondent;

(3) the nature of the alleged violation of the Code of Official Conduct or of other law, rule, regulation, or other standard of conduct applicable to the performance of duties or discharge of responsibilities; and

(4) the facts alleged to give rise to the violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.

(b) Any documents in the possession of the complainant that relate to the allegations may be submitted with the complaint.

(c) Information offered as a complaint by a Member of the House of Representatives may be transmitted directly to the Committee.

(d) Information offered as a complaint by an individual not a Member of the House may be transmitted to the Committee, provided that a Member of the House certifies in writing that he or she believes the information is submitted in good faith and warrants the review and consideration of the Committee.

(e) A complaint must be accompanied by a certification, which may be unsworn, that the complainant has provided an exact copy of the filed complaint and all attachments to the respondent.

(f) The Committee may defer action on a complaint against a Member, officer, or employee of the House of Representatives when the complaint alleges conduct that the Committee has reason to believe is being reviewed by appropriate law enforcement or regulatory authorities, or when the Committee determines that it is appropriate for the conduct alleged in the complaint to be reviewed initially by law enforcement or regulatory authorities.

(g) A complaint may not be amended without leave of the Committee. Otherwise, any new allegations of improper conduct must be submitted in a new complaint that independently meets the procedural requirements of the Rules of the House of Representatives and the Committee's Rules.

(h) The Committee shall not accept, and shall return to the complainant, any complaint submitted within the 60 days prior to an election in which the subject of the complaint is a candidate.

(i) The Committee shall not consider a complaint, nor shall any investigation be undertaken by the Committee, of any alleged violation which occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation which occurred in a more recent Congress.

Rule 16. Duties of Committee Chairman and Ranking Minority Member

(a) Whenever information offered as a complaint is submitted to the Committee, the Chairman and Ranking Minority Member shall have 14 calendar days or 5 legislative days, whichever occurs first, to determine whether the information meets the requirements of the Committee's rules for what constitutes a complaint.

(b) Whenever the Chairman and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee's rules for what constitutes a complaint, they shall have 45 calendar days or 5 legislative days, whichever is later, after the date that the Chairman and Ranking Minority Member determine that information filed meets the requirements of the Committee's rules for what constitutes a complaint, unless the Committee by an affirmative vote of a majority of its members votes otherwise, to—

(1) recommend to the Committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(2) establish an investigative subcommittee; or

(3) request that the Committee extend the applicable 45-calendar day period when they determine more time is necessary in order to make a recommendation under paragraph (1) or (2) of Rule 16(b).

(c) The Chairman and Ranking Minority Member may jointly gather additional information concerning alleged conduct which is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or the Chairman or Ranking Minority Member has placed on the agenda the issue of whether to establish an investigative subcommittee.

(d) If the Chairman and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee rules for what constitutes a complaint, and the complaint is not disposed of within 45 calendar days or 5 legislative days, whichever is later, and no additional 45-day extension is made, then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. If at any time during the time period either the Chairman or Ranking Minority Member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the Committee.

(e) Whenever the Chairman and Ranking Minority Member jointly determine that information submitted to the Committee does not meet the requirements for what constitutes a complaint set forth in the Committee rules, they may (1) return the information to the complainant with a statement that it fails to meet the requirements for what constitutes a complaint set forth in the Committee's rules; or (2) recommend to the Committee that it authorize the establishment of an investigative subcommittee.

Rule 17. Processing of Complaints

(a) If a complaint is in compliance with House and Committee Rules, a copy of the complaint and the Committee Rules shall be forwarded to the respondent within five days with notice that the complaint conforms to the applicable rules.

(b) The respondent may, within 30 days of the Committee's notification, provide to the Committee any information relevant to a complaint filed with the Committee. The respondent may submit a written statement in response to the complaint. Such a statement shall be signed by the respondent. If the statement is prepared by counsel for the respondent, the respondent shall sign a representation that he/she has reviewed the response and agrees with the factual assertions contained therein.

(c) The Committee staff may request information from the respondent or obtain additional information pertinent to the case from other sources prior to the establishment of an investigative subcommittee only when so directed by the Chairman and Ranking Minority Member.

(d) The respondent shall be notified in writing regarding the Committee's decision either to dismiss the complaint or to create an investigative subcommittee.

(e) The respondent shall be notified of the membership of the investigative subcommittee and shall have ten days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the subcommittee member cannot render an impartial and unbiased decision. The subcommittee member against whom the objection is made shall be the sole judge of his or her disqualification.

Rule 18. Committee-Initiated Inquiry

(a) Notwithstanding the absence of a filed complaint, the Committee may consider any information in its possession indicating that a Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his or her duties or the discharge of his or her responsibilities. The Chairman and Ranking Minority Member may jointly gather additional information concerning such an alleged violation by a Member, officer, or employee unless and until an investigative subcommittee has been established.

(b) If the Committee votes to establish an investigative subcommittee, the Committee shall proceed in accordance with Rule 19.

(c) Any written request by a Member, officer, or employee of the House of Representatives that the Committee conduct an inquiry into such person's own conduct shall be processed in accordance with subsection (a) of this Rule.

(d) An inquiry shall not be undertaken regarding any alleged violation that occurred before the third previous Congress unless a majority of the Committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.

(e) An inquiry shall be undertaken by an investigative subcommittee with regard to any felony conviction of a Member, officer, or employee of the House of Representatives in a Federal, State, or local court who has been sentenced. Notwithstanding this provision, the Committee has the discretion to initiate an inquiry upon an affirmative vote of a majority of the members of the Committee at any time prior to conviction or sentencing.

Rule 19. Investigative Subcommittee

(a) Upon the establishment of an investigative subcommittee, the Chairman and Ranking Minority Member of the Committee shall designate four members (with equal representation from the majority and minority parties) to serve as an investigative subcommittee to undertake an inquiry. Members of the Committee and Members of the House selected pursuant to clause 5(a)(4)(A) of Rule X of the House of Representatives, are eligible for appointment to an investigative subcommittee, as determined by the Chairman and Ranking Minority Member of the Committee. At the time of appointment, the Chairman shall designate one member of the subcommittee to serve as the chairman and the Ranking Minority Member shall designate one member of the subcommittee to serve as the ranking minority member of the investigative subcommittee. The Chairman and Ranking Minority Member of the Committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex-officio members.

(b) In an inquiry undertaken by an investigative subcommittee—

(1) All proceedings, including the taking of testimony, shall be conducted in executive session and all testimony taken by deposition or things produced pursuant to subpoena or otherwise shall be deemed to have been taken or produced in executive session.

(2) The Chairman of the investigative subcommittee shall ask the respondent and all witnesses whether they intend to be represented by counsel. If so, the respondent or witnesses or their legal representatives shall provide written designation of counsel. A respondent or witness who is represented by

counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

(3) The subcommittee shall provide the respondent an opportunity to present, orally or in writing, a statement, which must be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the inquiry.

(4) The staff may interview witnesses, examine documents and other evidence, and request that submitted statements be under oath or affirmation and that documents be certified as to their authenticity and accuracy.

(5) The subcommittee, by a majority vote of its members, may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry. Unless the Committee otherwise provides, the subpoena power shall rest in the Chairman and Ranking Minority Member of the Committee and a subpoena shall be issued upon the request of the investigative subcommittee.

(6) The subcommittee shall require that testimony be given under oath or affirmation. The form of the oath or affirmation shall be: ''Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?'' The oath or affirmation shall be administered by the Chairman or subcommittee member designated by the Chairman to administer oaths.

(c) During the inquiry, the procedure respecting the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chairman of the subcommittee or other presiding member at any investigative subcommittee proceeding shall rule upon any question of admissibility or pertinency of evidence, motion, procedure or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness' counsel, or a member of the subcommittee may appeal any rulings to the members present at that proceeding. The majority vote of the members present at such proceeding on such appeal shall govern the question of admissibility, and no appeal shall lie to the Committee.

(3) Whenever a person is determined by a majority vote to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(d) Upon an affirmative vote of a majority of the subcommittee members, and an affirmative vote of a majority of the full Committee, an investigative subcommittee may expand the scope of its investigation.

(e) Upon completion of the investigation, the staff shall draft for the investigative subcommittee a report that shall contain a comprehensive summary of the information received regarding the alleged violations.

(f) Upon completion of the inquiry, an investigative subcommittee, by a majority vote of its members, may adopt a Statement of Alleged Violation if it determines that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives has occurred. If more than one violation is alleged, such Statement shall be divided into separate counts. Each count shall relate to a separate violation, shall contain a plain and concise statement of the alleged facts of such violation, and shall include a reference to the provision of the Code of Official Conduct or law, rule, regulation or other applicable standard of conduct governing the performance of duties or discharge of responsibilities alleged to have been violated. A copy of such Statement shall be transmitted to the respondent and the respondent's counsel.

(g) If the investigative subcommittee does not adopt a Statement of Alleged Violation, it shall transmit to the Committee a report containing a summary of the information received in the inquiry, its conclusions and reasons therefore, and any appropriate recommendation.

Rule 20. Amendments to Statements of Alleged Violation

(a) An investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its Statement of Alleged Violation anytime before the Statement of Alleged Violation is transmitted to the Committee; and

(b) If an investigative subcommittee amends its Statement of Alleged Violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended Statement of Alleged Violation.

Rule 21. Committee Reporting Requirements

(a) Whenever an investigative subcommittee does not adopt a Statement of Alleged Violation and transmits a report to that effect to the Committee, the Committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

(b) Whenever an investigative subcommittee adopts a Statement of Alleged Violation but recommends that no further action be taken, it shall transmit a report to the Committee regarding the Statement of Alleged Violation; and

(c) Whenever an investigative subcommittee adopts a Statement of Alleged Violation, the respondent admits to the violations set forth in such Statement, the respondent waives his or her right to an adjudicatory hearing, and the respondent's waiver is approved by the Committee—

(1) the subcommittee shall prepare a report for transmittal to the Committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(2) the respondent may submit views in writing regarding the final draft to the subcommittee within 7 calendar days of receipt of that draft;

(3) the subcommittee shall transmit a report to the Committee regarding the Statement of Alleged Violation together with any views submitted by the respondent pursuant to subparagraph (2), and the Committee shall make the report, together with the respondent's views, available to the public before the commencement of any sanction hearing; and

(4) the Committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subparagraph (2) and any additional views respondent may submit for attachment to the final report; and

(d) Members of the Committee shall have not less than 72 hours to review any report transmitted to the Committee by an investigative subcommittee before both the commencement of a sanction hearing and the Committee vote on whether to adopt the report.

Rule 22. Respondent's Answer

(a)(1) Within 30 days from the date of transmittal of a Statement of Alleged Violation, the respondent shall file with the investigative subcommittee an answer, in writing and under oath, signed by respondent and respondent's counsel. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each count.

(2) The answer shall contain an admission to or denial of each count set forth in the Statement of Alleged Violation and may include negative, affirmative, or alternative defenses and any supporting evidence or other relevant information.

(b) The respondent may file a Motion for a Bill of Particulars within 10 days of the date of transmittal of the Statement of Alleged Violation. If a Motion for a Bill of Particulars is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to such motion.

(c)(1) The respondent may file a Motion to Dismiss within 10 days of the date of transmittal of the Statement of Alleged Violation or, if a Motion for a Bill of Particulars has been filed, within 10 days of the date of the subcommittee's reply to the Motion for a Bill of Particulars. If a Motion to Dismiss is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to the Motion to Dismiss, unless the respondent previously filed a Motion for a Bill of Particulars, in which case the respondent shall not be required to file an answer until 10 days after the subcommittee has replied to the Motion to Dismiss. The investigative subcommittee shall rule upon any motion to dismiss filed during the period between the establishment of the subcommittee and the subcommittee's transmittal of a report or Statement of Alleged Violation to the Committee or to the Chairman and Ranking Minority Member at the conclusion of an inquiry, and no appeal of the subcommittee's ruling shall lie to the Committee.

(2) A Motion to Dismiss may be made on the grounds that the Statement of Alleged Violation fails to state facts that constitute a violation of the Code of Official Conduct or other applicable law, rule, regulation, or standard of conduct, or on the grounds that the Committee lacks jurisdiction to consider the allegations contained in the Statement.

(d) Any motion filed with the subcommittee pursuant to this rule shall be accompanied by a Memorandum of Points and Authorities.

(e)(1) The Chairman of the investigative subcommittee, for good cause shown, may permit the respondent to file an answer or motion after the day prescribed above.

(2) If the ability of the respondent to present an adequate defense is not adversely affected and special circumstances so require, the Chairman of the investigative subcommittee may direct the respondent to file an answer or motion prior to the day prescribed above.

(f) If the day on which any answer, motion, reply, or other pleading must be filed falls on a Saturday, Sunday, or holiday, such filing shall be made on the first business day thereafter.

(g) As soon as practicable after an answer has been filed or the time for such filing has expired, the Statement of Alleged Violation

and any answer, motion, reply, or other pleading connected therewith shall be transmitted by the Chairman of the investigative subcommittee to the Chairman and Ranking Minority Member of the Committee.

Rule 23. Adjudicatory Hearings

(a) If a Statement of Alleged Violation is transmitted to the Chairman and Ranking Minority Member pursuant to Rule 22, and no waiver pursuant to Rule 26(b) has occurred, the Chairman shall designate the members of the Committee who did not serve on the investigative subcommittee to serve on an adjudicatory subcommittee. The Chairman and Ranking Minority Member of the Committee shall be the Chairman and Ranking Minority Member of the adjudicatory subcommittee unless they served on the investigative subcommittee. The respondent shall be notified of the designation of the adjudicatory subcommittee and shall have ten days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The member against whom the objection is made shall be the sole judge of his or her disqualification.

(b) A majority of the adjudicatory subcommittee membership plus one must be present at all times for the conduct of any business pursuant to this rule.

(c) The adjudicatory subcommittee shall hold a hearing to determine whether any counts in the Statement of Alleged Violation have been proved by clear and convincing evidence and shall make findings of fact, except where such violations have been admitted by respondent.

(d) At an adjudicatory hearing, the subcommittee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary. Depositions, interrogatories, and sworn statements taken under any investigative subcommittee direction may be accepted into the hearing record.

(e) The procedures set forth in clause 2(g) and (k) of Rule XI of the Rules of the House of Representatives shall apply to adjudicatory hearings. All such hearings shall be open to the public unless the adjudicatory subcommittee, pursuant to such clause, determines that the hearings or any part thereof should be closed.

(f)(1) The adjudicatory subcommittee shall, in writing, notify the respondent that the respondent and his or her counsel have the right to inspect, review, copy, or photograph books, papers, documents, photographs, or other tangible objects that the adjudicatory subcommittee counsel intends to use as evidence against the respondent in an adjudicatory hearing. The respondent shall be given access to such evidence, and shall be provided the names of witnesses the subcommittee counsel intends to call, and a summary of their expected testimony, no less than 15 calendar days prior to any such hearing. Except in extraordinary circumstances, no evidence may be introduced or witness called in an adjudicatory hearing unless the respondent has been afforded a prior opportunity to review such evidence or has been provided the name of the witness.

(2) After a witness has testified on direct examination at an adjudicatory hearing, the Committee, at the request of the respondent, shall make available to the respondent any statement of the witness in the possession of the Committee which relates to the subject matter as to which the witness has testified.

(3) Any other testimony, statement, or documentary evidence in the possession of the Committee which is material to the respondent's defense shall, upon request, be made available to the respondent.

(g) No less than five days prior to the hearing, the respondent or counsel shall provide the adjudicatory subcommittee with the names of witnesses expected to be called, summaries of their expected testimony, and copies of any documents or other evidence proposed to be introduced.

(h) The respondent or counsel may apply to the subcommittee for the issuance of subpoenas for the appearance of witnesses or the production of evidence. The application shall be granted upon a showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available to respondent. The application may be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(i) During the hearing, the procedures regarding the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chairman of the subcommittee or other presiding member at an adjudicatory subcommittee hearing shall rule upon any question of admissibility or pertinency of evidence, motion, procedure, or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness's counsel, or a member of the subcommittee may appeal any ruling to the members present at that proceeding. The majority vote of the members present at such proceeding on such an appeal shall govern the question of admissibility and no appeal shall lie to the Committee.

(3) Whenever a witness is deemed by a Chairman or other presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(j) Unless otherwise provided, the order of an adjudicatory hearing shall be as follows:

(1) The Chairman of the subcommittee shall open the hearing by stating the adjudicatory subcommittee's authority to conduct the hearing and the purpose of the hearing.

(2) The Chairman shall then recognize Committee counsel and the respondent's counsel, in turn, for the purpose of giving opening statements.

(3) Testimony from witnesses and other pertinent evidence shall be received in the following order whenever possible:

(i) witnesses (deposition transcripts and affidavits obtained during the inquiry may be used in lieu of live witnesses if the witness is unavailable) and other evidence offered by the Committee counsel,

(ii) witnesses and other evidence offered by the respondent,

(iii) rebuttal witnesses, as permitted by the Chairman.

(4) Witnesses at a hearing shall be examined first by counsel calling such witness. The opposing counsel may then cross-examine the witness. Redirect examination and recross examination by counsel may be permitted at the Chairman's discretion. Subcommittee members may then question witnesses. Unless otherwise directed by the Chairman, questions by Subcommittee members shall be conducted under the five-minute rule.

(5) The Chairman shall then recognize Committee counsel and respondent's counsel, in turn, for the purpose of giving closing arguments. Committee counsel may reserve time for rebuttal argument, as permitted by the Chairman.

(k) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of that witness' scheduled appearance to allow the witness a reasonable period of time, as determined by the Chairman of the adjudicatory subcommittee, to prepare for the hearing and to employ counsel.

(l) Each witness appearing before the subcommittee shall be furnished a printed copy of the Committee rules, the pertinent provisions of the Rules of the House of Representatives applicable to the rights of witnesses, and a copy of the Statement of Alleged Violation.

(m) Testimony of all witnesses shall be taken under oath or affirmation. The form of the oath or affirmation shall be: ''Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?'' The oath or affirmation shall be administered by the Chairman or Committee member designated by the Chairman to administer oaths.

(n) At an adjudicatory hearing, the burden of proof rests on Committee counsel to establish the facts alleged in the Statement of Alleged Violation by clear and convincing evidence. However, Committee counsel need not present any evidence regarding any count that is admitted by the respondent or any fact stipulated.

(o) As soon as practicable after all testimony and evidence have been presented, the subcommittee shall consider each count contained in the Statement of Alleged Violation and shall determine by a majority vote of its members whether each count has been proved. If a majority of the subcommittee does not vote that a count has been proved, a motion to reconsider that vote may be made only by a member who voted that the count was not proved. A count that is not proved shall be considered as dismissed by the subcommittee.

(p) The findings of the adjudicatory subcommittee shall be reported to the Committee.

Rule 24. Sanction Hearing and Consideration of Sanctions or Other Recommendations

(a) If no count in a Statement of Alleged Violation is proved, the Committee shall prepare a report to the House of Representatives, based upon the report of the adjudicatory subcommittee.

(b) If an adjudicatory subcommittee completes an adjudicatory hearing pursuant to Rule 23 and reports that any count of the Statement of Alleged Violation has been proved, a hearing before the Committee shall be held to receive oral and/or written submissions by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House of Representatives with respect to such violations. Testimony by witnesses shall not be heard except by written request and vote of a majority of the Committee.

(c) Upon completion of any proceeding held pursuant to clause (b), the Committee shall consider and vote on a motion to recommend to the House of Representatives that the House take disciplinary action. If a majority of the Committee does not vote in favor of the recommendation that the House of Representatives take action, a motion to reconsider that vote may be made only by a member who voted against the recommendation. The Committee may also, by majority vote, adopt a motion to issue a Letter of Reproval or take other appropriate Committee action.

(d) If the Committee determines a Letter of Reproval constitutes sufficient action, the

Committee shall include any such letter as a part of its report to the House of Representatives.

(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Expulsion from the House of Representatives.

(2) Censure.

(3) Reprimand.

(4) Fine.

(5) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House of Representatives may impose such denial or limitation.

(6) Any other sanction determined by the Committee to be appropriate.

(f) With respect to any proved counts against an officer or employee of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Dismissal from employment.

(2) Reprimand.

(3) Fine.

(4) Any other sanction determined by the Committee to be appropriate.

(g) With respect to the sanctions that the Committee may recommend, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a personal financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity. This clause sets forth general guidelines and does not limit the authority of the Committee to recommend other sanctions.

(h) The Committee report shall contain an appropriate statement of the evidence supporting the Committee's findings and a statement of the Committee's reasons for the recommended sanction.

Rule 25. Disclosure of Exculpatory Information to Respondent

If the Committee, or any investigative or adjudicatory subcommittee at any time receives any exculpatory information respecting a Complaint or Statement of Alleged Violation concerning a Member, officer, or employee of the House of Representatives, it shall make such information known and available to the Member, officer, or employee as soon as practicable, but in no event later than the transmittal of evidence supporting a proposed Statement of Alleged Violation pursuant to Rule 26(c). If an investigative subcommittee does not adopt a Statement of Alleged Violation, it shall identify any exculpatory information in its possession at the conclusion of its inquiry and shall include such information, if any, in the subcommittee's final report to the Committee regarding its inquiry. For purposes of this rule, exculpatory evidence shall be any evidence or information that is substantially favorable to the respondent with respect to the allegations or charges before an investigative or adjudicatory subcommittee.

Rule 26. Rights of Respondents and Witnesses

(a) A respondent shall be informed of the right to be represented by counsel, to be provided at his or her own expense.

(b) A respondent may seek to waive any procedural rights or steps in the disciplinary process. A request for waiver must be in writing, signed by the respondent, and must detail what procedural steps the respondent seeks to waive. Any such request shall be subject to the acceptance of the Committee or subcommittee, as appropriate.

(c) Not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a Statement of Alleged Violation, the subcommittee shall provide the respondent with a copy of the Statement of Alleged Violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness, but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates.

(d) Neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (c) except for the sole purpose of settlement discussions where counsels for the respondent and the subcommittee are present.

(e) If, at any time after the issuance of a Statement of Alleged Violation, the Committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (c) to prove the charges contained in the Statement of Alleged Violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the Committee's rules.

(f) Evidence provided pursuant to paragraph (c) or (e) shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

(1) such time as a Statement of Alleged Violation is made public by the Committee if the respondent has waived the adjudicatory hearing; or

(2) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing; but the failure of respondent and his counsel to so agree in writing, and therefore not receive the evidence, shall not preclude the issuance of a Statement of Alleged Violation at the end of the period referenced to in (c).

(g) A respondent shall receive written notice whenever—

(1) the Chairman and Ranking Minority Member determine that information the Committee has received constitutes a complaint;

(2) a complaint or allegation is transmitted to an investigative subcommittee;

(3) that subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; and

(4) the Committee votes to expand the scope of the inquiry of an investigative subcommittee.

(h) Whenever an investigative subcommittee adopts a Statement of Alleged Violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which the Statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and the respondent's counsel, the Chairman and Ranking Minority Member of the subcommittee, and the outside counsel, if any.

(i) Statements or information derived solely from a respondent or his counsel during any settlement discussions between the Committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the Committee or otherwise publicly disclosed without the consent of the respondent.

(j) Whenever a motion to establish an investigative subcommittee does not prevail, the Committee shall promptly send a letter to the respondent informing him of such vote.

(k) Witnesses shall be afforded a reasonable period of time, as determined by the Committee or subcommittee, to prepare for an appearance before an investigative subcommittee or for an adjudicatory hearing and to obtain counsel.

(l) Prior to their testimony, witnesses shall be furnished a printed copy of the Committee's Rules of Procedure and the provisions of the Rules of the House of Representatives applicable to the rights of witnesses.

(m) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman may punish breaches of order and decorum, and of professional responsibility on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House of Representatives for contempt.

(n) Each witness subpoenaed to provide testimony or other evidence shall be provided the same per diem rate as established, authorized, and regulated by the Committee on House Administration for Members, officers and employees of the House, and as the Chairman considers appropriate, actual expenses of travel to or from the place of examination. No compensation shall be authorized for attorney's fees or for a witness' lost earnings. Such per diem may not be paid if a witness had been summoned at the place of examination.

(o) With the approval of the Committee, a witness, upon request, may be provided with a transcript of his or her deposition or other testimony taken in executive session, or, with the approval of the Chairman and Ranking Minority Member, may be permitted to examine such transcript in the office of the Committee. Any such request shall be in writing and shall include a statement that the witness, and counsel, agree to maintain the confidentiality of all executive session proceedings covered by such transcript.

Rule 27. Frivolous Filings

If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee, the Committee may take such action as it, by an affirmative vote of its members, deems appropriate in the circumstances.

Rule 28. Referrals to Federal or State Authorities

Referrals made under clause 3(a)(3) of Rule XI of the Rules of the House of Representatives may be made by an affirmative vote of two-thirds of the members of the Committee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. JONES of Ohio (at the request of Mr. HOYER) until 5 p.m. today.

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 Ms. WASSERMAN SCHULTZ) 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.

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. SARBANES, for 5 minutes, today.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced her signature to enrolled bills of the Senate of the following titles:

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''.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 12 o'clock and 23 minutes a.m.), the House adjourned until today, Thursday, June 28, 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:

2322. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Mint Crop Insurance Provisions (RIN: 0563-AC03) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2323. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2324. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2325. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2326. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2327. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Immunology and Microbiology Devices; Classification of Gene Expression Profiling Test System for Breast Cancer Prognosis [Docket No. 2007N-0136] received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2328. A letter from the National ESA Listing Coordinator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species: Final Listing Determination for Puget Sound Steelhead [Docket No. 070123015-7086-02; I.D. 031006D] (RIN: 0648-AU43) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2329. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Closed Season [Docket No. 070418089-7089-01; I.D. 040507G] (RIN: 0648-AV49) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2330. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XA23) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2331. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Modifications of the West Coast Commercial Salmon Fishery [Docket No. 060427113-6113-01] (RIN: 0648-XA16) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2332. 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 Caribbean, Gulf of Mexico, and South Atlantic; Snapper/Grouper Resources of the South Atlantic; Trip Limit Reduction [Docket No. 060525140-6221-02] (RIN: 0648-XA21) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2333. A letter from the Clerk of the Court, United States Court of Appeals for the Seventh Circuit, transmitting an opinion of the United States Court of Appeals for the Seventh Circuit (No.06-3676 — United States v. Georgia L. Thompson (April 20, 2007)); to the Committee on the Judiciary.

2334. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting notification that the Secretary of the Army supports the authorization and plans to implement the flood damage reduction project for Chesterfield, Missouri; to the Committee on Transportation and Infrastructure.

2335. A letter from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting the Administration's certification that the level of screening services and protection provided at Key West International Airport and the Florida Keys Marathon Airport will be equal to or greater than the level that would be provided at the airport by TSA Transportation Security Officers, pursuant to 49 U.S.C. 44920(d); to the Committee on Homeland Security.

2336. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification that the Department intends to use FY 2007 IMET funds for Sudan, pursuant to Public Law 110-5, section 520; jointly to the Committees on Foreign Affairs and Appropriations.

2337. A letter from the Associate Administrator, Environmental Protection Agency, transmitting the Agency's report entitled, ''Environmental Protection and Border Security on the U.S.-Mexico Border, Tenth Report of the Good Neighbor Environmental Board to the President and the Congress of the United States''; jointly to the Committees on Transportation and Infrastructure and Energy and Commerce.

2338. A letter from the Prinicipal Deputy Assistant Attorney General, Department of Justice, transmitting a legislative proposal that would enhance the Department of Justice's ability to pursue its core missions of protecting Americans from violent crime and preventing acts of terrorism; jointly to the Committees on the Judiciary, Energy and Commerce, Financial Services, Natural Resources, Transportation and Infrastructure, Ways and Means, and Agriculture.

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. RANGEL: Committee on Ways and Means. H.R. 2776. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; with an amendment (Rept. 110–214). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MICHAUD (for himself, Mr. FILNER, Mr. HALL of New York, Ms. CORRINE BROWN of Florida, Mr. SALAZAR, Mr. RODRIGUEZ, Ms. HERSETH SANDLIN, Ms. BERKLEY, Mr. MAHONEY of Florida, Mr. LOEBSACK, Mr. BOSWELL, Mr. MCNERNEY, Mr. ARCURI, Mr. PATRICK MURPHY of Pennsylvania, Mr. DONNELLY, Mr. MITCHELL, Mr. WALZ of Minnesota, and Mr. HARE):

H.R. 2874. A bill to amend title 38, United States Code, to make certain improvements in the provision of health care to veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KAGEN (for himself, Mr. KIND, Mr. RYAN of Wisconsin, Mr. OBEY, Ms. BALDWIN, Ms. MOORE of Wisconsin, Mr. PETRI, and Mr. SENSENBRENNER):

H.R. 2875. A bill to amend title XVIII of the Social Security Act to provide for a technical correction to the amendments made by section 422 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; to the Committee on Ways and Means.

By Mr. SPACE:

H.R. 2876. A bill to permit the interstate distribution of State-inspected meat under appropriate circumstances; to the Committee on Agriculture.

By Mr. SULLIVAN (for himself, Mr. TOWNS, and Mr. HALL of Texas):

H.R. 2877. A bill to provide for a program of research, development, and demonstration on natural gas vehicles; to the Committee on Science and Technology.

By Mr. DAVIS of Alabama (for himself, Mr. DELAHUNT, Mr. TOM DAVIS of Virginia, Mr. CANNON, Mr. MCCAUL of Texas, Mr. SCHIFF, Ms. ROS-LEHTINEN, Mr. SHAYS, Mr. UDALL of New Mexico, Mr. MORAN of Virginia, Ms. NORTON, and Mr. CUMMINGS):

H.R. 2878. A bill to amend titles 18 and 28 of the United States Code to provide incentives for the prompt payments of debts owed to the United States and the victims of crime by imposing surcharges on unpaid judgments owed to the United States and to the victims of crime, to provide for offsets on amounts collected by the Department of Justice for Federal agencies, and to increase the amount of special assessments imposed upon convicted persons; to establish an Enhanced Financial Recovery Fund to enhance, supplement and improve the debt collection activities of the Department of Justice; to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcements officers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCMORRIS RODGERS (for herself and Mr. LARSEN of Washington):

H.R. 2879. A bill to amend the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to consider variations in the national average market price for different classes of wheat when determining the eligibility of wheat producers for counter-cyclical payments for the 2007 crop year; to the Committee on Agriculture.

By Mr. KIRK (for himself, Mr. ANDREWS, Mr. KLEIN of Florida, Mr. BOUSTANY, Mr. WEXLER, Mr. CANTOR, Mr. PENCE, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. KING of New York, Mrs. WILSON of New Mexico, Mr. CULBERSON, Mr. MCCAUL of Texas, Mr. WELDON of Florida, Mr. CARNEY, Mr. CROWLEY, Mr. WILSON of South Carolina, and Mr. MAHONEY of Florida):

H.R. 2880. A bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran to include the importation of refined petroleum; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Oversight and Government Reform, 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 Mr. OBERSTAR (for himself, Mr. MICA, Mr. COSTELLO, Mr. PETRI, Mr. RAHALL, Mr. YOUNG of Alaska, Mr. DEFAZIO, Ms. NORTON, Mr. NADLER, Ms. CORRINE BROWN of Florida, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mrs. TAUSCHER, Mr. BOSWELL, Mr. HOLDEN, Mr. BAIRD, Mr. LARSEN of Washington, Mr. CAPUANO, Ms. CARSON, Mr. BISHOP of New York, Mr. HIGGINS, Mr. CARNAHAN, Mr. SALAZAR, Mrs. NAPOLITANO, Mr. LIPINSKI, Ms. MATSUI, Mr. SPACE, Ms. HIRONO, Mr. ARCURI, Mr. BRALEY of Iowa, Mr. HALL of New York, Mr. KAGEN, and Mr. COHEN):

H.R. 2881. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ARCURI:

H.R. 2882. A bill to authorize the Secretary of Health and Human Services to make grants to promote professional retrofit installation of fire alarm detection systems and other fire detection and prevention technologies in nursing homes, hospice facilities, and other appropriate facilities; to the Committee on Energy and Commerce.

By Ms. BERKLEY (for herself, Mr. PORTER, Mr. ENGLISH of Pennsylvania, Mr. CANNON, Mr. JONES of North Carolina, Mr. WILSON of South Carolina, Mrs. MUSGRAVE, and Mr. DREIER):

H.R. 2883. A bill to amend the Internal Revenue Code of 1986 to treat gold, silver, platinum, and palladium, in either coin or bar form, in the same manner as equities and mutual funds for purposes of the maximum capital gains rate for individuals; to the Committee on Ways and Means.

By Mr. CUMMINGS:

H.R. 2884. A bill to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes; to the Committee on the Judiciary.

By Mr. KANJORSKI (for himself, Mr. ROYCE, Mr. PRICE of Georgia, Mr. BACHUS, Ms. BEAN, Ms. GINNY BROWN-WAITE of Florida, Mr. SCOTT of Georgia, Mr. SESSIONS, and Mr. CAMPBELL of California):

H.R. 2885. A bill to amend the Credit Repair Organizations Act to clarify the applicability of certain provisions to credit monitoring services, and for other purposes; to the Committee on Financial Services.

By Mr. KNOLLENBERG:

H.R. 2886. A bill to address the exchange-rate misalignment of the Japanese yen with respect to the United States dollar, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York:

H.R. 2887. A bill to amend the Public Health Service Act to provide for a program of screenings and education regarding children with sudden cardiac arrhythmia syndromes; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York:

H.R. 2888. A bill to repeal the reduction in Medicare payment for therapeutic shoes and inserts for individuals with diabetes effected by section 627 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYNOLDS:

H.R. 2889. A bill to amend the Public Health Service Act to improve newborn screening activities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of Texas:

H.R. 2890. A bill to direct the Secretary of Energy to establish a photovoltaic demonstration program, and for other purposes; to the Committee on Science and Technology.

By Mrs. TAUSCHER (for herself, Mr. MEEHAN, Mr. ANDREWS, Mr. BRADY of Pennsylvania, Mr. SPRATT, Ms. SHEA-PORTER, Mr. SMITH of Washington, and Mr. LOEBSACK):

H.R. 2891. A bill to prevent nuclear terrorism, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WEINER (for himself and Ms. WASSERMAN SCHULTZ):

H.R. 2892. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, chapter 89 of title 5, United States Code, and title 10, United States Code, to require coverage for the treatment of infertility; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Oversight and Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida:

H.R. 2893. A bill to amend the Internal Revenue Code of 1986 to provide that qualified homeowner downpayment assistance is a charitable purpose, and for other purposes; to the Committee on Ways and Means.

By Mr. BUCHANAN (for himself, Mr. AKIN, Mr. BARTLETT of Maryland, Mrs. BACHMANN, Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BOOZMAN, Ms. GINNY BROWN-WAITE of Florida, Mr. BURTON of Indiana, Mr. CAMPBELL of California, Ms. CARSON, Mr. CHABOT, Mr. CRENSHAW, Mr. CULBERSON, Mr. DAVIS of Illinois, Mr. DAVID DAVIS of Tennessee, Mrs. DAVIS of California, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DOOLITTLE, Mr. FEENEY, Mr. GARRETT of New Jersey, Mr. HENSARLING, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KLINE of Minnesota, Mr. KUHL of New York, Mrs. MCMORRIS RODGERS, Mr. MCNERNEY, Mr. MCKEON, Mr. MACK, Mr. MANZULLO, Mr. MARSHALL, Mr. MICA, Mr. MILLER of Florida, Mr. NEAL of Massachusetts, Mr. NEUGEBAUER, Mr. PAYNE, Mr. PITTS, Mr. PUTNAM, Mr. REICHERT, Mr. ROGERS of Alabama, Mr. ROSKAM, Ms. SHEA-PORTER, Mr. SHADEGG, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. TANCREDO, Mr. UDALL of Colorado, Mr. WAMP, Mr. WELDON of Florida, Mr. YOUNG of Alaska, Mr. COHEN, Mr. FORTUÑO, Mr. DONNELLY, Mr. MITCHELL, Mrs. CHRISTENSEN, Mr. BROWN of South Carolina, Ms. BERKLEY, Mrs. BOYDA of Kansas, Mr. STEARNS, Mr. ROGERS of Michigan, Ms. ROS-LEHTINEN, Mr. FOSSELLA, Mr. CASTLE, Mr. UPTON, Mr. MAHONEY of Florida, Mr. WALDEN of Oregon, Mr. MEEK of Florida, Mr. KING of New York, Mr. KELLER, Mr. PETERSON of Minnesota, and Mr. SPACE):

H. Con. Res. 176. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to honor our Nation's disabled veterans; to the Committee on Oversight and Government Reform.

By Mrs. LOWEY:

H. Con. Res. 177. Concurrent resolution expressing the sense of the Congress concerning contraceptives for women; to the Committee on Energy and Commerce.

By Mr. PUTNAM:

H. Res. 520. A resolution electing a minority member to a standing committee of the House of Representatives; considered and agreed to.

By Mrs. GILLIBRAND (for herself, Mr. MCHUGH, Mr. ACKERMAN, Mr. ARCURI, Mr. CROWLEY, Mr. ENGEL, Mr. HIGGINS, Mr. HINCHEY, Mr. KUHL of New

York, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. MEEKS of New York, Mr. RANGEL, Mr. REYNOLDS, Mr. SERRANO, Ms. VELÁZQUEZ, Mr. WALSH of New York, Mr. FILNER, Mr. KENNEDY, Mr. TANNER, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, Mr. KLEIN of Florida, Mr. LANTOS, Ms. WOOLSEY, Mr. MILLER of North Carolina, Mr. HINOJOSA, and Ms. LINDA T. SÁNCHEZ of California):

H. Res. 521. A resolution celebrating the 75th Anniversary of the 1932 Winter Olympic Games in Lake Placid, New York; to the Committee on Foreign Affairs.

By Ms. DELAURO (for herself, Mr. LARSON of Connecticut, Mr. SHAYS, Mr. MURPHY of Connecticut, and Mr. COURTNEY):

H. Res. 522. A resolution recognizing the historical and educational significance of the Freedom Schooner Amistad's 14-month 2007 Atlantic Freedom Tour, and expressing the sense of the House of Representatives that preserving the legacy of the Amistad story is important in promoting multi-cultural dialogue, education, and cooperation; to the Committee on Oversight and Government Reform.

By Mr. MARKEY:

H. Res. 523. A resolution encouraging recognition, and supporting the goals and ideals, of National Aphasia Awareness Month; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York:

H. Res. 524. A resolution expressing the sense of the House of Representatives with respect to Diamond-Blackfan Anemia; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. PITTS and Mr. MEEHAN.

H.R. 23: Mr. GOHMERT, Mr. SCOTT of Virginia, Mr. TOM DAVIS of Virginia, Mr. GONZALEZ, Mr. THOMPSON of Mississippi, Mr. MURPHY of Connecticut, Mrs. BONO, Mr. LEWIS of Georgia, and Mr. BAKER.

H.R. 101: Ms. SUTTON.

H.R. 119: Mrs. EMERSON.

H.R. 180: Mr. SPACE.

H.R. 260: Mr. HARE.

H.R. 281: Mr. BERMAN.

H.R. 368: Ms. GIFFORDS, Mrs. CAPITO, Mr. ROSS, Mr. HAYES, Mr. PETERSON of Minnesota, Mr. BISHOP of Georgia, and Mr. BRALEY of Iowa.

H.R. 369: Mr. BRADY of Pennsylvania.

H.R. 447: Mr. PASTOR.

H.R. 551: Mr. SESSIONS and Ms. WATERS.

H.R. 552: Mr. NEAL of Massachusetts, Mr. EDWARDS, Mrs. EMERSON, Ms. MATSUI, and Mr. DELAHUNT.

H.R. 581: Mr. KINGSTON, Mr. BISHOP of Utah, Mr. MARCHANT, and Mr. FEENEY.

H.R. 661: Mr. MURPHY of Connecticut.

H.R. 683: Mr. DUNCAN.

H.R. 690: Ms. FOXX, Mr. GOODLATTE, and Mr. HINCHEY.

H.R. 695: Mr. DAVIS of Kentucky.

H.R. 725: Mr. BAKER.

H.R. 752: Mr. RUPPERSBERGER, Mr. MURPHY of Connecticut, Mr. HASTINGS of Florida, Mr. MELANCON, Mr. HIGGINS, Mr. HODES, Ms. SUTTON, Mr. HOLT, and Mr. WATT.

H.R. 758: Ms. MOORE of Wisconsin, Mr. PETERSON of Minnesota, and Mr. CARDOZA.

H.R. 760: Mr. REYES, Mr. MOLLOHAN, and Ms. WATERS.

H.R. 784: Mr. GORDON, Mr. DAVID DAVIS of Tennessee, and Mr. DAVIS of Alabama.

H.R. 809: Mr. RAHALL.

H.R. 848: Ms. CLARKE.

H.R. 882: Mr. CAPUANO and Mr. BOUCHER.

H.R. 969: Mr. HIGGINS.

H.R. 980: Ms. WATERS and Ms. ESHOO.

H.R. 1004: Ms. CARSON and Ms. BORDALLO.

H.R. 1014: Mr. PETERSON of Minnesota and Mr. ENGLISH of Pennsylvania.

H.R. 1043: Ms. DELAURO.

H.R. 1082: Mr. HARE.

H.R. 1091: Mr. SAXTON.

H.R. 1102: Mr. DELAHUNT.

H.R. 1108: Ms. LORETTA SANCHEZ of California, and Mrs. NAPOLITANO.

H.R. 1125: Mr. BOUCHER, Mr. LEWIS of Georgia, Mr. RODRIGUEZ, Mr. ARCURI, Mr. GINGREY, Mr. DOOLITTLE, Mr. RUPPERSBERGER, Mr. BURTON of Indiana, Mr. JOHNSON of Georgia, Mr. LOEBSACK, and Mrs. BLACKBURN.

H.R. 1157: Mr. HARE.

H.R. 1163: Mr. SHAYS.

H.R. 1193: Ms. MATSUI, Mr. CARDOZA, Ms. SOLIS, Mr. LEWIS of Kentucky, and Mr. UDALL of New Mexico.

H.R. 1194: Mr. POE, Mr. BOREN, Mr. MITCHELL, and Mr. NUNES.

H.R. 1236: Ms. CLARKE, Mr. CLYBURN, Mr. DAVIS of Alabama, Mr. ELLISON, Mr. JACKSON of Illinois, Mrs. JONES of Ohio, Mr. RANGEL, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, Ms. WATERS, and Mr. WATT.

H.R. 1237: Ms. ESHOO, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CARNAHAN, and Mr. HARE.

H.R. 1266: Mr. RODRIGUEZ.

H.R. 1286: Mr. PLATTS, Mr. BRADY of Pennsylvania, and Mr. FATTAH.

H.R. 1293: Mr. DELAHUNT, Mr. LAMPSON, and Mr. JOHNSON of Georgia.

H.R. 1295: Mr. LAMBORN.

H.R. 1298: Mr. BOREN.

H.R. 1304: Mr. TANCREDO, Mr. TIBERI, and Mr. SESSIONS.

H.R. 1306: Mr. SIRES.

H.R. 1338: Mr. VISCLOSKY, Mr. ALTMIRE, Ms. HERSETH SANDLIN, Mr. PETERSON of Minnesota, Mr. MURTHA, Mr. PERLMUTTER, Mr. LINCOLN DAVIS of Tennessee, Mr. SCOTT of Georgia, Mr. SIRES, Mr. BOYD of Florida, Ms. WATERS, Mr. BRALEY of Iowa, Mr. FALEOMAVAEGA, Mr. COOPER, Mr. LARSEN of Washington, Mr. MELANCON, Mr. SARBANES, Mr. SPRATT, Mr. KAGEN, Mr. WILSON of Ohio, Mr. LYNCH, Mr. EDWARDS, Mr. WALZ of Minnesota, Mr. SNYDER, Mr. BARROW, Ms. GIFFORDS, Mr. MAHONEY of Florida, Mr. SALAZAR, and Mr. SPACE.

H.R. 1352: Mr. LEVIN.

H.R. 1363: Mr. BERMAN and Mr. HARE.

H.R. 1399: Mr. WHITFIELD, Mrs. BIGGERT, Ms. HERSETH SANDLIN, and Mr. MCCOTTER.

H.R. 1415: Mr. DELAHUNT.

H.R. 1418: Mr. HINCHEY.

H.R. 1440: Mr. PRICE of North Carolina.

H.R. 1514: Mr. DAVIS of Kentucky.

H.R. 1537: Mr. BRALEY of Iowa, Mrs. BONO, and Mr. CULBERSON.

H.R. 1543: Mr. BLUMENAUER.

H.R. 1551: Mr. REYES.

H.R. 1553: Mr. WHITFIELD, Mr. ALTMIRE, Mr. LEWIS of Kentucky, Mr. OLVER, Mr. WYNN, Mr. BOSWELL, Ms. BERKLEY, Mrs. MYRICK, Mr. PORTER, Mr. LANGEVIN, Mr. SIRES, Mr. RODRIGUEZ, and Mr. SAXTON.

H.R. 1576: Mr. DOGGETT.

H.R. 1581: Mr. FRANK of Massachusetts.

H.R. 1589: Mr. GORDON and Mr. DAVIS of Alabama.

H.R. 1609: Mr. HINOJOSA, Mrs. MCCARTHY of New York, and Mr. CAPUANO.

H.R. 1632: Mr. FORTUÑO and Mr. PETERSON of Minnesota.

H.R. 1655: Mr. SARBANES and Mr. ROTHMAN.

H.R. 1663: Mr. LAMPSON.

H.R. 1671: Mr. KENNEDY.

H.R. 1755: Ms. WATSON.

H.R. 1759: Mr. HOLDEN and Mr. SHERMAN.

H.R. 1767: Mr. GOODLATTE and Ms. FOXX.

H.R. 1783: Mr. WALSH of New York and Mr. JOHNSON of Georgia.

H.R. 1794: Mr. HINOJOSA, Mr. AL GREEN of Texas, Mr. HONDA, Mr. FILNER, and Mr. SOUDER.

H.R. 1818: Mr. PALLONE and Mr. DAVIS of Alabama.

H.R. 1829: Mr. KELLER and Mrs. MYRICK.

H.R. 1884: Mr. BRALEY of Iowa, Mr. ROTHMAN, Ms. CASTOR, Mr. LOBIONDO, and Mr. BOREN.

H.R. 1919: Mr. PRICE of North Carolina, Mr. DICKS, Mr. MEEHAN, Mr. JOHNSON of Illinois, Ms. SHEA-PORTER, Mr. BRADY of Pennsylvania, and Mr. HODES.

H.R. 1923: Mr. CAMPBELL of California.

H.R. 1926: Mr. LEWIS of Kentucky, Mr. ROTHMAN, and Mr. MEEHAN.

H.R. 1932: Mr. RYAN of Ohio and Mr. RAHALL.

H.R. 1940: Mr. JORDAN.

H.R. 1971: Mr. HOLT, Mrs. LOWEY, and Mr. ABERCROMBIE.

H.R. 2035: Mr. BRALEY of Iowa and Mr. UDALL of New Mexico.

H.R. 2040: Mr. MEEKS of New York and Mr. CLEAVER.

H.R. 2046: Mr. YOUNG of Alaska.

H.R. 2052: Mr. ARCURI and Mr. DOOLITTLE.

H.R. 2056: Mr. COHEN.

H.R. 2060: Mr. LOEBSACK.

H.R. 2063: Mr. MORAN of Virginia and Mr. RUSH.

H.R. 2129: Mr. REYNOLDS.

H.R. 2157: Mrs. GILLIBRAND.

H.R. 2205: Ms. HERSETH SANDLIN and Mrs. BACHMANN.

H.R. 2243: Mr. WAXMAN.

H.R. 2253: Mr. MILLER of Florida.

H.R. 2265: Mr. JONES of North Carolina and Mr. FRANK of Massachusetts.

H.R. 2281: Mr. BILBRAY.

H.R. 2302: Mr. GARRETT of New Jersey.

H.R. 2329: Mr. ROSKAM, Mr. BOUSTANY and Mr. BUTTERFIELD.

H.R. 2341: Mr. BLUMENAUER.

H.R. 2347: Mr. PALLONE, Mr. HASTINGS of Florida, Mr. VAN HOLLEN, Mr. CULBERSON, and Mr. FOSSELLA.

H.R. 2370: Mr. DAVID DAVIS of Tennessee.

H.R. 2421: Mr. AL GREEN of Texas.

H.R. 2423: Mr. PETRI.

H.R. 2441: Mr. REHBERG.

H.R. 2443: Mrs. CHRISTENSEN and Mr. DAVIS of Kentucky.

H.R. 2457: Mr. CONYERS.

H.R. 2471: Mr. DOOLITTLE and Mr. CARTER.

H.R. 2472: Mr. GOODE, Mr. TOWNS, Ms. CASTOR, Mr. HASTINGS of Florida, Mr. PAYNE, Ms. CLARKE, Mr. PLATTS, Mrs. JONES of Ohio, Mr. BISHOP of Georgia, Mr. HARE, Ms. FALLIN, Mr. ELLISON, Mr. WEXLER, Mr. THOMPSON of Mississippi, and Mr. ALTMIRE.

H.R. 2479: Mr. COHEN, Mr. HINOJOSA, Mr. LAMPSON, Ms. ZOE LOFGREN of California, Mr. MURPHY of Connecticut, Mr. SHAYS, and Mr. STARK.

H.R. 2497: Mr. BOOZMAN.

H.R. 2508: Mr. MCCAUL of Texas and Mr. NEUGEBAUER.

H.R. 2511: Mr. GRIJALVA, Mr. MCNULTY, and Mr. BRADY of Texas.

H.R. 2522: Mr. BUTTERFIELD, Mr. BRADY of Pennsylvania, Mr. STARK, Mr. BAIRD, and Mr. LAMPSON.

H.R. 2531: Mr. LAMPSON, Ms. CORRINE BROWN of Florida, Mr. AL GREEN of Texas, and Mr. HINOJOSA.

H.R. 2542: Mr. CARTER, Mr. SESSIONS, Mr. SAM JOHNSON of Texas, Mr. MCCAUL of Texas, Ms. GRANGER, Mr. DUNCAN, Mr. ADERHOLT, Mr. MILLER of Florida, Mr. BURTON of Indiana, Mr. LEWIS of Kentucky, Mr. DEAL of Georgia, Mr. BISHOP of Utah, Mr. MCCOTTER, and Mrs. BOYDA of Kansas.

H.R. 2558: Mr. CULBERSON, Mrs. MYRICK, Mr. PAUL, Mr. SESSIONS, Mr. WICKER, and Mrs. MUSGRAVE.

H.R. 2566: Mr. MICHAUD.
H.R. 2567: Mr. ENGLISH of Pennsylvania and Mr. GERLACH.
H.R. 2574: Mr. DINGELL, Mr. WALSH of New York, Mr. DREIER, Mr. HELLER, and Mrs. MYRICK.
H.R. 2583: Mr. AKIN.
H.R. 2593: Mr. WAXMAN.
H.R. 2599: Mr. AL GREEN of Texas.
H.R. 2606: Mr. SALAZAR and Mr. MORAN of Kansas.
H.R. 2610: Mr. THOMPSON of Mississippi.
H.R. 2612: Mr. CAPUANO, Mr. FILNER, Mr. FRANK of Massachusetts, and Mr. GORDON.
H.R. 2617: Ms. LINDA T. SÁNCHEZ of California and Ms. CARSON.
H.R. 2668: Mr. FILNER and Ms. CARSON.
H.R. 2677: Ms. ESHOO and Mr. GILLMOR.
H.R. 2682: Mrs. MUSGRAVE, Mr. GERLACH, Mr. HASTINGS of Washington, Mr. MCCAUL of Texas, Mr. KING of Iowa, Mr. BRADY of Pennsylvania, Mr. AKIN, Mr. GOODE, and Mr. BISHOP of Utah.
H.R. 2689: Mr. ORTIZ, Mr. KAGEN, and Mr. GORDON.
H.R. 2691: Ms. HERSETH SANDLIN.
H.R. 2714: Mr. BONNER.
H.R. 2720: Ms. MOORE of Wisconsin and Mr. FATTAH.
H.R. 2726: Mrs. DRAKE and Mr. BOOZMAN.
H.R. 2734: Mr. BAKER, Mrs. SCHMIDT, and Mr. REICHERT.
H.R. 2740: Mr. BRADY of Pennsylvania.
H.R. 2747: Mr. BAIRD and Mr. HINOJOSA.
H.R. 2749: Mr. GOODE.
H.R. 2774: Mr. MITCHELL.
H.R. 2778: Mr. ISRAEL.
H.R. 2787: Mrs. MCCARTHY of New York, Mrs. BOYDA of Kansas, Mr. HILL, and Mrs. GILLIBRAND.
H.R. 2789: Mr. ENGLISH of Pennsylvania.
H.R. 2807: Mr. PITTS, Mr. GINGREY, Mr. LUCAS, Mr. AKIN, Mr. WALBERG, Mr. FORTUÑO, Mr. DOOLITTLE, Mr. LAMBORN, Mr. MILLER of Florida, Mr. SMITH of New Jersey, Mr. FRANKS of Arizona, and Mr. BLUNT.
H.R. 2814: Mr. CONAWAY, Mr. ISSA, and Mr. MARSHALL.
H.R. 2827: Mr. LATHAM.
H.R. 2844: Mr. SMITH of New Jersey and Ms. JACKSON-LEE of Texas.
H.R. 2857: Mr. KILDEE.
H.R. 2860: Mr. LATHAM.
H.J. Res. 44: Mr. OLVER.
H.J. Res. 46: Mr. MILLER of Florida and Mr. ALEXANDER.
H. Con. Res. 134: Mr. JACKSON of Illinois, Mrs. NAPOLITANO, and Mr. BERMAN.
H. Con. Res. 136: Mr. SHERMAN, Mr. MOORE of Kansas, and Mr. AL GREEN of Texas.
H. Con. Res. 137: Mr. UDALL of Colorado.
H. Con. Res. 162: Mr. WALZ of Minnesota.
H. Con. Res. 163: Mr. SESSIONS.
H. Con. Res. 169: Mr. HASTINGS of Florida and Mr. JACKSON of Illinois.
H. Con. Res. 172: Mr. NUNES, Mr. BARROW, Mr. GERLACH, Mr. PLATTS, Mr. GOHMERT, Ms. FOXX, Mr. HENSARLING, Mr. PETERSON of Pennsylvania, Mr. BOOZMAN, Mr. REICHERT, Mrs. MYRICK, Mr. DENT, Mr. CAPUANO, Mr. DUNCAN, Mr. WALDEN of Oregon, Mr. DAVID DAVIS of Tennessee, Mr. ENGLISH of Pennsylvania, Mrs. JO ANN DAVIS of Virginia, Mr. HUNTER, Mr. WHITFIELD, Mr. FRANKS of Arizona, Mr. MACK, Mr. CONAWAY, Mr. PALLONE, Mr. BRADY of Pennsylvania, Mr. MORAN of Kansas, Mr. SHUSTER, Mr. CANNON, Mr. SESSIONS, Mr. JONES of North Carolina, Ms. FALLIN, Mr. PRICE of Georgia, Mr. WOLF, Mr. YOUNG of Alaska, Mrs. BLACKBURN, Mr. ADERHOLT, Mr. WALBERG, Mr. HAYES, Ms. ROS-LEHTINEN, Mr. CALVERT, Mr. FORBES, Mr. MICHAUD, Mr. TERRY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LOBIONDO, Mr. GALLEGLY, Mr. SOUDER, Mr. REHBERG, Mr. BACA, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. CUELLAR, Mr. DAVIS of Alabama, Mr. ELLISON, Mr. DAVIS of Kentucky, Mr. HASTINGS of Florida, Ms. HERSETH SANDLIN, Mr. LEWIS of Georgia, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MEEK of Florida, Mr. MILLER of North Carolina, Mrs. MILLER of Michigan, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Mrs. TAUSCHER, Mr. TAYLOR, Mr. TANNER, Mr. HOYER, Ms. MATSUI, Mr. TOWNS, Mr. WALZ of Minnesota, Ms. WASSERMAN SCHULTZ, Mr. WELCH of Vermont, Mr. KLEIN of Florida, Mr. THOMPSON of Mississippi, Mr. BISHOP of Georgia, Mr. ARCURI, Mr. HALL of New York, Mr. BISHOP of New York, Mr. ALTMIRE, Mr. HOLDEN, Mr. PETRI, Mr. DONNELLY, Mr. LAMPSON, Mr. RODRIGUEZ, Ms. CASTOR, Mrs. DRAKE, Mr. COHEN, Mr. ELLSWORTH, Mr. BILBRAY, Ms. GINNY BROWN-WAITE of Florida, Mr. KING of New York, Mr. HARE, Mr. SIRES, Mr. REYES, Mr. KUHL of New York, Mr. HODES, Mr. GARY G. MILLER of California, Mr. BRALEY of Iowa, and Mrs. BOYDA of Kansas.
H. Res. 121: Mr. SHERMAN and Mr. WATT.
H. Res. 143: Ms. WOOLSEY, Ms. SCHAKOWSKY, Mr. STARK, and Mr. EMANUEL.
H. Res. 169: Mr. MCHENRY.
H. Res. 208: Mr. FORTUÑO.
H. Res. 282: Ms. CASTOR.
H. Res. 303: Mr. HIGGINS, Mr. KUHL of New York, Mr. ELLSWORTH, Mr. HASTINGS of Florida, and Mr. COSTA.
H. Res. 378: Mr. SMITH of New Jersey and Mr. PLATTS.
H. Res. 411: Mr. ROSS, Mr. ROGERS of Kentucky, and Mr. BARROW.
H. Res. 444: Mr. TURNER and Ms. BERKLEY.
H. Res. 449: Mr. ENGLISH of Pennsylvania.
H. Res. 487: Mr. ADERHOLT.
H. Res. 509: Ms. WOOLSEY and Mr. REYES.
H. Res. 511: Mr. SHIMKUS, Ms. GINNY BROWN-WAITE of Florida, Mr. CONAWAY, Mr. PRICE of Georgia, Mr. BUCHANAN, Mr. WILSON of South Carolina, and Mr. BISHOP of Utah.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 106: Mr. TANCREDO.

PETITIONS, ETC.

Under clause 3 of rule XII,

90. The SPEAKER presented a petition of the Harrisonburg City School Board, Virginia, relative to a Resolution urging the Virginia delegation of the Congress of the United States to support fully H.R. 648 by becoming co-sponsors of the bill; which was referred to the Committee on Education and Labor.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2829

OFFERED BY: MR. STEARNS

AMENDMENT NO. 37. Page 2, line 12, after the dollar amount insert ''(reduced by $200,000)(increased by $200,000)''.

H.R. 2829

OFFERED BY: MR. STEARNS

AMENDMENT NO. 38: Page 2, line 13, after the dollar amount insert ''(reduced by $200,000)''.

Page 2, line 15, after the dollar amount insert ''(increased by $200,000)''.

H.R. 2829

OFFERED BY: MR. BOOZMAN

AMENDMENT NO. 39: Page 27, line 6, insert before the period the following: '': *Provided further*, that $6,000,000 shall not be made available until the Director of the Office of National Drug Control Policy certifies in writing that regulations established for the designation of high intensity drug trafficking areas include a requirement that the Director, in considering whether to designate an area as a high intensity drug trafficking area, shall consider whether the area lies within a State that already receives assistance under the High Intensity Drug Trafficking Areas program''.

H.R. 2829

OFFERED BY: MR. TOM DAVIS

AMENDMENT NO. 40: 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 $1,000,000)''.

Page 78, line 19, insert after the dollar amount the following: ''(reduced by $1,000,000)''.

H.R. 2829

OFFERED BY: MR. CAMPBELL of California

AMENDMENT NO. 41: At the end of the bill (before the short title), insert the following:

None of the funds in this Act to the Small Business Administration may be used for the Wittenberg University East Asian Study Center.

H.R. 2829

OFFERED BY: MR. CAMPBELL OF CALIFORNIA

AMENDMENT NO. 42: 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 following:

Abraham Lincoln National Airport Commission.
Adelante Development Center.
Advantage West Economic Development Group.
Alleghany Highlands Economic Development Corporation.
ARISE Foundation.
Career Center for the Northeast Central Ohio Bioscience Consortium.
Barracks Row.
Barry University for the Institute for Community and Economic Development.
Ben Franklin Technology Partners.
Boston Chinatown Neighborhood Center Workforce Development Initiative.
Bridgeport Regional Business Council.
Bright Beginnings, Inc.
Bronx Councii on the Arts.
Brooklyn College's Entrepreneurial Center.
Buffalo Niagara International Trade Foundation.
California State University, Pasadena Biotech Training Facility.
Caribbean American Chamber of Commerce and Industry.
Catalyst, Washington, DC.
Center for Economic Growth, Greene County, NY.
Center for Inspired Teaching.
Center for Women and Enterprise
Belvedere Business Park Project, City of Charlotte, NC.
Angela Rudolph, Assistant to the Mayor, Chicago, IL.
Grow Inglewood, City of Inglewood, CA.
Adams-LaBrea Retail Project, City of Los Angeles, CA.
Colorado State University, Sustainable Biofuels Development Center.
Columbus College of Art and Design.
Community College of Philadelphia.
Connected Technologies Corridor.
Cuyahoga Community College.
Dartmouth Regional Technology Center.
Detroit Economic Growth Corporation.

Detroit Renaissance.
DuPage Technology Park.
Earth Conservation Corps.
Eastern Market, Washington, DC.
Economic Development Coalition of Southeast Michigan.
Entrpreneurial Development Center, Inc., Cedar Rapids, IA.
Everybody Wins!.
Excel Institute.
Purdue Technology Center of Northwest Indiana.
Experience Works, Inc., Richmond VA.
Experience Works, Arlington, VA.
Fairplex Trade and Conference Center.
Federal HUBZne Incubator, Elizabeth City, NC.
Friends of the Big South Fork.
Greater Harlem Chamber of Commerce.
Greater North Louisiana Community Development Corporation.
Greystone Foundation.
Hispanic Information and Telecommunications Network.
Historic Congressional Cemetery.
Valley Economic Development Center.
Howard University College of Dentistry.
Hudson Alpha Institute.
Illinois Institute of Technology.
Indiana State University, Center for New Business Development.
Inquilinos Boricuas en Accion.
Institute for Advanced Learning and Research.
International Youth Service and Development Corps.
John C. Calhoun Community College.
Johnson and Wales University.
Johnstown Area Regional Industries Incubator and Workforce Development.
Kulanu Vocational Education Program.
LaGuardia Community College.
Lewis and Clark State College.
Lorain County Community College.
Louisiana Small Business Development Center.
Louisville Medical Center Development Corporation.
Macomb County Department of Planning and Economic Development.
Marshalltown Community College.
Office of Workforce Development, Medina County, OH.
MenzFit, Washington DC.
Mifflin Country Industrial Development Corporation.
Mississippi State Unversity.
Mitchell County Development Foundation, Inc.
Montana State Univrsity.
Montana World Trade Center.
Montgomery College.
National Association of Development Organizations.
National Federation of the Blind.
New College Institute.
North Carolina Rural Economic Development Center.
North Dakota State College of Science, Nanotechnology Applied Science Laboratory.
North Iowa Area Community College North Side Industrial Development Company.
Northeast Entrepreneur Fund.
Northwest Agriculture Business Center.
Northwestern University.
Ohio University.
Oil Region Alliance of Business.
Operation New Hope, Florida.
Peoria NEXT Innovation Center.
Phoenix House.
Portland State University.
Ready to Work, Ohio.
Rio Hondo College.
Rochester Tooling and Machining Association.
Rock Valley College.
Rockford Area Ventures Small Business Incubator and Technology Commercialization Center.
Rockland Small Business Development Center.
Rowan University.
San Francisco Planning and Urban Research Association.
Sandoval County New Mexico.
Seedco Financial Services Alabama Minority and Women-owned Business Enterprises.
Southern and Eastern Kentucky Tourism Development Association.
Sephardic Angel Fund, Brooklyn, NY.
SER–Jobs for Progress National.
Shawnee State University.
Sierra College.
Sitar Arts Center.
Soundview Community in Action.
South Dakota School of Mines.
South Side Innovation Center.
Southeastern University.
Spanish American Merchants Association.
St. Jerome's Church Community Center.
STEEED Youth Program.
University of Northern Iowa.
TechRanch Technology Venture Center.
Enterprise Center, Tennessee.
Illinois Institute of Technology.
University of Texas, San Antonio.
Thomas More College.
Thurgood Marshall College Fund.
University of Connecticut, Avery Point.
University of Maryland.
University of Missouri, Kansas City.
University of Notre Dame, Robinson Enterprises Community Learning Center.
University of Pittsburgh.
University of South Florida.
University of Southern Maine.
Lewiston-Auburn College.
University of Texas, Brownsville International Trade Center.
Urban League of Rochester.
USS Saratoga Museum Foundation.
Valley Economic Development Center.
Vermont Small Business Development Center.
Wallace State Community College.
Department of Public Services, Wayne County, MI.
Wayne County, New York.
West Virginia University Research Corporation.
Western Massachusetts Enterprise Fund.
Williamsburg County, SC.
Wittenberg University.
Workforce Initiative Asociation, Canton, OH.
Youngstown Edison Incubator Corporation.
Youngstown Central Area Community Improvement Corps.
Youngstown Warren Relational Chamber.

H.R. 2829

OFFERED BY: MR. CAMPBELL OF CALIFORNIA

AMENDMENT NO. 43: At the end of the bill (before the short title), insert the following:

None of the funds in this Act to the Small Business Administration may be used for the Abraham Lincoln National Airport Commission.

H.R. 2829

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 44: 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 to carry out section 241 of the Help America Vote Act of 2002 (42 U.S.C. 15381).

H.R. 2829

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 45: 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 to carry out section 241 of the Help America Vote Act of 2002 (42 U.S.C. 15381) in a manner inconsistent with the requirements of such section.

H.R. 2829

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 46: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

H.R. 2829

OFFERED BY: MR. PENCE

AMENDMENT NO. 47: At the end of the bill (before the short title) add the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available by this Act may be used by the Federal Communications Commission to implement the Fairness Doctrine, as repealed in *General Fairness Doctrine Obligations of Broadcast Licensees* (50 Fed. Reg. 35418 (1985)), or any other regulations having the same substance.

H.R. 2829

OFFERED BY: MR. STEARNS

AMENDMENT NO. 48: At the end of the bill (before the short title) add the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available by this Act may be used by the Internal Revenue Service to implement a spanish-language version of the ''Where's my Refund?'' service.

H.R. 2829

OFFERED BY: MR. UPTON

AMENDMENT NO. 49: At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISION

SEC. 901. 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.

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PROCEEDINGS AND DEBATES OF THE *110th* CONGRESS, FIRST SESSION

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Senate

The Senate met at 10 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, our God, remove from our Senators all that is contrary to You. Take away all their doubts; cast off all resistance to Your leading. Instead, mold our lawmakers into Your image, giving them a willingness to sacrifice for others. Deliver them from anxiety. Infuse them with gratitude. Let Your peace guard their hearts and minds. May they always incline to Your will and walk in Your ways, as they dedicate themselves to the advancement of Your glory. Give them wisdom to do what is best for the safety, honor, and welfare of the Nation, that peace and happiness, truth and justice, purpose and piety may be established among us for all generations.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, 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 27, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning we will resume consideration of S. 1639, the immigration legislation. As I said yesterday, cloture was filed on the bill. Any germane first-degree amendments need to be filed today by 1 p.m.

Also, another reminder to Members about the briefing by Admiral McConnell which will take place in S–407 and will run until 11:30 this morning. I will say to everyone, we could have votes during that period of time. I announced that last night. That is very possible, that we will have votes on this immigration bill. We are under postcloture rules. We are going to finish this legislation this week. And we very much appreciate the admiral coming down here, but, of course, he did not know what our schedule would be. But others may be inconvenienced because there very well could be votes.

Let me say a couple of things before we get to immigration. I would notify the two managers that I may have to have a short quorum call because there are some changes they are making on procedural matters. I think we need a couple of minutes to get that straightened out.

I sought yesterday to move to S. 1, the ethics and lobbying reform bill. There was a reason the bill came first. From the first day, we knew that all progress would depend on renewing the peoples' faith in the integrity of this institution, the Congress. This legislation which passed here in the Senate does just that: It prohibits lobbyists and those who hire lobbyists from giving gifts to lawmakers and staff; it prevents corporations and lobbyists from paying for questionable travel for Members and staff; it requires Senators to pay fair market value for chartered flights, putting an end to abuses of corporate travel; slows the revolving door by extending the ban on lobbying by former Members of Congress and senior staffers; prevents Senators from even negotiating for a job as a lobbyist until their successor has been elected; puts an end to the pay-to-play schemes that became notorious around here; it shines the light of day on lobbying activities by vastly increasing disclosure requirements; requires the Senate disclose all earmarks—this is the first time ever. We passed the ethics and lobbying reform bill here with overwhelming support from Senators on both sides of the aisle. The House did the same thing.

Yesterday, I asked consent to send our legislation to conference. The Republicans objected. I think it is interesting that on the same day this objection took place preventing us from moving forward to complete this legislation, there was yet another sign of how desperately needed this reform is. Yesterday, Stephen Griles, President Bush's former Interior Deputy Secretary, the No. 2 in charge, was sent to prison and fined for his corruption. This sentence came after Griles admitted to obstructing the investigation of the Senate Committee on Indian Affairs. Now Mr. Griles will face justice for his contribution to disintegrating the peoples' trust in their Government. But now we have a chance to look forward, to stop the Jack Abramoffs, the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Safavians, the Neys and others and the Stephen Griles of the future before they have a chance to corrupt our system even more, to deliver to the American people a government as good and as honest as the people it represents.

I will come, before the day is out, and ask once again unanimous consent to appoint conferees in this legislation. The eyes of the country are upon us as to what we are going to do with ethics reform and lobbying reform in this Congress. Are we going to be prevented from completing this legislation? The answer is up to the minority, the Republicans.

Yesterday, I came to the floor to express appreciation to RICHARD LUGAR, the senior Senator from the State of Indiana, former chairman and current ranking member of the Foreign Relations Committee, for his comments on the tragic war in Iraq.

I have said on previous occasions that Democrats are virtually unanimous in our opposition to the war and united in our efforts to change course. But we face an obstinate President who refuses to hear the call of the American people. We face a Republican minority that has largely stood by his side as conditions in Iraq have deteriorated, and we have more than 3,500 dead Americans. I understand those who are wounded are approaching 30,000, a third of them grievously wounded.

Opposing the President of one's own party, especially on a war, is no small thing. And now Senator GEORGE VOINOVICH, another key Republican on the Foreign Relations Committee, has stepped forward along with Senator LUGAR to question what is going on in Iraq. In a letter to President Bush, Senator VOINOVICH urges the President to finally wake up to the truth so many of us already know: This war cannot be won militarily, can only be won politically, diplomatically, and economically. Senator JOHN WARNER said yesterday that he expects more Republicans to join our call for a responsible change of course.

When this war finally ends—and we are in the fifth year of this war, and it will end—this last period of time where we have had LUGAR, VOINOVICH, and WARNER speak out about the present situation in Iraq could be the turning point. This could be the moment when we break down the aisle that separates the two parties on Iraq.

So I say to my Republican colleagues who continue to follow President Bush's lead: Join with us. When I say ''us,'' we now have at least five Republicans that I know of, and I would be happy to run through the names: HAGEL, SMITH, VOINOVICH, LUGAR, and WARNER have already spoken out. Join with us. We can extricate our troops from the firing line of another country's civil war. We can begin to rebuild our battered military so they can focus on the real threats we face around the world.

Remember what the National Council of Mayors did yesterday. They also said, and voted by a majority, the war should end as soon as possible.

The first step has been taken by my Republican colleagues. We need more help. Now we need to put their brave words in action by working together to bring home our brave troops and deliver the responsible end to the war that the American people demand and deserve.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I understand the manager of the bill on the Republican side wishes to make a statement. I ask that it be made as in morning business. I ask unanimous consent that the Senator from Pennsylvania be recognized for 20 minutes and that at the conclusion of that 20 minutes, I be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

IMMIGRATION

Mr. SPECTER. I thank the distinguished majority leader. I have sought recognition to comment on two subjects on the pending immigration bill.

First, it is my hope that my colleagues in the Senate will focus very closely on the extraordinary problems the United States faces today by the current status of our immigration laws and weigh very carefully, notwithstanding any objections people may have to the pending bill, the comparison of the bill with the status quo, what is in existence at the present time. The ultimate decision on whether to vote for or against the bill depends upon not what we would like to have, not what would be perfect, maybe not even what would meet the desires of the individual Members, but a comparison between what bill finally emerges and the status quo, what is happening at the present time, because what we really have in our immigration law is chaos and anarchy.

We struggled through legislation in the 109th Congress. It came through the Judiciary Committee, which I chaired in the 109th Congress, passed the Senate, and a different kind of a bill passed the House of Representatives. We could not go to conference, we did not resolve the issue, and it is back again this year. As I have said on a number of occasions on the floor, I think it probably would have been preferable to work through committee. I think at this juncture, you can strike the ''probably.'' It would have been preferable to work through committee in regular order. Whenever we leave regular order, we get into trouble.

So we structured it differently. We structured it with a hard-working group of Senators, up to 12, sometimes a rotating group, and we came up with a bill. We have been struggling with it on the Senate floor. We have found objections on all sides. We have found objections on the right that it is amnesty, and we have found objections on the left that it does not satisfy humanitarian needs and provide for family reunification, but we continue to push ahead. But I think it is plain that if the Senate does not come up with a bill, doing the best we can now, the subject will be cut off for the indefinite future. Certainly it will not come back up this year when we have a very crowded agenda on appropriations bills and patent reform and many other subjects. It is unlikely to come up next year in a Presidential and congressional election year. Then we are looking at 2009, and we have no reason to expect that the issue will be any easier in 2009 than it is today except that we would have lost more time.

We also ought to bear in mind that the Senate bill is not the final product. We will yet have a House bill, we will yet have conference, and we will yet have an opportunity to meet objections which are presently lodged against the bill.

Just a word of explanation. When I tear up, it is a result of chemotherapy; it is not a result of sadness on the current status of the immigration bill.

There is unity of judgment in both the House and the Senate, and I think broadly across America, that we need to reinstate the rule of law. We need to fix our broken borders. We need to have law enforcement against individuals who knowingly hire illegal immigrants. That is a very major part of the pending bill. The current bill provides for an increased Border Patrol from 12,000 to 18,000—6,000 new people.

It provides for additional fencing, although fencing was legislated in the 109th Congress. It provides for drones to fly overhead. It provides for fencing to protect urban areas. While you can't build an impenetrable fence of more than 2,000 miles above the border, we do cover a great deal of border protection. But no matter how secure the border is, as long as there is a magnet so people can get jobs in the United States which are better than other places, immigrants will be attracted, illegal immigrants will be attracted. That is why we have structured provisions in this bill to have foolproof identification so employers will be able to know with certainty whether an individual is a legal or an illegal immigrant. That being the case, if employers hire illegal immigrants knowing they are illegal immigrants because they are in a position to make that determination, it is fair to have sanctions, and for repeat offenders tougher

sanctions, and for repeat offenders, confirmed recidivists, to have jail time so we will provide the incentives of law enforcement on white-collar crime, which is very effective as a deterrent. I have seen that from my own experience as a prosecuting attorney.

In this bill we have issues which are agreed upon by everyone to secure our borders, to impose the rule of law, and to control illegal immigration. But that is not the end of the issue on comprehensive legislation. We have a guest worker program. In the midst of many objections which I am receiving about the bill, I am also hearing a great deal from people who say we need to have immigrant workers, that they are a vital part of our workforce. The landscapers have contacted me. The farmers have contacted me. Restauranteurs have contacted me. Hotel associations have contacted me. The agriculture needs in California have been expressed repeatedly on the floor of this body. So we do need the workers. The Chamber of Commerce and the other organizations are very forceful in articulating that need.

We have tried to balance it so we do not take away American jobs and so we are sensitive to the objections which the AFL–CIO has raised. We reduced the number of the guest worker program from 400,000 to 200,000. We tried to take into consideration the H–1B workers so that we bring in people with advanced degrees and technical knowledge to help Silicon Valley and other entities which are seeking more along that line. The bill is structured in a very sensitive way in that direction.

Then we have the 12 million undocumented immigrants. No one knows the exact number, but that is the number which we have utilized, a number which the Pew Foundation says is about right from their surveys. We have a cry that we will be giving amnesty to these 12 million individuals. We have done our best to structure a bill which requires these undocumented immigrants to earn the right to the path of citizenship. We have imposed fines. We have the requirement in the bill now, through amendment, that they have to pay back taxes. We require they learn English. We require the undocumented immigrants hold jobs for a part of our society. We have a so-called touchback provision which I am not enthusiastic about. I have grave reservations about punitive measures which do not have some substantive meaning, but that concession has been made to try to avoid the amnesty claim. We have gone about as far as we can go. Amnesty, like beauty, may be in the eye of the beholder.

One thing is plain: The 12 million undocumented immigrants are going to stay in the United States one way or another. They are going to stay here unless we find a way to identify those who are criminals and who could and should be deported, those who may be problems on terrorism. It is agreed that you can't deport 12 million undocumented immigrants. But if we can find a way to so-called ''bring them out of the shadows,'' we can identify those who ought to be deported in manageable numbers.

Secretary of Homeland Security Michael Chertoff has accurately said that the current situation, with 12 million undocumented immigrants, is silent amnesty. So they are here, one way or another, silent amnesty or amnesty. But one thing we could do if we move ahead with the legislation is to avoid the anarchy which is here at the present time.

I urge my colleagues, in formulating their judgment on the next critical cloture vote and on the issues of the point of order which will be raised, both of which will require 60 votes, to consider very carefully our best efforts at legislation which may be improved upon even more on the pending amendments, may be improved upon even more, contrasting that with the current situation, the status quo, which is totally objectionable.

I want to comment about one other subject, and that is the procedures which we are undertaking on this bill. We have come to an approach which, quite frankly, I would prefer not to have seen adopted. I would have preferred to have proceeded as we did at the start of the consideration of this bill before the majority leader took it off the calendar, where we were entertaining amendments from all sides. When the majority leader moved for cloture, I joined most of my colleagues on this side of the aisle, on the Republican side, in voting against cloture so people could have an opportunity to offer their amendments and the minority would not be stifled. I think on some occasions in the past, there have been efforts to stifle the minority and not allow them to bring up amendments. I stood with my Republican colleagues in voting against cloture.

Then we spent hours on the floor of the Senate where the objectors—really the obstructionists; well, let's call them objectors, I withdraw the comment ''obstructionists''—were exercising their rights. It is better to use a more diplomatic language and to accord all colleagues the full panoply of their rights. They were exercising their rights. But we sat around here. As the manager of the bill, I have to sit on the floor because something may happen; unlikely, but something may happen. I sat around for hours again yesterday. I don't mind hard work, but I do mind no work. But we sat around for hours on Thursday afternoon where the objectors wouldn't offer amendments, and they wouldn't allow anybody else to offer amendments. That is unacceptable, just unacceptable.

So I joined my colleagues, seven of us on the Republican side, and voted for cloture to cut off debate, and it failed. Then understandably the majority leader took the bill down. Now we have a very limited period of time, because we are about to embark on the 4th of July recess. When we come back there is a full agenda. As I said earlier, if we don't take the bill up now, it is not going to happen this year and probably won't happen next year. When we look at 2009, the same kind of problems we will face then, we face now, except they will be worse.

So a procedure has been structured now where we have 25 amendments. That is going to be the full extent. Yesterday the distinguished junior Senator from Oklahoma said he wanted an opportunity to offer amendments. I don't disagree with his philosophy, but in order to have had that opportunity, they had to have been done when we first had the bill on the floor. If the bill is to be moved along, we are going to have to proceed as we are now.

Our plan is to seek unanimous consent on these 25 amendments for a limited period of time. We have the proponents of the amendments, and opponents, and they are prepared to take a limited time agreement. Now we are equally divided. If Senators get down to business and get down to issues in an hour, you can debate the salient points. You probably aren't going to change any minds, anyway, around here, but you can have the debate in a pro forma way and get it done. But those time agreements will not proceed if there are objections to the time agreements, and we won't be able to have even limited debate.

The plan has been worked out. I don't like the plan, but it is the best we can do. It is the least of the undesirable alternatives. As a manager, I am going to move to table Democratic amendments, and Senator KENNEDY, as the manager, is going to move to table Republican amendments. So if there is no agreement on this limited time, there won't be any debate at all, and we are going to move right ahead for the disposition of the bill. If someone seeks recognition to speak with the managers controlling the floor, we will ask for unanimous consent that the speaker agree that no amendment will be offered and that there will be discussion only on the bill and for a limited period of time, a very limited period of time.

That is not the way the Senate ordinarily does business. Ordinarily if there is a request for unanimous consent on a time agreement on a pending amendment, if there is an objection, then there is no time limit and people debate it at some length, or they may filibuster it. But that is not going to happen on this bill at this time, because the day for amendments to be offered and regular order to be followed is past.

If we are to have a resolution of this issue, we are going to have to move ahead under this constricted and constrained procedure which, again, I don't like, but we are being forced to by the circumstances which we find ourselves in.

Just as we respect the rights of the objectors to raise the objections they have, we have rights, too. The way we

are proceeding is fully within the rules of the Senate. It is going to be a rough ride. We are in trench warfare, and it is going to be tough. But we are going to see the will of the Senate work one way or another. I hope, as I said earlier, my colleagues will, on the merits, take a close look at a comparison between the legislation we will produce with the unacceptable, unsatisfactory anarchy we have in immigration law today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, would the Chair report the bill, please.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

COMPREHENSIVE IMMIGRATION REFORM ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume 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.

Pending:

Reid admendment No. 1934, of a perfecting nature.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I appreciate the cooperation of all Senators, those for the bill, those who have some misgivings about the legislation. I think we are at a process here now where I am going to ask unanimous consent that the time between now and 11:30 be for debate only, equally divided between the two managers, and of the minority time, there be 10 minutes for Senator DEMINT, and that following the use of all this time, at 11:30, I be recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DEMINT. Reserving the right to object, the amendment is not yet ready. I would request that the leader keep us in morning business for the next hour. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The majority leader is recognized.

MORNING BUSINESS

Mr. REID. Mr. President, having heard from my friend from South Carolina, I ask unanimous consent that the time between now and 11:30 be for morning business—we can go into morning business—and the time be equally divided between the two managers; and of the minority time there be 10 minutes for Senator DEMINT—recognizing that people can talk about immigration or anything they want during this period of time—and that at 11:30 I be recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing no objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, I want the RECORD spread with this: I have told a number of my colleagues who have some misgivings about this legislation that there are no tricks being done. We are just trying to move this legislation along as quickly as we can. If anyone has a problem—as my friend just had—if we can do that, we can always change the process. I am happy to do that. So we are now in a period of morning business with the time controlled by Senator KENNEDY and Senator SPECTER.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent—if I may have the attention of the distinguished majority leader—that of the time allocated to this side of the aisle, that 15 minutes be allocated to Senator HUTCHISON.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that 15 minutes of our time be allocated to the Senator from Virginia, Mr. WEBB.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IMMIGRATION

Mr. KENNEDY. Mr. President, the Senate today must make a choice. We can listen to the American people and support comprehensive immigration reform or we can ignore their voice and allow a dysfunctional immigration system to continue, at serious risk to our national security.

If we do not choose reform, we will perpetuate a system that allows 500,000 illegal immigrants to enter the United States each year, forces 12 million illegal immigrants to live in the shadows, and fosters a culture of fear and hatred against immigrants.

America demands change. Our bill provides the change the country needs. Change is not easy. There is much to criticize in this bill, but criticism is much easier than rolling up your sleeves and finding a solution.

The American people are growing impatient for a solution. Yesterday, the Washington Post reported that more than 1,000 bills have been introduced in the last year by State legislators fed up with congressional inaction.

States and cities are starting to step in and solve their immigration problems in their own way, regardless of the national interest. We cannot let that happen.

We are the guardians of the national interest. The national interest demands action on immigration. If you are for a national immigration policy, a policy that is bipartisan in spirit and determined to succeed, then support this bill.

This bill contains the toughest and most comprehensive crackdown on illegal immigration in our Nation's history. It enhances our national security through tougher border protections. It ensures that criminals do not enter this country or receive immigration benefits. It prevents undocumented workers from obtaining jobs, and cracks down on employers who defy the law by hiring them.

This bill tackles the essential problem of providing the workers our economy needs. It will allow businesses to recruit temporary immigrants as workers—workers who will return home—if American workers and legal immigrants are not available to fill needed jobs.

This bill will allow families to plan for the future by tackling the plight of 12 million people hidden in the shadows of this country. We are giving undocumented immigrants a chance to earn legal status. People deserve this chance if they pay stiff fines, work for 8 years, pay their taxes, learning English, and go to the back of the line to wait their turn.

The American dream is a story of immigrants. We now have an opportunity to write a new chapter in the story of the American dream—an opportunity to enact tough but fair measures that protect our national security, restore the rule of law, and uphold our tradition as a nation of immigrants.

I look forward to the coming debate. Let's go forward together and achieve genuine immigration reform.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator has 26 minutes, of which 15 has been dedicated to the Senator from Virginia.

Mr. KENNEDY. Mr. President, I yield the remaining time to the Senator from California.

Mrs. FEINSTEIN. Mr. President, I want the Senator from Virginia to have his full 15 minutes, and then, if it is agreeable, I will have what is left.

Mr. KENNEDY. Mr. President, I ask unanimous consent that following the Senator from Virginia, the Senator from California be recognized, and the remaining time on our side be allocated to her.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Mr. President, I would be happy to yield, at this time, to the Senator from California, and then follow her, if she so desires.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I would like to just take a few minutes this morning—I have spoken about this before—to address the motivations I have behind the amendment I have offered and to express my hopes that our colleagues will support this amendment. I

have offered this amendment in the hopes of helping to save the vote on this bill.

I am well aware there are a number of people in this body who would like to see this bill go down the tubes. I do not share that sentiment. There is a lot of good in this bill. We were given a briefing card yesterday, with which the Presiding Officer, I know, is also familiar, which outlines a lot of the positive aspects in this piece of legislation. It will go a long way toward toughening border security. It will, in a measurable way, toughen employer sanctions. It will create a program that, in my view, is a proper way to deal with the guest worker issue.

The difficulty I have with the present legislation, and the reason I have offered my amendment, goes to the issue of legalization and the notion of fairness in terms of how the laws of the United States are applied.

The second problem I have with this bill is the issue of practicality, when you look at what are called the touchback provisions. We do have, by all estimates, between 12 million and 20 million people who are here without papers. We need to be able to say, openly and honestly, the situation these people are in is a result of the fact they are here in contradiction of American law.

The average American believes very strongly in the notion of fairness when it comes to how we enforce our laws. Of those 12 million to 20 million people, as I have said for more than a year, there are a significant number who have—during a period of lax immigration laws—come to this country, become part of their community, put down roots, and deserve a path toward legalizing their status and toward citizenship.

But to draw the line arbitrarily at the end of last year, to include every single person—with a few exceptions—who was here in this country as of the end of last year, I think violates the notion of fairness among a lot of people in this country. It is one of the reasons we have had such a strong surge of resentment toward the legislation as it now exists.

Under my proposal, those who have lived in the United States for at least 4 years prior to the enactment of the bill can apply to legalize their status. I would like to point out that a year ago, people in this body were agreeing to a 5-year residency requirement. This bill is more generous than the legislation a lot of people in this body and also immigrants rights groups were supporting a year ago.

We then would move into objective measurable criteria which would demonstrate that the people who were applying have actually put roots down in their community through a work history, through payments of Federal and State income taxes, the knowledge of English, immediate family members in the United States. These are not all inclusive. They are the sorts of criteria which would help to advance the legalization process.

I believe this is fair. I believe people in this country—who traditionally would be supporting fair immigration policies but who are worried about the legalization process in this bill—would come forward and support this bill. We need that support in this country if we actually are going to solve this problem and move forward.

The second part of this amendment goes to the practicality of the present legislation. It strikes the bill's unrealistic touchback requirement. For those who meet the test of having roots in their community and move forward, it removes the requirement that they have to go back to their country of origin in order to apply for legal status.

We know the difficulty a lot of families would have if their principal breadwinner had to leave his or her employment, go back to Manila, or wherever, file papers, leave their family here, and interrupt their job. That is simply impracticable. In many ways, it is a totally unnecessary obstacle.

So this amendment would reduce the scope of people who were allowed legalization to those who have put down roots in their communities in a very fair way that I think Americans will understand, but also would remove the unnecessary impediment of requiring people to go back to their country of origin.

I have heard loudly and clearly from not only Virginians but from people across this country—when I have talked to people about this issue over the past couple of years—that this Congress should find a fair system that, on the one hand, protects American workers and, also, respects the rule of law. This amendment is the fairest method I know to do so, and to do so realistically in order to truly reform our broken immigration system.

I am hopeful this amendment will get support. If this amendment succeeds, I am happy to support the final legislation. As I said, there are many good provisions in this legislation. But under the present circumstances, I think there are many people in this body who have a very difficult time, on the notions of fairness, with the widely embracing notion of all the people who are involved.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I want to have an opportunity to speak on the bill. I know then Senator HUTCHISON will offer her amendment, and I will have an opportunity at that time, hopefully, to speak against the amendment.

Mr. President, there has been one inescapable truth in all of this. Year after year——

Mrs. HUTCHISON. Mr. President, will the Senator from California——

Mrs. FEINSTEIN. Mr. President, I say to the Senator, I am sorry, I cannot hear you.

Mrs. HUTCHISON. Mr. President, will the Senator from California yield for a question?

How long does she expect to speak on the bill itself before talking about the amendment?

Mrs. FEINSTEIN. For the remainder of the time we have on this side, which is——

The PRESIDING OFFICER. Eighteen minutes.

Mrs. FEINSTEIN.—18 minutes.

Mrs. HUTCHISON. I thank the Senator.

Mr. KENNEDY. Mr. President, parliamentary inquiry: Isn't some of that time Senator WEBB's time?

Mrs. FEINSTEIN. He just spoke.

The PRESIDING OFFICER. He concluded his remarks and left the remainder of the time he had taken.

Mr. KENNEDY. I thank the Senator.

Mrs. FEINSTEIN. For the 14 years I have served on the Immigration Subcommittee of the Judiciary Committee, I have become more and more convinced that what we have is a broken system. To me, the word ''comprehensive'' means fixing a broken system. The system is broken in many different directions.

In one direction, every year, year in, year out, 700,000 to 800,000 people cross the border looking for hope, opportunity, work, or to reunite with family. They come into this country in an illegal status, and they disappear. There is a portion of our economy that welcomes immigrant labor. They are able to find work. They are able to hide. They are able to falsify documents.

I have personally gone to Alvarado Street in Los Angeles and seen where, in 20 minutes, you can obtain a green card, a driver's license, a Social Security card. You cannot tell the difference between a real and a fraudulent document. The border is broken in that we cannot protect it.

Secondly, it is estimated that 40 percent of the people here illegally are visa overstays. Some go back after awhile. Some never go back. What does this constitute? It constitutes a silent amnesty because these people exist in America. They are able to work in America. Most are never found by authorities. Those who are found are similar to the Munoz family in San Diego.

A few weeks ago, a mother and a father were deported in the middle of the night. They have three American children, the oldest of which is 16. They own their home. They both work. They own their furniture. In the middle of the night, Immigration Naturalization Service comes in, picks up the parents and deports them. This is an actual case—the house is gone, the furniture is gone, the three children are living with an aunt in San Diego. Why? Because they could be found, or because perhaps somebody reported them, but they could be found. But the dominant number of people here illegally cannot be found.

What this bill tries to do is fix the broken border. We fix it with infrastructure. We say this new infrastructure, whether it is UAVs or vehicle barriers or fencing, has to be in place before anything else is done. The bill mandates $4.4 billion upfront in spending for border enforcement. This money will be used to carry out the enforcement triggers. That is one part of the fix.

A second part of the fix——

Mr. KENNEDY. Mr. President, would the Senator yield for a question?

Mrs. FEINSTEIN. I certainly will.

Mr. KENNEDY. From what the Senator said, therefore, what we are doing on the border is the most extensive border security in the history of this country, No. 1; No. 2, with the—am I not correct on that, that this will be the most extensive—extensive paid-for border security in the history of this country? Am I correct?

Mrs. FEINSTEIN. Through the Chair to the Senator from Massachusetts, there is no question about it.

Mr. KENNEDY. Secondly, if this legislation doesn't go through, we are not going to have that provision; is that not correct as well?

Mrs. FEINSTEIN. Through the Chair to the Senator from Massachusetts, that is absolutely true. We will have a continuation of what is, in effect, a silent amnesty.

Mr. KENNEDY. All right. Thirdly, is the Senator saying this is not only an issue on border security, but it is an issue with regard to national security because we don't know who those people are and they disappear into our country, and those who have spoken about national security in this country have urged us to take this action?

Mrs. FEINSTEIN. That is absolutely true. We have no idea who is in this country and who comes into this country illegally. We have no idea who is in this country overstaying their visas.

These are the 12 million people who remain unidentified. This is what we are trying to do: First, fix the border as it has never been fixed before. Second, hire the additional Border Patrol, bringing the total number of agents up to 20,000. Third, fix interior enforcement. Fourth, provide for employer verification documents. No more fraudulent documents. Everybody will have biometric documents to be able to prove they are, in fact, who they are.

One of the big problems is in a category called OTMs, ''Other Than Mexicans,'' coming across the border. Because it is so easy to come in, more and more people from other countries are going to Mexico first and coming up through that border, particularly countries from the Middle East. This represents a serious national security issue.

Mr. KENNEDY. Could the Senator yield for 2 quick questions?

Mrs. FEINSTEIN. I will.

Mr. KENNEDY. So we are talking about not only national security and border security, but the Senator is also talking about worksite security. We don't have any worksite security at the present time. That is the problem with the 1986 act. We hear a lot of talk about it, but that is the problem.

Is the Senator telling us we will have the most extensive not only border security but worksite security; and beyond that we are going to have 1,000 inspectors to make sure the new security is going to work; and beyond that, for the first time, we are going to have a tamperproof card that will finally give us the opportunity to get control of our immigration system?

Mrs. FEINSTEIN. The Senator from Massachusetts is absolutely correct. This bill has three huge chapters called titles that are devoted to enforcement. It is extraordinarily important, and it isn't going to get done if this bill doesn't pass.

Now, in addition to that, it says—because there is no way to find and deport these individuals because they live in the shadows and because an overwhelming number of them live a life of hard work and want to continue to work and want some hope and opportunity for their family—that if they go through an extensive process—not an easy process, not a process of amnesty in any way, shape or form—as a matter of fact, they feel the process may be too tough because they must go through an extensive period of paying fines. For one person, the fines amount to $8,500 over the first 8 years. They must learn English. They must show work documents. They must do this periodically. They must pay taxes. They must show documents that they have paid taxes. This is not a pushover by a long shot.

If they can comply with this, they receive something called a Z visa. That Z visa eventually, between 8 and 13 years into the future, will enable them, after everyone now in the green card line—after that green card line is expunged—to get a green card. It is hard. There are many hoops they will jump through. The fines are heavy. But they say they will do it. The dominant majority say they will do it. That means they will be documented. That means the national security problem will end.

Additionally, we are requiring US–VISIT to track people leaving our country so we will know if somebody who is here on a visa actually leaves the country when their visa expires. There is a penalty. If they come back illegally, they will be held and do some jail time prior to deportation.

The bottom line is this bill also incorporates two other bills. One is a bill that has been negotiated between farmers and growers and organizations representing farm labor, such as the United Farm Workers, over a substantial period of time. The reason for this portion of the bill is because agriculture in America is dominantly—perhaps 90 percent—undocumented illegal workers. The reason it is that way is because American workers will not do the job. I know that in California because we have tried over the years to get American workers to do these jobs.

One day I went out to the Salinas Valley, and I watched row crops being picked. What I saw was the degree to which this is stooped labor in the hot Sun but with a skill. These people bring a skill. Agriculture workers have a skill: the way they pick, the way they sort, the way they pack, the way they prune. If you watch them, you see they go from crop to crop. They are not American citizens. They come from other countries. They are the labor that puts our food on the table in the United States of America.

What this bill does is incorporate a closely negotiated bill called AgJOBS, which would allow these workers to become documented and, at the end of 8 years, if they carry out their requirements to continue their agricultural work for an additional number of years, they are then eligible to be first in this line for a green card.

The final part of the bill is the DREAM Act, which recognizes that children, for example, such as the three Munoz children, or other children who are brought here illegally and go to school and earn a degree in college or serve in our military, can earn a green card.

So the bill is a compromise bill as well. People on the other side of the aisle wanted certain things in this bill. People on our side of the aisle wanted certain things in this bill. It was negotiated and the bill was put together. Is the bill a perfect bill? No. Is it a good bill? I absolutely believe that it is. I absolutely believe this Nation will be better off with this bill. Will the Judiciary Committee have to practice oversight? We have Senator KENNEDY, we have the Presiding Officer, and members of the Judiciary Committee. I believe very strongly what we should do is have bimonthly hearings, oversight hearings into the operation and mechanics of the bill, so that as the bill is carried out, if there are tweaks that need to be made, we can make them.

But to fail, at this point in time, is to continue this situation where 12 million remain unidentified, where they pose a serious risk to national security, where 700,000 to 800,000 people will enter our country illegally or overstay their visas over 10 years, with 7 million to 8 million additional people here in undocumented capacity, where 400 to 500 people die every year trying to cross the Mexican border, and where 4 million people will continue to wait for a green card. We take these problems and we try to solve them in this bill.

Now, people who are opposed to the bill say: I don't like this. I am going to vote against the bill. I don't like that. I am going to vote against the bill. Yes, they can do that. Yes, they are entitled to do it, but know what you are doing when you do it. There will be no $4.4 billion to enforce the border. There will be no additional Border Patrol.

There will be no electronic verification. There will be no biometric documents, and the flow and the silent amnesty will, in fact, continue.

This is our chance. We should not squander it.

Mr. KENNEDY. Mr. President, would the Senator yield for a further question?

Mrs. FEINSTEIN. Certainly. I would be happy to.

Mr. KENNEDY. First of all, I thank her for an excellent review of where we are. This is a continuing process.

The Senator mentioned earlier about the fines and the fees that are going to be charged to the population if they are going to be on the track. After all those who have waited in line gain entrance into the United States, they would be at least on the track toward a green card. That amounts to $55 billion, is what it comes to?

Mrs. FEINSTEIN. That is correct.

Mr. KENNEDY. That is going to be used in terms of border security. That will be used for border security, worksite security, the development of the biometric card; and $6 billion of that $55 billion is going to be used to help to assist States to offset any of the burdens they have in terms of health care and education—$6 billion is going into that.

Does the Senator agree with me that if this legislation does not go through, that $55 billion disappears and Americans are still going to want to try and make some progress on that line and it is going to be the taxpayer who is going to pick up the burden? Could the Senator comment on that.

Mrs. FEINSTEIN. I would be happy to. Through the Chair to the Senator from Massachusetts, he is dead right. This is $55 billion where the people affected by the bill pay for the costs. That is a big thing: $55 billion will flow to do what needs to be done, whether it is the biometric cards, whether it is the US–VISIT Program, whether it is the infrastructure at the border, whether it is the 5,000 additional Border Patrol; whatever it is in the bill, the fines are very heavy in this bill. Many people—and a reason why much of the immigrant community has become concerned about the bill—is because of the size of the fines. Nonetheless, we can make the argument that this bill will pay for itself, by and large. The fines are stiff to do that.

Mr. KENNEDY. Mr. President, I thank the Senator. Would the Senator also agree with me that the initial bill, without some of the recent amendments—we actually find out through CBO that immigrants add to the economy, and their conclusion—this is the CBO, which is a governmental agency charged to review it—is actually those immigrants contribute $25 billion more than using over this period of time as well. I am wondering because there has been a lot of talk about whether immigrants add to the country and our society through the payment of taxes. We have the independent Congressional Budget Office which made that judgment which is included in the record.

Does the Senator not agree with me, in representing a State that has both the wonderful opportunities of people who have worked and contributed to that State, that it is an important contribution that these workers provide for our society?

Mrs. FEINSTEIN. Mr. President, there is no question that that is the case, certainly, in California. We have the largest number of undocumented immigrants, people estimated at between 2 million and 3 million. California is an expanding economy. When you get your gas filled in your tank, when you are served a meal in a restaurant, when you look at who is doing the dishes, the person who is changing the beds in the hotel where you stay, who transports patients in the hospital, who does landscaping in the gardens, sweeping the streets, picking the crops, pruning the crops, working in the canning factories that dot our State, you see people who are among those 2 million or 3 million people. No question about it.

Mr. KENNEDY. Mr. President, I see the Senator——

The PRESIDING OFFICER. The time controlled by the majority leader has expired.

Mr. KENNEDY. I understand the other half hour is for the Senator from Pennsylvania. The Senator from Pennsylvania intended to yield to the Senator from Texas. I think I can yield 15 minutes to her on his behalf. I think the Senator can probably get more when Senator SPECTER gets back.

The PRESIDING OFFICER. Fifteen minutes have been allocated to the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I would like to use 10 minutes. The Senator from California said she wanted to speak against my amendment. I would like to reserve 5 minutes of my time for after her argument, so I can close the discussion on my amendment. I ask unanimous consent that I be allowed to do that.

The PRESIDING OFFICER. The Senator from California no longer has time.

Mrs. HUTCHISON. Mr. President, in that case, I am going to speak on my amendment——

Mrs. FEINSTEIN. Reserving the right to object, is the Chair saying I will not be able to have time to speak against the amendment?

The PRESIDING OFFICER. The Senator's time between now and 11:30 has expired.

Mrs. FEINSTEIN. I see. After 11:30, I would be able to speak against the amendment.

The PRESIDING OFFICER. The Senator is correct.

Mrs. FEINSTEIN. After Senator REID.

The PRESIDING OFFICER. The Senator is correct.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that at some point between 11:30 and the time we vote, I be allowed to speak for 5 minutes after Senator FEINSTEIN.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I rise to talk about probably the most important bill we are going to address maybe in my time in the Senate, certainly in the last 25 years, and in the next 25 years, from a domestic policy standpoint.

There are some good features of this bill. I think we have run into many problems, one of which is it didn't go through committee, which I think everybody agrees has caused there to be so many conflicts and rewrites, and when you adopt an amendment, it changes something else. That should have been done in committee. Another is that this issue hits so close to so many people. So we see objections from all different types of groups, Democrats and Republicans, business groups and labor groups. So it is something that I think now is on the radar screen of the American people. It is something that I think is good that we are discussing because I do believe it is Congress's responsibility to fix this problem. It is a problem that was made in a 1986 act of Congress when amnesty was granted and the law was not enforced. There was no guest worker program that was going forward, so we had illegal behavior and there was a blind eye turned.

Now it is 20 years later, after 1986, and we find ourselves having to deal with the inability to know who is in our country because we have not enforced the laws and we have not had a workable program to provide the jobs that would grow the economy of our country. So here we are, trying to pass a bill that will fix the problems of the past but also to set a standard that says we are not going to have the going-forward capability for someone to come into our country illegally and stay long enough that they will be able to become legal without applying through the processes from their home country.

There are good parts of the bill. I give those who have worked so hard on this bill credit for significant border security increases, for an effort to end chain migration. In most countries in the world, the guest worker green card equivalent ratio is two-thirds workers, one-third family. It is the opposite in America; it is two-thirds family, one-third worker, which is why we have this crisis of needing more workers but not having the capability to bring them in legally in a process that will work. So that effort was made in this bill, and it is one of the important good points of the bill. So I recognize there are good parts of the bill.

The problems in the bill must be fixed if we are going to do this right and deal with the people who are here illegally in a responsible and rational and pragmatic way but also set the

standard that we start now, and will be set through the future, that you must apply from your home country to come into this country to work legally. If we don't set that standard in the bill, we will have another disaster 20 years from now that a future Congress will be trying to fix.

My problem with the bill is the amnesty. Anyone who tries to say it is not amnesty is not being realistic. If you can come to this country, stay, never have to go home and go into the process of legalization and going into our Social Security program, which is allowed in the underlying bill, that is amnesty. So I have an amendment going forward that will try to take the amnesty out of this bill. That is one of the major things I think we can do to make this a bill that could be supported. My amendment would provide that all adult work-eligible illegal people in this country would have the ability to come forward, and they would have 1 year to do it, for a temporary permit while the processing is done on that person's background, and then a temporary card would be given, after which a person would have 2 years to go back to their home country and apply and come in legally to get that Z visa, or that ZA, which is the ag worker visa, legally in our country. It was important.

One of the things we did in my amendment that I think is so important is we treat every work-eligible adult the same way. Whether it is an ag worker, restaurant worker or someone working in a hotel, everyone would be treated the same way if they are in the Z–1 category or ZA category—the workers we are trying to regularize would have the same requirements.

Now, there will be an amendment later that will say just the heads of households would have to go home. That was my original thought. But then how can I say the working spouse of a head of a household could stay here, but the head of household could not? So we set the 2-year timeframe for the people who are adult, work-eligible people illegally in our country—we set 2 years after they have signed up for their temporary permit for them to go home and get regularized, get that final stamp before they come back, and if they do have a homestead here with children, they would have 2 years so that one spouse at a time could go home. To me, that says we are setting the standard today. It will be the standard that we ask people, if they want to have the privilege of working in our country, to do; and we will ask people who want the privilege 10 years from now and 25 years from now to do the same, so that we send the major message, which was the problem we had that created the crisis, that you cannot come to our country and stay illegally and eventually get regularized without ever having to apply, according to the law from your home country. That is what my amendment does.

We do have a modification of the amendment as it applies to agricultural workers because we don't intend to change the sort of different requirements for an ag worker to keep their ag worker visa the same. We have modified our amendment so the basic requirements for agricultural workers, which is somewhat different from the restaurant workers, would stay the same, but the ag workers would have the same requirements that the restaurant worker has, and that is they would have to go home within the 2-year period after they have signed up as illegal and apply from home, or have the ability, if the Secretary designates another consulate as able, to return home to the consulate to take that application that would be done. So we have the SAFE ID, which is going to be the basis of the worker verification system, which will be a tamperproof ID that will have a picture and a biometric signal that can be picked up easily by an employer. It will be an online verification system so the employer can, with ease, determine that the person working is eligible to work.

If we can do this and take the amnesty out of the bill, it is so very important that we set the standard now, so that everybody who wishes to have the privilege to work in this great country will know what the rules are and will know that the rules are going to be enforced. That is the purpose of my amendment.

I believe if we can pass this amendment, it would add a major component to this piece of legislation that would say not only are we going to have border security measures and this effort to end chain migration, have the merit-based system, take care of the H–1Bs and technical workers we want to come in and to attract into our country, that all these things would be done that are good.

But in addition, we are setting the standards today and into the future that if you want to work here, you come in through the system, applying from outside the country.

I hope my amendment will be able to be passed. Having the 2 years after the first year would allow the process to work. Anyone who says we cannot do the processing with all of the consulates that are available in the countries, most of whom are going to be in Mexico or Central or South America—and easily accessible—and also Canada, anyone who says we cannot do that over a 3-year period, I think, is raising a red herring.

I believe it is possible, if we are committed to doing it and committed to the laws of our country that would be adhered to by everyone who comes in.

We must know who is in our country. We must have a guest worker program going forward that will work and accommodate the economy that does need these work jobs that are not being filled.

I hope we can come to an agreement on this bill that we can all support and know that it is right for our country today and it will be right for our country 25 years from now and that future Congresses will not look back and say: What were they thinking? Why didn't they do what was right for our country? I hope we can do that, Mr. President.

I reserve the remainder of my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. WEBB). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I wish to clarify where we are right now. It is my understanding in the unanimous consent agreement with respect to morning business that the next 15 minutes belongs to the Republican side; that Senator DEMINT has 10 minutes reserved of that time, and then the remaining 5 minutes of that time can be accorded however the Republican side wishes to do; and that the majority leader is coming back on the floor at 11:30 a.m.

The PRESIDING OFFICER. The Senator is correct, 11:30.

Mrs. FEINSTEIN. I thank the Chair.

Mrs. HUTCHISON. Mr. President, let me add for clarification, however, that after 11:30 a.m., I have 5 minutes following Senator FEINSTEIN to discuss as in morning business my amendment.

Mrs. FEINSTEIN. Mr. President, if I may respond to the Senator, it is my understanding that is correct; that following the majority leader, then I will have 5 minutes to respond to Senator HUTCHISON and then she will have 5 minutes to respond to me.

The PRESIDING OFFICER. That is correct.

Mrs. HUTCHISON. I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, as has been noted, I control 10 minutes of the last 15 minutes.

I ask unanimous consent that Senator VITTER be allowed to control the time of the remaining 5 minutes on the Republican side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I think it would be a good idea that we create a national warning system to tell Americans when we decide we need to do something, even if it is wrong. A few weeks ago, we decided we needed to do something about immigration. A few of the Senators announced on a Thursday that we had reached this delicate compromise and nothing could be changed from this bill. We all found out a few days later that the bill had not been written yet, but over the weekend one version was written, and by Monday, another version had been written. We were told we needed to vote on that bill by Friday.

This bill has been a moving target since it began. It is hard to tell on any given day what is actually in the bill. We were able to convince our leadership to at least go to a second week. But when many of us came down to offer our amendments, consistently there was objection to bringing up additional amendments. When finally the

original bill came to its final day, there were three cloture votes that failed. This bill was put down.

Now we have brought it back. We brought back a bill, just yesterday, a new bill in which we have already found significant flaws the writers didn't know were there. We have problems in the underlying bill, and yesterday we were all waiting down on the floor to get this new amendment, this amendment that is almost as big as the original bill, 373 pages. We were all waiting, and we received it later in the afternoon.

What actually happened was, when we asked that the amendment be read, we had to recess the Senate and go finish writing the bill. But we finally got the bill. It was warm from the copier, 373 pages, after a couple of hours of delay.

When we asked that it be read so we would understand what was in it, we finally got the majority leadership to agree we could have the night to review it, which we greatly appreciate.

Now we have come to the floor, got here at 10 today because we understood the majority leader was going to divide this amendment in this grand clay-pigeon procedure to divide this amendment, only to find out the amendment is being changed, but it hasn't been written. We are waiting on the floor again to get a new version of this amendment, but we don't know what is going to be in it.

It is amazing that something so important that has been talked about on the floor of the Senate, something we have to do, is continuously being revised and rewritten every day. Instead of stopping and getting this amendment in some form we can work with, we continue to press the whole process forward.

Some of us who are critics have been called obstructionists because we don't think this process is fair or that the underlying bill is right for America. We have been called a lot of names, but we can't even get started with a fair process, and we can't start to fix it with amendments if we don't even have it written yet. It is hard to know what the amendments should even be if we don't see what is actually in the bill.

So here we are again. It is going to be offered sight unseen, just as yesterday, when not one Member of the Senate had read it when it was offered. We are going to get a new amendment, probably 400 pages today, that not one Member of the Senate will have read, that we will be expected to bring up and to vote on.

Mr. President, I wish to ask a couple unanimous consent requests. First, we need to stop this moving target and know what we are working with. I ask unanimous consent that it be in order at this time to order the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. Mr. President, then maybe it would be fair to ask unanimous consent that after Senator REID modifies the amendment, that the modification be read.

The PRESIDING OFFICER. Is that a unanimous consent request?

Mr. DEMINT. That is a unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Objection.

Mr. DEMINT. Mr. President, it is extraordinary that we are using Senate procedures to actually keep a 400-page amendment from being read.

I ask unanimous consent that when the amendment is modified, when it is broken into these clay-pigeon pieces, that I be recognized to request the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. I am asking for votes. Let's not say later on that we are trying to stop votes.

I also ask unanimous consent that when the Senate resumes consideration of the bill, the pending amendment be temporarily set aside and that all the filed amendments be called up en bloc and that the Senate then return to the consideration of the Reid amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. Mr. President, what I have done in these requests is to show that there is no intent to let this body actually see what we are voting on, which is incredible with such a complex bill; that we are going to bring up an amendment we haven't read, and when we ask that it be read, that request is denied. When we ask for a vote on the underlying amendment, that is denied. When we ask for the yeas and nays, which means you can't voice it, that means eventually we are going to get a vote on the amendment that will be offered today, that is denied.

I wish to make it clear that those of us who don't think this process is fair or that this bill is good for this country, that we have not wanted it to be voted on. But the intent is for these to be modified, just as they have been throughout this process. All these 26-some-odd amendments will be modified minute by minute, hour by hour, so when we come to vote on these amendments, nobody is actually going to know what is in them.

I heard Members say, it is like what we were talking about a couple weeks ago, but we found out this morning when we asked questions about the new amendment that it isn't like what we were talking about a few weeks ago. In fact, there were important amendments that were passed that we were told would be in this bill which have been eliminated by the amendments that have been offered.

We can talk more about this as the process goes forward, but right now I wish to reserve the remainder of my time and yield to Senator VITTER.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I truly find this process amazing. We have been told by the master crafters of this bill, who have developed this grand compromise in a relatively small group, that this is a delicate compromise and nothing can be allowed to upset it, certainly not allowing our amendments to reach the floor this week to be debated. So it has to stay exactly like it is.

For that reason, our amendments are being blocked en masse. But at the same time, these crafters of the compromise are changing their bill every half hour. It is a constantly moving target. Just a few days ago, we were presented with a brandnew underlying bill that is 761 pages. In addition, yesterday we were given a huge amendment, really 26 amendments put together, that is 373 pages. We had the audacity to ask that we be allowed to read the amendment and understand it.

After making the clerk read the amendment out loud for some period, Senator REID finally acknowledged that, yes, maybe it would be fair to let us read the amendment. So we recessed for the night. Great. The trouble is, that amendment is out the window. They are now working on a brandnew version that they are trying to present soon. We have no idea what changes are being made to yesterday's amendment to make it today's amendment. It is probably going to be over 373 pages. So our study last night is basically for nought.

That process is not fair. It is patently unfair. We have the right to understand what is before the Senate. We have the right to read it. That is exactly what Senator DEMINT's unanimous consent requests all went to. They were all shot down. They were all denied by the majority. I think it is a patently unfair process.

Let me ask this unanimous consent to at least allow us to digest this brandnew mega amendment, and that is, when Senator REID offers his modified version of this amendment, which we expect will contain many changes from yesterday, including serious and substantive changes, that we have 5 hours as in morning business so that we are allowed to digest the contents of this new amendment. That is the unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Reserving the right to object, Mr. President, but before I do, I wish to respond. This is not a new bill, this so-called 700 pages. These are amendments packaged together which are subsequently divided. These are amendments which have been around for a substantial period of time. It is true some of them have been modified. Senator HUTCHISON is modifying her amendment. However, we

have had an opportunity to know that and see it and can speak to it. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Reclaiming the remainder of my time, Mr. President, I think this is amazing. We are going to be presented with a brandnew mega amendment fairly soon. It is going to be at least 373 pages, maybe 400 pages, and we are not going to be allowed to read it before this Senate forges ahead debating and possibly voting on it.

I don't understand why we are not offered the opportunity to digest this brandnew mega amendment. Senator REID stood on this floor yesterday and acknowledged it was only right and only fair to give us an opportunity to digest his mega amendment yesterday. The problem is, come this morning, that is out the window. There is a new mega amendment. We have no idea what line has been changed, what paragraph has been changed, what is new language, what is old language. We need a reasonable opportunity to independently digest that amendment, not simply take other people's summaries and word for it when we are presented with this brandnew 400-page amendment.

I will be happy to yield to the majority leader on this point, reserving the remainder of my time.

Mr. REID. Mr. President, I am sorry, I was in a briefing with Admiral McConnell. It is my understanding the distinguished Senator from Louisiana said that minor changes have been made since he looked at the legislation, which I assume he finished this morning sometime. He wants to take a look and see what changes have been made; is that right?

Mr. VITTER. Mr. President, yes, but to do that we have to read the whole new mega amendment, I suggest to the majority leader. It is in that vein and in that spirit that I offered the unanimous consent request, that once the new mega amendment is presented, once that happens, we be in morning business for 5 hours so we may be allowed to read it.

Mr. REID. Mr. President, I object to that.

I would say to my friend, however, that we would be happy to have our staff—they are relatively simple amendments, some with simple word changes—that we would be happy to have our staff, with his staff, show what those changes are. There would be no need to read the whole bill. If you read the whole bill, few changes have been made, and it would be very apparent. So I am sure we can do that, and we can do that with little trouble.

It is my understanding, Mr. President, that the time for morning business has ended.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is concluded.

COMPREHENSIVE IMMIGRATION REFORM ACT—Continued

Mr. REID. 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. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mrs. FEINSTEIN. Objection.

Mr. DEMINT. Parliamentary inquiry.

The PRESIDING OFFICER. A parliamentary inquiry is not in order during a quorum call.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue with the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. VITTER. Mr. President, I renew my unanimous consent request that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue with the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue with the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving my right to object.

Mr. REID. Mr. President, he can either object or not object.

Mr. VITTER. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue with the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. VITTER. Mr. President, I remove my objection.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding the distinguished Senator from South Carolina thought they had 5 minutes left; is that right?

I would ask unanimous consent that he be allowed to speak, and this would be for debate only. Following the using of 7 minutes, I will take the floor.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. DEMINT. Mr. President, I would like to yield my time to other Senators. I will give 1 minute to Senator VITTER and 4 minutes to Senator SESSIONS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized for 1 minute.

Mr. VITTER. Mr. President, with the majority leader on the floor, I want to use my brief minute to follow up on my inquiries and frustrations.

Very soon, we are going to be presented with a brandnew version of this mega-amendment, 400 pages or whatever it is. I would like to be allowed some reasonable opportunity to independently study that mega-amendment without having to depend on other people's summaries, and it is for that reason I made the unanimous consent request that we be in morning business for 5 hours once that brandnew mega-amendment is presented.

With that explanation and background, given that the distinguished majority leader recognized that right of ours yesterday, when we were allowed to read the old version of the amendment, I would like to make that unanimous consent request.

The PRESIDING OFFICER. The Senator has used his 1 minute.

Mr. REID. Mr. President, I object. I will use my own time in response to him.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. So as not to use the time of the Senator from South Carolina, Mr. President, there have been a few changes made, but they are very minor. As I indicated to my friend, this is not a new mega-amendment. This is the same amendment which was laid down last night, and people on both sides have had ample opportunity to read this. As I indicated, we would be happy to talk with him and/or his staff, with individual Senators and/or their staff to indicate where the changes have been made and what the purposes of those were. If that is not sufficient, I don't know how I can be more fair than that.

So I will now turn it over——

Mr. VITTER. Mr. President, I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No, but I just want to make sure it is still under the same time agreement we had before. We add 30 seconds to the time we had given.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. I would suggest, through the Chair to the distinguished

majority leader, that I have a real problem with depending on basically the other side's summary of these changes which are being made as we speak. So I would propound a new unanimous consent request, that if we have to do that, if that summary is lacking or inaccurate in any way, that all subsequent votes and actions of the Senate which are agreed to have no effect because we have depended on the other side's information and it could turn out to have been incomplete or inaccurate.

Mr. REID. Mr. President, again using my time, I object to this, but let me just say that it wasn't a hard piece of reasoning to come up with to object to this.

The reason we are going through this process here is people—mostly on the other side of the aisle because we on this side are satisfied with the bill the way it was written, but mostly on the other side of the aisle and some Democrats—said, OK, if you are going to do this, we will do that. We are doing this to make people happy, so they have an opportunity to talk about this bill some more. This is a process.

I have really tried to be fair. I have not tried to take advantage of anyone. I have tried to be as candid with people who support the bill as those who oppose the bill, not trying to take advantage of them. The process here in the Senate wasn't invented yesterday; it has been going on for 220 years. I am working my way through the rules, making sure we follow every jot and tittle in these complicated rules, but they are not that complicated. We simply want to work on an issue that is important to the American people—immigration.

I acknowledge, as has my friend, that the system of immigration in our country is broken. We need to try to fix it, and this is our way of trying to fix it. Perfect? No. Good? Yes. The American people deserve our attention to this problem we have in our country. We have people of good will, Democrats and Republicans, who are trying to do this.

We have this occasion, for once in recent memory, where we are working with the President on this side trying to get this done. I have said publicly that I appreciate the President's advocacy on this issue. If we are able to pass this bill, and I hope we can, it will be a shot in the arm for the system, the political system which has been so generous to our country for so many years, and I think people will look and say: You know, those people in Washington who are always yelling and screaming at each other were able to get something done.

The American people know that whatever we come up with here is not going to solve every problem with immigration, but they also know it will solve many of the problems. The No. 1 problem it is going to solve that the American people want solved is border security. This amendment has $4.4 billion which will go directly to that border.

I am, by profession, a trial lawyer, and I know people have the ability to be advocates, as my friend from Louisiana who is speaking—and I see on the floor today my friend from Alabama, whom I have told publicly and privately that I appreciate his advocacy. But my friend from Alabama is a lawyer, just as I am, and we should do everything we can to present our case. Then, when the case is over, we walk out of this shaking hands, as advocates, as Senators, and as friends. So I have no resentment or ill-will toward anyone who is trying to move this legislation in a way different than I am, but I think the time has come where we have to fish or cut bait, as they say.

I know we still have some speaking time—5 minutes has been allocated.

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized for 4 minutes.

Mr. SESSIONS. Mr. President, I know Senator REID has assured people of what is in the bill, but he hasn't read what is in this amendment—neither has any Senator in this body, I suggest. Only a few staffers have, and there have been tremendous errors made already in the previous amendment they offered. And just to say there have been nothing but minor changes is not something I think Senators ought to rely on.

My good friend, Senator REID, has always been courteous to me, but we disagree on this issue. He said he wants to make people happy. How about making the American people happy? They oppose this bill overwhelmingly, and yet the leadership here continues to use every parliamentary tactic that we have ever used, and new tactics never before used, to limit debate and move this bill to final passage. I object to that.

I think about our former colleagues, Senator Paul Wellstone and Senator Helms. I wonder how they would feel if it was said: Well, this is unprecedented, we are going to eliminate debate, but I have talked to the leader on the other side, and we two leaders have just decided, since it is bipartisan, we will do that.

Make no mistake about what is being done here, Mr. President. There is no dispute whatsoever. Amendments will not be allowed to be voted on that the majority leader does not personally sign off on. The power to control this process is in the majority leader's hands, and he has met with a group of people who are interested in this legislation and they have agreed to control this process. It has never been done like this before in the history of the Senate to eliminate these amendments. It is not right.

My colleagues, I urge you to understand this is an unprecedented step. It is a step by which the leadership is creating a new tactic that will eliminate the power, the ability of individual Senators to offer amendments and engage in debate.

This is a body of 100. Yes, we have leaders. They have significant authority and we understand that. But that is a limited power and we have always celebrated the great potential of this body that any one Senator can raise an objection, any one Senator can have an amendment voted on.

I tried to offer amendments when the bill was up before. Time and time again they were objected to. Other Senators objected. Why? Because they were able to object to making those amendments pending. Then, when cloture is filed, they are not able to be voted on because they have never been made pending, although they were filed.

This is not a small matter. I do not think our colleagues understand. I see Senator SPECTER here. He will stand by himself on an issue in which he believes. There are other Senators here who share those same independent views. We do not need to go down this path. I think it is a big mistake.

I would say this: The majority leader said the people want one thing, they want border security. What do we know about this legislation? It does not give us border security. The Congressional Budget Office, our own analysis team, has looked at this bill and concluded in the next 20 years we will have another 8.7 million people in our country illegally. It will only reduce illegal immigration by 13 percent. That is what our own staff, under the majority leader's control, has told us.

The PRESIDING OFFICER. Two minutes remain to the Senator from South Carolina.

Mr. DEMINT. I yield the final 2 minutes to Senator SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I think that is the fundamental thing. I am flabbergasted and amazed our leaders keep telling us this bill is essential to have security. You have to have this amnesty. You have to give up and we will have amnesty. In exchange for that, we will have a legal system that will work in the future.

But it will not work. That is what they said in 1986. Senator GRASSLEY noted on the floor, people in this body do not even say there will not be another amnesty anymore, as they did in 1986, because they know this bill will not create a legal system. There will be 8.7 million more people in our country illegally and the same group will be here, asking for amnesty again. It is a failed system.

Let me add one thing. One thing I have learned in this debate, we can make this immigration system lawful and we can make it work. We ought not to be having a 13-percent reduction in illegality, as the Congressional Budget Office says. We can get to 90, 95 percent reduction of illegality. We can create a system of immigration that serves our national interests. It is within our power to do so. This bill will not do it. We must not go forward with it because it will not work.

I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 1934, AS MODIFIED

Mr. REID. Mr. President, I modify my amendment with the changes now at the desk.

The PRESIDING OFFICER. The Senator has that right.

Mr. REID. Mr. President, the amendment is so modified, I understand.

I now ask the amendment be divided as indicated at the desk.

The PRESIDING OFFICER. The Senator has that right and the amendment is divided.

The amendment, as modified and divided, is as follows:

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) or the requirements in Section __ 31, as applicable, 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) The first $4,400,000,000 of such penalties shall be deposited into the general fund of the Treasury as repayment of funds transferred into the Immigration Security Account under section 286(z)(1) of the Immigration and Nationality Act.

(b) Penalties in excess of $4,400,000,000 shall be deposited and remain available as otherwise provided under this Act.

(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 dependent 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.

''(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 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 or the Secretary determines a waiver is necessary for humanitarian purposes.''.

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 be considered authorized 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: ''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. If the wage determination is not issued within 14 days of the request, the employer shall determine the prevailing wage pursuant to section 212(n)(1)(A)(i) and submit this determination to the Secretary. This determination shall be treated as an attestation pursuant to section 212(n)(1).''.

(2) LABOR CONDITION APPLICATIONS.—

(A) Section 212(n)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(A)) is amended—

(i) in clause (1), by striking ''and'' at the end;

(ii) by redesignating clause (ii) as clause (iv); and

(iii) 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) is not as its primary business using the nonimmigrant for purposes of entering into a job shop arrangement where the employer outplaces the nonimmigrant to a second employer and receives compensation for the labor service provided, nor as its primary business entering into a virtual job shop arrangement with a second employer, where the nonimmigrant performs work outsourced from the second employer to the first employer, and the first employer receives compensation for the labor provided; and''.

(B) Section 212(n) of such Act, as amended by this Act is further amended by adding at the end the following:

''(I) No later than six months after enactment, the Secretary of Labor shall promulgate rules, after notice and a period for comment, to implement Section 212(n)(1)(A)(iii) regarding job shop arrangements and virtual job shop arrangements.''.

(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) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by section 421, is further amended by adding at the end the following: ''During the first calendar year in which an employer pays more than 30 percent of the employer's H–1B nonimmigrant employees wages equivalent to the lowest wage level under section 212(p)(4), the Secretary shall conduct a compliance audit of the employer.''.

(5) 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) for a cumulative period of time greater than one year 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.

(3) REGULATIONS.—The Secretary shall promulgate rules, after notice and a period for comment, to implement the requirements of this subsection. In promulgating these rules, the Secretary shall take into consideration any special circumstances relating to intracompany transfers.

(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) for a cumulative period of time greater than one year 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.

(h) PROHIBITION ON JOB SHOPS.—

(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:

''(N)(i) An employer who imports an alien as a nonimmigrant described in section 101(a)(15)(L) shall not as its primary business use the nonimmigrant for purposes of entering into a job shop arrangement where the employer outplaces the nonimmigrant to a second employer and receives compensation for the labor service provided, nor as its primary business entering into a virtual job shop arrangement with a second employer, where the nonimmigrant performs work outsourced from the second employer to the first employer, and the first employer receives compensation for the labor services provided.

''(ii) No later than six months after enactment, the Secretary of Labor shall promulgate rules, after notice and a period for comment, to implement this subparagraph.''

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) 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;'';

(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) for aliens under section 101(a)(15)(H)(i)(b) who are counted under subsection (g)(1)(A) 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 is fully eliminated.

(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 additional 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 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 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. ___. 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. ___. 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. ___. 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. ___. 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:

Mr. VITTER. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 1957 TO DIVISION I OF AMENDMENT NO. 1934, AS MODIFIED

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk to division I.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. VITTER. I ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 1957 to division I to amendment No. 1934, as modified.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

Mrs. HUTCHISON. Parliamentary inquiry.

Mr. REID. Let me say, very briefly——

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. I don't want it to go unanswered. This bill, as I mentioned earlier today, is different than what we did before—$4.4 billion goes to the border for security. It is totally different than the last bill.

Remember, we are at this point because we only got seven Republican votes in the prior vote. Now we have worked together. I was told there were a lot of people on the Republican side, if they had the opportunity to have more amendments, would vote with us. I am confident that will happen. This has worked out extremely well.

I would say, our work on comprehensive immigration reform has been pretty significant. Due to the man to my right, and Senator LEAHY, who is not here, and Senator KENNEDY, we have had 36 hearings on immigration since 9/11. That is a lot of hearings. We have had 6 full days of committee action. We have had 59 committee amendments. We have had 21 days of Senate debate since 2006—21 days, not hours. We have had 92 floor amendments. We have worked this thing hard. This is a bill people should fully understand.

Mr. President, it is my understanding there is now a unanimous consent in effect that there will be 10 minutes of debate on the first amendment, is that true, equally divided?

The PRESIDING OFFICER. The Senator from California is not presently under a time limit. However, the Senator from Texas is guaranteed 5 minutes.

Mr. REID. And the Senator from California also 5 minutes?

Mrs. FEINSTEIN. I ask I be granted 5 minutes, following the Senator from Texas, to speak on the amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I object because the agreement was that Senator FEINSTEIN would speak before me, after which I would have 5 minutes to respond. She would have 5 minutes, I would have 5 minutes to respond.

The PRESIDING OFFICER. Is there objection to that arrangement?

Mr. DEMINT. Reserving the right to object, is it my understanding we will be in morning business or on the amendment?

The PRESIDING OFFICER. We are currently on the measure.

Mr. DEMINT. I ask I be included in the time.

Mr. REID. How much time does the Senator require?

Mr. DEMINT. Five minutes.

Mr. REID. We have no objection.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Mr. President, I ask for 5 minutes under the same time agreement.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. And for any purposes.

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. FEINSTEIN. Mr. President, shall I proceed?

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I worked with the Senator from Texas, now, 10 years up close. I do not like to oppose her amendment, but in this case I believe I must. This is an issue we debated in many conversations during the process of drafting this legislation.

I was opposed to the touchback idea and I am skeptical about it now. However, in the spirit of compromise, we went forward with the touchback that we have in the base bill, specifically in title VI. We included some important safeguards to make sure it is workable.

This amendment from the distinguished Senator from Texas actually does away with this by creating a touchback requirement before people get their full Z visa. What immigrant is going to show up and register for a program if he has to take his chances on leaving the country and coming back in before he gets some kind of immigration status? What immigrant is going to report to deport?

I wager that many, if not most, will simply stay underground and try to keep their heads down for as long as possible. They have built lives here, they have families, they own homes, and they have jobs they want to keep. Very few undocumented immigrants are going to show up for a program that offers no certainty they will actually be able to legalize their status.

What this amendment does is essentially front load the requirement that makes the program unworkable from both an agency and an applicant perspective. Requiring consular officers to steal themselves for a flood of applications, 8 to 10 years down the line, is one thing. Requiring them to gear up for adjudication of this in-person application in the next 2 years following registration is a very different story.

I hope the body will defeat the amendment. Those of us—Senator CRAIG and I and others—who have worked on the AgJOBS program believe that the agriculture jobs program is the way to go. It is negotiated by farmers, by unions, by growers, and it has a specific requirement.

I know the Senator does not touch this specific requirement, but the main problem with the amendment is requiring this touchback so soon, before people have acquired any kind of legal status. They register and then in 2 years, they would have to go and perform this touchback.

We believe it strikes at the heart of the bill and urge a ''no'' vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I, like my colleague from California, do not remember being on opposite sides on an issue such as this before. But she has brought up a key point that I think it is important for us to address. She says, What immigrant is going to report to deport? What she is asking is, what is the incentive of an illegal immigrant to come forward and say they are illegal and they want to get right with the process to become legal? That is a very important question that many people in our country have asked. Who is going to do that?

Here is the incentive. First, the secure ID that is provided in the amendment allows exit and reentry. It is a tamperproof ID already, and it does allow the exit to finalize the Z, or Z-A status, and it allows the reentry.

The secure card is issued first. It is temporary until it is finalized because

the final point that is required is that you return home to apply. That is the standardization we must achieve if we are going to avoid the amnesty that would say: Our laws mean nothing. If you come here illegally, eventually you will be able to be regularized without ever going home.

We want to change that whole impression that anyone might have by saying we are going to start today with a process that will apply to every work-eligible adult, and that is you get your secure ID and you have 1 year to do it. Then you must finalize the process outside the country, as everyone will have to, going into the future.

The question is still there: So why wouldn't they stay here and be illegal? Why wouldn't they keep their families and their homes? Here is why. Because when the 3 years is up and the trigger is pulled, because the border security measures have gone into effect—you have the 1 year for people to come forward, say they are illegal, after which they will get their tamperproof card and they must have the ''go home'' provision then stamped outside the country and they have 2 years to do it. You have 3 years there.

After that 3 years, there is going to be an employer verification system that is going to work. So these people will not be able to go back to their jobs if they have not completed the process. That is the incentive. That is why they will report. That is why they will become legal in the system, because with the employer verification that is a key part of this bill, they will have to have that tamperproof ID stamped that they have been home to apply from outside the country before they come back in and become regularized and are job eligible.

This is going to be the key. The employer verification system will assure that they will not get jobs in this country without that visa that is tamperproof and shows they have been home to do it. It can be done because there is a 3-year period and there will be a constant process to get the people who are illegal working. They will be able to go to the American consulate in their home country. The Secretary can allow exceptions to that for farm workers, if they cannot go home to a faraway place.

This is the amendment that will take the amnesty out of this bill and say: Today's standards will be enforced and they will be enforced tomorrow. With this amendment, we can take the amnesty out of this bill and we will have an employer verification system that will assure the incentive is there for people to come forward and know that the law will be enforced.

If we do this, you will not be able to hear people say: There is amnesty in this bill. If my amendment is not passed, then the amnesty tag that has been put on this bill will remain. It is the key issue in the bill for the American people. It is the key issue for the regularization of the 12 million people who are here, and then we will have a guest worker program for new people coming in in the future that will also work with the border security that is established in this bill.

In my opinion, my amendment will make this bill a fully operational bill, because we will then have border security, a tamperproof ID, we will deal with the 12 million, without amnesty but with a regularization process, and it will strengthen the bill for the American people.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, because of the various activities here on the floor, the Senator from South Carolina and the Senator from Louisiana did not have an opportunity to speak on this amendment. I would be happy to propound a unanimous consent request that they both be allowed to speak for up to 5 minutes each for debate only.

Mr. DEMINT. Reserving the right to object.

Mr. REID. Either object or don't object.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Parliamentary inquiry: Do I not have the right to reserve the right to object? How many rules are we going to change?

The PRESIDING OFFICER. The reservation of objection occurs only with the suffrage of the Senate. There is no right to reserve the right to object.

Mr. DEMINT. There are not many rights. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. DURBIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—53

Akaka	Durbin	Levin
Bayh	Feingold	Lieberman
Biden	Feinstein	Lincoln
Bingaman	Graham	Lugar
Boxer	Hagel	Martinez
Brown	Harkin	Menendez
Byrd	Inouye	Mikulski
Cantwell	Kennedy	Murray
Cardin	Kerry	Nelson (FL)
Carper	Klobuchar	Nelson (NE)
Casey	Kohl	Obama
Clinton	Kyl	Pryor
Conrad	Landrieu	Reed
Craig	Lautenberg	Reid
Dodd	Leahy	Salazar
Sanders	Stabenow	Whitehouse
Schumer	Warner	Wyden
Specter	Webb	

NAYS—45

Alexander	Cornyn	McCaskill
Allard	Crapo	McConnell
Barrasso	DeMint	Murkowski
Baucus	Dole	Roberts
Bennett	Domenici	Rockefeller
Bond	Dorgan	Sessions
Brownback	Ensign	Shelby
Bunning	Enzi	Smith
Burr	Grassley	Snowe
Chambliss	Gregg	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Tester
Coleman	Inhofe	Thune
Collins	Isakson	Vitter
Corker	Lott	Voinovich

NOT VOTING—2

Johnson	McCain

The motion was agreed to.

AMENDMENT NO. 1958 TO DIVISION II OF AMENDMENT NO. 1934, AS MODIFIED

Mr. SPECTER. Mr. President, I sent a second-degree amendment to the desk.

The PRESIDING OFFICER. The Clerk will report the amendment.

The legislative Clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 1958 to division II of amendment No. 1934, as modified.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

Mr. REID. Mr. President, we are now on division II, which is the amendment offered by Senator WEBB, as I understand it.

Mr. President, I would like to have everyone have the opportunity to debate this amendment to their heart's content. What I would like to do is ask that we have an hour of time on this admendment equally divided between the proponents and opponents of this admendment, and the debate, of course, would be on this amendment. So I ask unanimous consent that there be an hour of debate on this amendment. As I have indicated, Mr. President, it would be for debate only on this amendment. And I ask that because it is his amendment Senator WEBB, even though he has had an opportunity earlier to speak, would be allowed to speak for up to 10 minutes to start this debate of the 1 hour that I have proposed. So I ask unanimous consent that the Senate proceed to debate this amendment—it will be for debate only—that of the half hour on the majority side, 10 minutes of that be for Senator WEBB.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Mr. President, reserving my right to object, I would like to ask that my full rights as a Senator be protected with a unanimous consent request also.

Mr. REID. Mr. President, is there an objection to my request?

The PRESIDING OFFICER. Regular order is demanded.

Is there objection to the Senator's request?

Mr. VITTER. There is objection. I would like to propose an alternative unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nevada.

Mr. REID. Mr. President, if the present proposal is inadequate, I would be happy to yield for 1 minute to my friend from Louisiana, and I will get the floor when he completes his statement.

Mr. VITTER. I thank the Majority Leader.

As the majority leader knows, several of us have been continually frustrated about our ability to exercise our rights on the floor of the Senate as duly elected officials. All of our amendments have been shut out. We have not had the opportunity to read this new mega-amendment. The last vote occurred with one copy of that division being at the desk, no copies being on the floor of the Senate.

I would like to protect my rights as an individual Senator and, therefore, I would like to propose a modified UC request incorporating the Senator's suggestions, but offering me 5 minutes within that 1-hour period for any purpose whatsoever.

Mr. REID. Mr. President, I appreciate the good faith of my friend, but we cannot do that. I cannot do that. I would have to object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I would be happy to give him whatever amount of time he wishes to debate this amendment. Of course, as he knows, it would be for debate only. He could talk about anything he cared to, but it would be for debate only—5 minutes, 10 minutes, whatever he feels appropriate, within reason, I would be happy to do that.

Mr. President, I say to everyone here——

Mr. SESSIONS. Mr. President, reserving the right to object—

Mr. REID. As I have said before, I want everyone to have the opportunity to speak. I nor the managers of this legislation are trying to stop people from talking. We have certain rules. They need to be followed, and that is what we are trying to do. So I repeat, I would have no problem with my friend from Louisiana speaking for whatever time he wishes, for debate only, on this amendment. I think that is a reasonable proposal. I would be happy to consider that.

Mr. SESSIONS addressed the Chair.

Mr. REID. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, does my friend from Louisiana—I thought I heard his voice. Oh, Alabama.

Mr. SESSIONS. Is the proposal—

Mr. REID. I may have the State wrong, but I had the voice right.

Mr. President, I would be happy to yield for a question to my friend—for not a long question—a couple minutes, if he needs that.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I have a brief question. I thank the majority leader for his courtesy. I had asked, in exchange for agreeing to a process that kept us from working this past weekend, that I would have 2 hours in the debate today set aside. It is in the agreement. But I am hearing that people want to push that into the wee hours of the night, if not into the morning.

I ask that I have a substantial portion of that before the afternoon is over. What is the status of that negotiation and discussion?

The PRESIDING OFFICER (Mr. MENENDEZ). The majority leader is recognized.

Mr. REID. Mr. President, what I would say to my friend—and I know he has a lot to say; he has said a lot of things, and I am anxious to hear more—but we would like to be able to dispose of some of these amendments. I would consider if he would like to talk for an hour now—and then I would get the floor after he completes his statement—and it would be for debate only. He can divide the time any way he wants. That is my proposal.

Mr. DEMINT. Mr. President, will the Senator yield for a request?

The PRESIDING OFFICER. The majority leader.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. DEMINT. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The majority leader is recognized.

Mr. REID. Mr. President, here is what we are going to do. I ask unanimous consent that the Senator from Pennsylvania be recognized to make a motion in relation to the Webb amendment.

Following that, I ask unanimous consent that when the vote is completed, Senator SESSIONS be recognized to speak in morning business until 2:30. He can allocate that time after the vote is concluded until 2:30 any way he sees fit. So I ask unanimous consent. I think it is clear that the time we are spending in morning business be for debate only.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. The final thing: We understand the desire of the Senator from Alabama to be heard. He has, under the terms of the agreement that is already in effect, 2 hours of time. We ask that the time which is going to be used now be counted against the 2 hours he has under the previous order before the Senate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. The only thing I left out is that at 2:30, when Senator SESSIONS finishes his remarks, that I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask my friends, would it be permissible that my friend from Virginia be recognized for 1 minute prior to the Senator from Pennsylvania?

The PRESIDING OFFICER. Is there objection?

Mr. REID. Before he makes his motion to table.

Mr. VITTER. Mr. President, reserving the right to object, I would like to ask if my rights on the Senate floor can also be protected in that unanimous consent.

Mr. REID. Senator SESSIONS can do whatever he wants in relation to you because it is for debate only, anyway.

Mr. VITTER. That is not really responding to my request. Again, reserving the right to object, I ask the distinguished majority leader whether my rights as a Senator can also be protected in that unanimous consent request regarding Senator WEBB's time by allowing me 1 minute on the floor for any purpose.

Mr. REID. It would have to be for debate only, I say to my friend.

Mr. VITTER. Then I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I move to table the Webb amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 18, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—79

Akaka	Dodd	Martinez
Alexander	Domenici	Menendez
Allard	Durbin	Mikulski
Barrasso	Ensign	Murkowski
Bennett	Enzi	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Obama
Bond	Graham	Reed
Boxer	Grassley	Reid
Brownback	Harkin	Roberts
Bunning	Hatch	Salazar
Burr	Hutchison	Sanders
Byrd	Inhofe	Schumer
Cantwell	Inouye	Shelby
Cardin	Isakson	Smith
Carper	Kennedy	Snowe
Casey	Kerry	Specter
Chambliss	Klobuchar	Stabenow
Coburn	Kohl	Stevens
Cochran	Kyl	Sununu
Coleman	Landrieu	Thune
Collins	Lautenberg	Voinovich
Conrad	Leahy	Warner
Corker	Levin	Whitehouse
Cornyn	Lieberman	Wyden
Craig	Lott	
Crapo	Lugar	

NAYS—18

Baucus	Gregg	Pryor
Bayh	Hagel	Rockefeller
Brown	Lincoln	Sessions
DeMint	McCaskill	Tester
Dole	McConnell	Vitter
Dorgan	Nelson (NE)	Webb

NOT VOTING—3

Clinton	Johnson	McCain

The motion to table was agreed to.

Ms. KLOBUCHAR. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

FIRST HIGHER EDUCATION EXTENSION ACT OF 2007

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1704, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1704) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the bill be read the third time, passed, 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 bill (S. 1704) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1704

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 ''First Higher Education Extension Act of 2007''.

SEC. 2. EXTENSION OF PROGRAMS.

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking ''June 30, 2007'' and inserting ''July 31, 2007''.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

Ms. KLOBUCHAR. 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. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senator from Alabama is recognized under the previous unanimous consent agreement until the time of 2:30 p.m. for the purpose of debate only.

IMMIGRATION

Mr. SESSIONS. Mr. President, I say to my colleagues, the process has not been a pretty one to date. It has been particularly ugly in the last few hours in that we had an amendment yesterday of nearly 400 pages. The people who wrote it apparently found that they made numerous errors which even they were not happy with. They filed another amendment which our Senators don't have a copy of, I don't think even to this moment. At least an hour ago, Senator DEMINT was asking for a copy of the amendment so people could see it and actually read what is to be voted on. It is not good, on a matter that almost every American is watching, a matter that is important to our country, to stumble and bumble into this process, and part of the reason, as my good friend and former chairman of the Judiciary Committee, ARLEN SPECTER, said, it would have been better probably had we gone through the committee process. When he was chairman of the committee, it did go through the committee process. It didn't do a lot of good, but at least it was looked at in some of the areas that are inevitably fixed when we go through that kind of process. So I am worried about this process.

The procedure the majority leader has chosen, and he says he has support of some kind from the Republican leadership side—I assume he does—he has chosen to utilize a procedure never before used in this Senate. That procedure will allow the majority leader, Senator REID, to have the power to approve every amendment that will be offered to this legislation. If it is not part of his clay pigeon, you are not in. If some other amendment is offered and accepted, it is because he decided it is appropriate. He could well accept amendments that he knows are going to fail. He could well accept amendments that he doesn't mind passing. But he picks the amendments. That has never happened in the history of the Senate, never happened in this fashion before.

We must not allow that procedure to happen now. There will be opportunities for us, before this process is over, to execute votes that will demonstrate we don't accept this process, and it should be a big part of any Senator's vote as we go forward with this process.

Mr. President, I have to say to my colleagues, as I indicated to the majority leader earlier, what would Paul Wellstone say, that great liberal advocate, a Senator who enjoyed standing alone, or Senator Jesse Helms, that great conservative who enjoyed standing alone, both doing what they believed was right, something we take great pride in as an institution.

We do not have a lot of power here, but if you don't agree to unanimous consent requests and you are consistent in your advocacy of positions you deeply believe in, you can get a vote. Under this procedure you do not get a vote. I offered amendment after amendment before when this bill was before the Senate. As a result, the leadership on the other side objected. I could not get those amendments pending, and that leaves us unable to get a final vote postcloture.

I am not exaggerating. It has never been done before. It allows the majority leader, under the procedure that is being used today, to completely approve or disapprove of whether an amendment gets voted on. So I object to that process. It is not right. We should not be doing it, and we shouldn't be doing it on a bill that is 750 pages with a 300- or 400-page amendment that goes to some issues that are important to America.

Let me share with my colleagues my concerns about this legislation. I will try to summarize it and go right to the point.

Senator REID, the President, the President's Cabinet members, leaders of the coalition, this grand bargain group—I call them affectionately the masters of the universe—they all tell us this bill is going to fix illegality, and if we don't vote for this legislation, somehow legality will not happen. A group of us have written to the President asking him to utilize 13 special powers he already has under law that will dramatically reduce illegality in immigration. We have not heard from him.

We could do additional legislation that would help enforcement. I believe that is so. But the bill will not stop illegal immigration and, in fact, according to the Congressional Budget Office, June 4, they rendered their report and

they concluded that instead of 10 million people coming into the country illegally as they project under current law, 8.7 million people would be entering our country illegally.

What kind of legislation is this? We have been promised it is going to stop illegality and it only reduces illegality by 13 percent, a fundamental failure, a fundamental misrepresentation to the American people about what this bill will do. It is shocking.

This chart shows that situation. The blue, according to the CBO score over 20 years, the blue shows that 10 million people would be coming into our country at the current rate over the next 20 years. If we pass the bill, the red will occur, 8.7 million people.

Every Senator ought to know what our own Congressional Budget Office has reported. Every Senator who is aware of that cannot go home to their constituents and say: I voted for comprehensive immigration reform to make sure we create a legal system in the future. How can you do that? This can't be done. It is an important issue.

The legislation would double legal immigration. I don't think that is what the American people want or expect. The blue represents current law. The red represents the new bill—and it could be more—and the number of legal permanent resident statuses, the green cards, will double in the next 20 years under this legislation.

I think most people thought we were going to do something to get control of immigration and reduce illegality and reevaluate the numbers who come. Certainly, they don't think we are doubling legal immigration. We also know there are high costs involved. According to the Congressional Budget Office, our study we got back a couple weeks ago, in 10 years this legislation will cost the taxpayers of America in welfare and social benefits $30 billion—this is their number; I didn't make this up—$30 billion. They have been saying this is going to bring in more tax revenue, we are going to legalize people, and they are going to pay taxes. Wrong. It is not going to happen. It is not so. I wish it were so. I wish I could tell my colleagues that the numbers show when this amnesty occurs, everybody is going to pay a lot of taxes and it will help balance our budget. Wrong. It is not going to happen that way. It will cost $30 billion in the first 10 years, and our own Congressional Budget Office says it will be dramatically greater in the next 10 years and increase as the years go by.

It is going to increase the cost to the Treasury and, in fact, let me share with you what the highly regarded Heritage Foundation study found. Robert Rector, a senior fellow at the Heritage Foundation, the architect of welfare reform for our country, has been alarmed at the cost of this bill. I am not talking about the cost of Border Patrol agents and barriers and those kinds of items. I am talking about the cost of providing all the social benefits we give to American citizens, to people who came into our country illegally, what it will cost in terms of tax credits, Medicaid, welfare, food stamps and the like. If they are all made legal permanent residents, Z card holders, even the temporary visas, they will be entitled to virtually all of these programs.

According to Mr. Rector, over the lifetime retirement years of the 12 million who would be given amnesty under this provision, it will cost the taxpayers of America—hold your hat—$2.6 trillion; over $2 trillion. It is a stunning figure. It is a figure so large that we almost can't comprehend it or think about it. But anybody who tells you that somehow legalizing the people who are here illegally and providing them with every benefit we provide to American citizens is somehow going to add revenue to our Treasury cannot be correct. CBO says no. They say it will be even worse in the outyears. And the Heritage Foundation has calculated the outyears to be over $2 trillion. This is a stunning figure.

I submit that by passing this law, we will provide a path to citizenship for people, for even those people who broke into our country last December 31, running past the National Guard the President called out. If you could get past the National Guard last December, you will be given amnesty under this bill and be placed on a full path to all these benefits and citizenship.

They have been saying we have to help people who have been here for years and have children and deep roots. I am willing to discuss that situation. I don't believe we can ask everybody to leave this country who came here years ago, who have children and roots and are dug in. I am not prepared to ask them to leave—I really am not—and I have said that publicly for some time. But Senator WEBB just had an amendment that said if you came here in the last 4 years after we had been talking about this issue, after we have called out the National Guard and made clear we want to do something about it, you don't get on this path, you haven't been here long enough to entitle you to be given amnesty. It was voted down by a substantial vote a few moments ago. His amendment was tabled. It is no longer on the agenda. It will not become law. The current law, what is in the bill, provides amnesty to people who came in last December.

I have talked about, and we have had hearings that I think demonstrate with absolute clarity, this incredibly large flow of immigration into America today is, in fact, depressing wages of American workers. Oh, yesterday, we had this great union debate that we are going to eliminate the secret ballot so people will be forced into unions. My Democratic colleagues had charts showing wages haven't gone up in the last few years. And I am inclined to agree because that is what the experts told us on the immigration question. They told us that wages have not gone up—not because of some oppressive businessperson but because we have allowed millions of people to come into our country to take jobs at lower wages that Americans ought to be paid to do. Those are just the facts.

Professor Borjas of Harvard, himself a Cuban immigrant, at the Kennedy School—and I suggested Senator KENNEDY perhaps should walk over there to Harvard from his Boston home and talk to Professor Borjas. Professor Borjas concludes that for people in this country without certain education levels, their wages from 1980 to 2000 have been depressed 8.2 percent.

Anecdotally, I would just note that when I left the Chamber here last Friday, there was a gentleman out here on the street—had gray hair and a gray beard, with a little sign about jobs—and I talked to him. He said he was a master carpenter in Florida and he used to make as much as $75,000 a year—which is not too much money for a master carpenter, in my opinion—but he can hardly make a living today because of an incredible influx of cheap labor that has pulled down the value of his labor.

When I raised this with Senator KENNEDY last year in our debate, he said: Well, we are going to raise the minimum wage. Well, how much are we going to raise it? We are going to raise it to $7 an hour. That is not good enough. We want people to make $15 an hour, $20 an hour.

If you want to know why wages haven't gone up for working Americans, ask Professor Borjas at Harvard; Professor Chiswick at the University of Chicago; Alan Tonelson, an expert; and one of the other professors we had actually—I think he was with the Chamber of Commerce group, and he admitted it. The Secretary of Treasury just recently admitted he was concerned about the fact that wage earners were not keeping up with the growth in the economy. That is my opinion. If somebody wants to dispute it, so be it.

I don't think this legislation in any way provides for assimilation to the degree we would like to see it in accordance with our great American heritage of assimilation.

So I think the fundamental issue in this entire debate, the issue that goes to the heart of the question, is whether this Congress and this President really intend to keep the promises they are making. Isn't that the real question? Because in 1986, they spun a beautiful song: one-time amnesty, and we will have law enforcement next.

I ask: Does this bill do what the supporters claim it will? Fundamentally, will it work? Will it secure the border? Senator REID, just a few moments ago, said what the American people want—they want our borders secure. Well, will it do that? Will it enable us to enforce the law in an effective, diligent, and consistent way that breeds respect for law? Will it clearly reward right behavior and firmly penalize bad behavior? Will it encourage immigration by lawful means, a means that serves our

national interest and not special interests, or will it continue to encourage illegal immigration? Are we just drifting through, once again, a charade, a predictable cycle where every few decades amnesty is rewarded to lawbreakers and enforcement never follows? Would that not be a tragedy?

This Senator has no intention and will not vote for and will oppose in every way he can—and others share this view—a bill that is going to be like 1986, that will fail again. When this cycle occurs again, as I predict it will if this legislation passes, those who ignore our laws will be rewarded; those who dutifully comply will consider themselves to be chumps for going through that process.

In recent days, I have had three people who have entered our country legally, done it correctly, come to me and tell me: Senator, stand in there; we support you. We did it the right way. We don't appreciate these people doing it differently.

There was a good article in the Montgomery Advertiser about a lady named Singh—I assume she is of Indian ancestry—who spent several years, hired a good lawyer, spent $4,250, and eventually got her citizenship, for which she was most proud. She was absolutely crystal clear that she did not appreciate it that other people came into our country illegally and would get the same privileges she got that she had to work hard for doing it the correct way. I think there is a moral order here that we need to respect. Repeated amnesties erode a moral approach to the law of this country.

In the past 2 months, we have heard other Senators and the President make promises that this is going to work. The political elite have all said to our top magazines and newspapers that they promise real enforcement will begin following the passage of this bill. They promise this bill will decrease illegal immigration, it will secure the border, and reform our legal immigration system to better serve the national interests. That is a great promise. If that is what this bill did, I would be for it. In fact, I was quoted in the paper several times this spring when I heard the masters of the universe, our friends who tried to write this bill, promise those very principles. I said that those are principles that are getting close to something I can support. I am really interested in it. But as I read it and studied it, I became more and more discouraged, and as independent critics and other experts examined it, they indicated the same.

So will the promises be fulfilled? That is a question I would like to discuss today. Remember this: Even in 1986, President Reagan was the President, and he was a law-and-order man, and when the bill passed in 1986, what did he emphasize? Did he emphasize the amnesty they granted? No, because people were dubious about that. He emphasized the future law enforcement—and this is so familiar today—and he said:

> It is high time we regained control of our borders, and Senator Alan Simpson's bill will do this.

Well, President Reagan was wrong. We had 3 million people here illegally then. Now we are talking about providing amnesty to 12 million, maybe 20 million. It didn't work. Nobody had the Congressional Budget Office score at that time, our own Congressional Budget Office which tells us this bill won't work and we are going to have another 8.7 million people enter our country in the next 20 years.

At least we have been warned this time. Why shouldn't that cause us to pause? Why shouldn't that cause us to give a decent respect to the opinions of our own constituents who strongly oppose the bill and have great doubts about it? Why don't we pull back, rethink it, and begin to do what one of the pollsters suggested the American people are saying, which is take some smaller steps incrementally, emphasizing enforcement? That is what I would suggest we should do.

I would like to make this point. Even if President Bush—who has done some things in recent years that are better than we have had done in a number of years but still isn't using all the powers of his office—even if he kept the promises he is making, he is not going to be in the White House after another 18 months. Somebody else is going to be there. There will be a new Congress here. So the test is really going to be when these trigger events are met, and that will be in 2009 when we will have a new President in office.

Now, let's think about this: Some of the Democratic candidates already oppose the core components of the bill, such as the merit-based system, like Canada's. Governor Richardson and Senator OBAMA—if they win the Presidency, are we going to assume they will fulfill the promises made by this administration? It won't be their priority.

Let us talk in a little more detail about this No. 1 issue which is so critical: Will we secure the border, and is this legislation going to help?

The bill proponents all make the same claims—that without this bill, the border cannot be secured. But if we pass the bill, they say, we will secure the border. Essentially, they are claiming that enforcement can't be done unless we get amnesty and enforcement. They also claim to be adding 18,000 Border Patrol officers, increasing the detention bedspace, and expanding fencing. Now, you have heard that said. Of course, I want to remind everyone we passed a law which already requires that last year. In my view, that is not contingent on this bill being passed. And I will go into that in some detail.

In its first articulated principle about the immigration legislation, the White House PowerPoint that was shown to Senators this spring—and that was intriguing to those of us who have been concerned about creating a lawful system of immigration—the PowerPoint promised ''to secure U.S. borders'' and ''not to repeat the 1986 failure.''

Senator KENNEDY, at the famous press conference just about a month ago, said this:

> The agreement we have reached is the best possible chance we will have in years to secure our borders.

Best chance in years.

> In this legislation, we are doubling the border patrol, we are increasing detention space.

Senator MCCAIN said this:

> This legislation will finally accomplish the extraordinary goal of security at our borders.

Another Senator:

> I am delighted we are going to secure the border.

Another one:

> It will make sure our borders become secure. We have had broken borders in this country for 20 years. It is time to get them fixed. This bill will do that.

Another:

> What happens if we fail? Our borders continue to be broken at a time when we need to secure our country.

That is what they all said. Oh, gosh. Well, let's talk about it. They said: Well, we started out in this legislation with 18,000 additional Border Patrol officers; we will increase detention capacity to 27,500 beds; and another one—this is former Governor Jed Bush and Ken Melman—''It doubles the border patrol and expands the border fence.'' That is what they said in their May 31 Wall Street Journal Open Borders editorial. It doubles the Border Patrol and expands the border fence.

Maybe these people think this. All right. Let's see if we can get this straight. Before we address whether this bill actually will secure the border, it is important to clarify for the record that the bill does not require a doubling of the Border Patrol, it does not require more bed space than required by current law, and it does not require more fence than current law requires. If anybody doesn't agree with that, come on down and show me that I am wrong. This is a promotion.

What about agents? The bill does not add 18,000 Border Patrol agents, Senators. When these statements were made, the trigger only required that a total of 18,000 Border Patrol agents be hired.

Since then, Senator JUDD GREGG got the number up to 20,000. I think we have that. So we are close to that number now. We are close to 18,000 now and are already on track to have that number hired by the end of 2008, so no more Border Patrol agents are required to be hired under this bill's enforcement trigger than current law requires. Those of you who want to see enforcement are not being given anything on Border Patrol officers.

What the bill does do for agents outside the trigger is add 6,000 to the total authorized level by requiring 2,400 agents to be hired in 2011, and again in

2012, and increasing the numbers that are supposed to be hired in 2008, 2009, 2010, from 2,000 to 2,400 per year. In other words, we are already projected to hire 2,000; they say we will add 2,400 a year.

Current law authorization only went through 2010 at 2,000 a year, so this bill does increase the authorization by about 30 percent. But it certainly does not require an actual doubling of the Border Patrol, and a 30-percent increase is not in the trigger. The reason that is important is, if it is not required as part of the trigger that kicks off the amnesty and the permanent residence, then appropriators in the future are not likely to do it. I can give you a string of examples of us authorizing Border Patrol, authorizing fencing, and never coming up with the money to fund it.

What about bedspace? What is inside the trigger? The claim the bill increases the detention bedspace is factually false. The bill does nothing more than current law. The Intelligence Reform and Terrorism Act of 2004 requires that 43,000 beds be in place by the end of this year. In 2004 we require 43,000 bedspaces by the end of 2007. The enforcement trigger contained in this bill, though it improved a bit after the Gregg amendment, still only requires 31,500 beds. It really weakens the number.

What about bedspace outside the trigger? Even with the bill's latest section on bedspace found outside the trigger, which requires the eventual addition of 20,000 beds, the bill still only gets to 38,000 beds, still below current law. So that is a problem.

Let me mention the fencing. We hear so much about that. The claim that the bill expands the border fence is also not true. The trigger requires only the building of 370 miles of fencing. Listen to me now. The trigger—the thing that was set up to make sure it happened, knowing how in the outyears things never get funded and seldom get funded and are unlikely to get funded, we were trying to mandate that with the trigger—it only requires 370 miles of fencing. Current law since last year's enactment of the Secure Fence Act of 2006 requires the construction of 700 miles of fencing along the southern border.

In a recent column published in the National Review, Deroy Murdock asked:

> Americans who want secure borders wonder why the 700-mile southern frontier fence Congress authorized last year, of which only 12 miles have been built to date, stretches only 370 miles.

All I am saying to my colleagues is, we in the Senate have been around here a long time. We have heard how these things go, and we know a song and dance when we see one. But if you read the bill carefully you will conclude that the promises, though promises that sound so good, are not reality. They were absolutely headed to a failure, just like the Congressional Budget Office said, of almost as much illegality in immigration in the next 20 years as we had in the last 20 years—only a 13-percent reduction. It is just not sufficient.

I see my colleague from Texas, Senator JOHN CORNYN, one of our most able Members, who is exceedingly knowledgeable about this issue. He is a member of the Judiciary Committee. Of course, he was a former attorney general in Texas and a member of the Texas Supreme Court. I value his judgment. Out of the time left to me, I will yield—how much time would the Senator request? First, let me ask how much time is left?

The ACTING PRESIDENT pro tempore. There remains 40 minutes.

Mr. SESSIONS. I yield 20 minutes to the Senator from Texas.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized for 20 minutes.

Mr. CORNYN. Mr. President, I almost hesitate to talk after those kind comments from my colleague from Alabama. I am afraid anything I might say would be a disappointment. But let me try.

This immigration bill is leaving all of us with a sense of deja vu. That is the sense that we have been here before. Strangely, not much has changed. Once again we see that this process ignores the request, the stated desire of many of us, to have an open and transparent debate, an opportunity to offer amendments and to have votes on those amendments. As a matter of fact, I understand the condition upon which some of us are even being allowed to speak now is that we just debate, and we not even be so presumptuous as to seek to offer a unanimous consent request for amendments. This is a bizarre process.

As we have seen so far, we started off rather inauspiciously, where because of constraints being placed on Senators, denying them the rights they have—Senators, I thought, had—and the responsibility that each of us has on behalf of our constituents to try to improve this legislation, to debate it—because we have been denied those basic rights of a United States Senator, we find ourselves in a strange position now. We have motions to table being offered. I don't know whether all 26 or so of the amendments contained in this so-called clay pigeon device, this arcane procedural device used to usurp the authority and the rights of Senators in order to railroad this bill through the floor—whether we are going to see all of these amendments tabled; in other words, without debate, without an up-or-down vote on the amendments and with the American people scratching their heads and wondering what in the world is going on.

How much more out of touch can people inside the Capitol be than they are now? We continue to see a bizarre process going forward. Last night we received a 373-page, so-called clay pigeon amendment. This is the bundle of the 26 amendments that had been preapproved, screened, cherry-picked by the select few behind closed doors. You know what. We got that, the Members of the United States Senate and our staffs, after a special interest group had already posted it on their Web site. That is right. U.S. Senators and their staffs got a copy of this 373-page monstrosity, which nobody had a chance to read—we got it after a special interest group that had been participating in these closed-door negotiations got it and put it on their Web site.

Today, we are told: No, that is a work in progress. We are not yet through. Today we get a new 400-page version of the same package of amendments. I understand it is at the desk, but so far as I know, we have not yet received a copy of it. We have not had time, obviously, to review it and know what is in it. But that does not deter those proponents of this legislation on the floor who are going to keep charging ahead, regardless of our request to actually read the legislation, to understand what is in it, to offer amendments to improve it and to debate its contents. That is what I thought I was elected to do on behalf of my constituents when I came to the Senate.

I have to tell you, I think this all bodes very poorly for the likelihood that we are going to successfully accomplish true immigration reform and border security as a result of this legislation. I think we are heading toward a cloture vote tomorrow where it is looking increasingly like we are not going to be able to get the job done. I think it is a product, in large part, of secret negotiations.

I have to correct my comments. I just got the 400-page monstrosity known as the revised clay pigeon amendment. I look forward to reading it, hopefully, before the next vote is scheduled on the contents of this monstrosity.

As I was saying, by secretly negotiating this legislation, skipping the committee process, and then pushing it through the Senate without people having an adequate time to read it, we risk passing legislation which clearly is not thought out and which Members have not had sufficient time to review or to study in any detail, particularly because the language keeps changing, it seems, almost daily. This may, in the end—and this is the most important part—it may, in the end, do more harm than good.

For example, written into this legislation are provisions that will directly result in an increased likelihood that dangerous persons will get at least a probationary legal status that confers upon them a variety of rights and privileges that I do not think, on further reflection, we would want these people to have. These problems could be fixed if we had a rational process of debate and offering amendments and an opportunity to vote on those amendments but, without committee

review, without ample time to have that kind of debate and vote on amendments, there is really no hope to correct these flawed provisions.

I have spoken before about the type of amendments which I personally believe would improve this legislation. I want to talk about them. I understand I am constrained by an agreement that I not bring up these amendments, so I am not going to do that now. I may do it later and see if attitudes have changed, but I do want to talk about six of the most important amendments which I believe could and should be added. These are only six of the amendments that I personally think would make this bill better. I know my colleagues have other good ideas on how to improve this legislation.

We are going to be living with this legislation for many years to come—decades. We find ourselves now, 20 years later, living with the consequences of unenforceable legislation that was passed in 1986. So I think greater care needs to be taken.

One amendment I would offer would prevent criminal aliens from getting an enforcement holiday by authorizing them to delay, and even possibly avoid, deportation by filing frivolous applications for legal status as well as appeals from the denial. That is right. It would prevent them from getting virtual impunity, even though they filed a frivolous application for legalization, as well as multiple appeals.

Another amendment I would offer would prohibit criminal aliens, including gang members and absconders, people who have defied lawful court orders and either have gone underground or have been deported and entered the country illegally—technically felons under the Immigration and Naturalization Act—my amendment would prohibit them from tying up the process, gumming up the courts by appealing the denying of a request for a waiver of grounds for removal.

The court clogging that would ensue without these two provisions is almost sure to cause extensive delay that will almost certainly increase the costs associated with this bill and frustrate the intent of Congress trying to pass a truly workable system. This is not a hypothetical concern. As we debate this bill there is a lawsuit pending by people who have been deported from this country and therefore were not eligible to receive the 1986 amnesty, but they have been litigating their request that the INS, and now the Department of Homeland Security, grant them a waiver from that part of the 1986 law that said they were ineligible.

This litigation is still going on, 21 years after the 1986 amnesty was passed. Don't you think we would like to learn from our mistakes? Don't you think we would like to try to fix those problems? Under this process, we are not given an opportunity to do that. My amendments would prevent decades-long litigation and frivolous lawsuits from occurring with respect to the provisions of this bill.

Another amendment I would offer if given an opportunity would require judges to consider national security implications before issuing nationwide injunctions against immigration enforcement. That is an essential provision to protecting our Nation, something that this bill claims to do but which it omits.

I would note that that provision passed in last year's immigration bill but yet was consciously omitted from this one. There is no good reason to weaken last year's bill in this regard.

Another amendment I would offer would limit the timeframe of any appeal from a denial of Z status to 2 years, so that any error is promptly corrected and so that court proceedings would not tend to drag on endlessly, wasting tax dollars and logjamming our courts and allowing a person who has been determined not to be eligible for legal status to stay in the country indefinitely, under the guise of appealing their denial.

Another amendment I have would prevent those who have committed terrorists acts or provided material support to terrorism from qualifying for legalization under the ''good moral character standard'' under this bill, something that seems to be inherently obvious to me. It ought to be included. I am shocked it is not included.

I will give you one example. Last year, Mohammed El Shorbagi pled guilty to providing material support to the terrorist organization Hamas. Hamas, by the way, is identified by our own State Department as a terrorist organization, as well as by the European Union. This individual's conviction did not specifically bar him from becoming a U.S. citizen because, under the law in effect, aiding an organization that routinely fires rockets on innocent civilians, families, and neighborhoods; people who abduct innocent individuals; and those who have most recently staged a violent coup in Gaza, does not in any way affect their good, moral character.

Don't you think the Senate, the world's greatest deliberative body, representative of the 300 million people of the United States of America, would want to fix this glaring omission in the underlying bill? Well, I have been told that, no, we are not interested in that amendment. We have our cherry-picked set of preselected, prescreened, preordained, and no one else is going to be able to offer one. In fact, you cannot even debate them, much less offer them and have a vote on them.

I appreciate that some have finally recognized the significant flaws and security risks that are inherent in the bill as it is currently written. I would note, though, that it was not until late yesterday afternoon that some agreed that such a change was needed to improve enforcement and protect U.S. national security and included a version in the divided amendment.

Now, as I mentioned a moment ago, because the so-called clay pigeon that includes 26 amendments is not yet—well, it was only a moment ago handed to me, hot off the press, I have not yet had time to study that version, I don't know whether the modified version that was sent to the desk today changes it. But at least there appears to be some movement toward closing that loophole.

But what other enforcement loopholes and flaws remain in the bill? I fear that under this expedited process, the train has left the station, and it is going to blow right through the middle of the Senate until we pass something without proper consideration, and we are going to make mistakes. I think that is a bad idea.

During the previous debate, I introduced an amendment that would bar criminals, felons, from ever being able to obtain Z status. While it did not pass during the previous debate, I am still clueless as to why that happened. I think now that people have had time to study it and to think about it, hear from their constituents about it, more members would be supportive of closing that loophole for felons. I have refiled this. This is another amendment I have that I hope we will be able to vote on eventually. I hope the Senate does not consciously allow felons the benefit of a pathway to legalization and American citizenship. I cannot imagine why in the world we would.

As I said, those are only six of the amendments that I think need to be offered and added to this bill. Let me mention one other thing. I see the Senator from Kentucky, who perhaps would like to add his comments. Let me mention one other glaring loophole that I talked about a little yesterday. This was a provision that requires a 24-hour background check for someone who applies for legal status. But failing that, the default position is they get a probationary Z visa. In other words, we put a provision in here that says: If the background check can't be completed in 24 hours—and it can't, I promise you—that the applicant will be automatically granted legal status on a probationary basis.

I am concerned particularly because what that does is not only gives them an ability to obtain a probationary Z visa or legal status, the White House has said: Oh, don't worry about it. If we cannot get the background check done in 24 hours, and we find out they are disqualified because they do not pass a background check, we will send someone out to pick them up. Do you know how many absconders there are in the United States who are under lawful orders of deportation and have simply gone underground and the Department of Homeland Security, Immigration and Customs Enforcement has failed to pick them up and to execute the lawful orders of our courts? There are 623,000 absconders who meet that definition. Are we supposed to believe that people who fail the background check for this probationary Z visa are now going to be picked up, when 623,000 people who

have defied lawful court orders, who are on the lam, who have gone underground and whom the Department of Homeland Security has failed to pick up and deport, according to the lawful orders of a court, that now all of a sudden the policy has changed?

Trust us. Trust us. Well, I tell you what, the American people do not trust the Federal Government, particularly in this area. I hesitate to say it, but it is with good cause, based on hard experience, based on overpromising and underdelivering when it comes to our immigration program.

I support increasing legal immigration, looking at how to recruit the best and the brightest and allowing them to come here, particularly if they come to our universities and study at our world-class universities and stay, so we do not have to send them home and so they end up competing with us and taking jobs overseas.

I support comprehensive immigration reform. But I do not support promising the American people that, oh, yeah, trust us this time, we are serious, when there are such obvious flaws in the underlying legislation, that we are being prohibited by this railroad of a process from being able to offer amendments, to get votes on those amendments, to be able to fix the underlying bill.

I can see why the American people would be skeptical, because I am skeptical. I am increasingly skeptical as a result of the way this process and this legislation has been handled.

My hope is that should this cloture vote fail tomorrow, which I think, under the circumstances, looks increasingly likely, we will come back and reassess what we have done, or, moreover, what we have failed to do and try to be more serious, more deliberate, more conscious of trying to actually deliver on our promises rather than continuing to overpromise and underdeliver on this great issue of national concern.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Senator BUNNING from Kentucky is here and desires to speak on this legislation. I thank him for his comments previously and for his clarity of thought on the issue.

How long does the Senator desire to speak?

Mr. BUNNING. About 5 minutes.

Mr. SESSIONS. I yield 6 minutes to the Senator from Kentucky.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I said this before, but here we go again. Three weeks ago, a significant majority of the Senate rejected this flawed immigration bill and the flawed process that led to it. But now it is back.

One of the key reasons the bill failed the first time around was the flawed process or the lack of process that led to the bill. In the Senate, an idea normally takes months, if not years, to become a bill and pass. But instead of letting the bill develop through the deliberative process, a few Senators and a few people from the administration wrote the bill in secret.

They held no committee meetings, there were no hearings, there was no committee report. In fact, Senators did not even see the whole bill until several days into the debate. When those of us who were not part of the secret negotiations finally saw the bill, we found all kinds of problems. But we were told the bill had to be finished by a certain date. We were not even allowed an open debate on the floor.

So with a few days looming before the Fourth of July recess, a few negotiators got back together and blessed another list of amendments to get votes. Apparently, they believe that 20 or more votes equals a full debate. What a joke.

As if that were not bad enough, the majority leader is taking an unprecedented step to shut off the right of Senators to debate and amend the bill. That is not the Senate. The process is not the only thing that is flawed around here; the bill itself is flawed.

In 1986—thank God I was not in Congress—Congress passed an amnesty bill that was promised to be the last of the amnesty bills. Here we are 20 years later, and the problem is much worse, much, much worse. The bill is no better. Instead of punishing illegal immigrants and employers who ignore the law, this bill is a get-out-of-jail-free pass. It gives those who broke the law their own VIP line to a green card and citizenship.

For this bill to work as promised, the Government would have to process at least 12 million illegal immigrants in a matter of months. In short, the timeframe the Government would have to conduct these background checks, issue identification cards, and to build a system to check every employee in America to make sure they are legal, that is the timeframe.

The Government would also have to implement new guest worker programs, eliminate the green card backlog, overhaul the green card system, and start issuing new visitor visas. But I do not believe it will work, and the American people certainly do not believe it will work. I am not talking about the far left or the far right; I am talking about middle America—middle America.

I am talking about the people who are stuck in the lines in passport offices, waiting on the Government, waiting for them so they can go on a summer vacation. We are supposed to believe that the same Government that cannot even get passports into the hands of their people is going to complete background checks on from 12 to 20 million illegal immigrants, give them a secure ID card, check every employee in the United States to verify their work status, and secure the borders.

I don't think so. Unfortunately, this bill does not even secure the borders. The $4.4 billion included in the bill does not add any new border security. It only funds the trigger requirements of the bill which do not even require implementation of existing laws such as building the 700 miles of border fence and the 43,000 detention spaces.

There are other problems, too. The bill does not require background checks to be completed of illegal immigrants getting amnesty before they get their visas. The bill gives Social Security credits to illegal aliens for work they did illegally. Illegal aliens with terrorist connections can get amnesty, and they do not have to pay all their back taxes or learn any English at least for 10 years. What a deal. The bottom line is the bill will not work.

It is much worse than the status quo. Any chance of fixing it is being erased by the handful of negotiators and the majority leader. Instead of trying to fix the bill, the majority leader is using unprecedented tactics to ensure only a few blessed amendments are considered. We all have amendments, such as the Senator from Texas. None of them are going to be considered.

I will not support amnesty. I will not repeat the mistakes we made 20 years ago. I will not be responsible for tens of millions more illegal immigrants coming into this country waiting for the next amnesty. I will not support this process or this bill.

I thank the Senator from Alabama for yielding me the time.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Kentucky. On this question, this fundamental promise by our friends, whom I refer to affectionately as the masters of the universe, that we would secure the border—what does our expert congressional arm say about it? What does the Congressional Budget Office say about it? They say, no, it will not. Senator CORNYN and Senator BUNNING have pointed out a number of things that are weaknesses with the bill. Will this weakness and other items they talked about in the bill actually secure the border? According to CBO, the new Senate bill will only reduce the annual illegal immigration by 13 percent. Illegal inflow at the border will be reduced by approximately 25 percent, but that will be substantially offset by increased additional visa overstays, almost over a half million in the next 10 years. According to CBO, the net result will be only a 1.3 million reduction in new illegal immigrants over the next 20 years. Because we expect under current law 10 million to come over that period illegally—that is a lot—enactment would reduce that expectation to 8.7 million new additional illegal immigrants by 2027. Out of 10 million, we have 8.7 million. I ask my colleagues, is that securing the border? Is that effecting a legal and lawful and effective immigration system? I suggest it is not. There is no way you can say it otherwise.

One of the key things of an effective immigration system is the US-VISIT exit system. That is not affected in this. I have talked about that some, but I won't go back into that.

I see my colleague from Louisiana here, Senator VITTER. He is an outstanding lawyer who has spent a great deal of his time and energy studying these 700 pages and trying to get the amendment of 370 or so pages so he can study it and help decide what it will do. I see Senator VITTER is here. I am pleased to yield to him 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized for 5 minutes.

Mr. VITTER. Mr. President, I thank the distinguished Senator from Alabama.

I want to briefly take the floor to lay out how enormously unfair this process is. I am new to the Senate. Coming here, I had always heard, particularly coming from the House, about the fundamental aspect of the Senate being unlimited debate. I walked through the wrong door, because that is not the case, certainly not the case for me in terms of this bill. It has been exactly the opposite from start to finish.

Why do I say that?

First, we are handed an 800-page bill, given very little time to digest it. Then a few days later, in terms of this latest revisiting of immigration reform, we are handed a 373-page mega-amendment and given no time to digest it. Then some of us demanded the time to digest it by not agreeing to waive the reading of that 373-page amendment. Only because we did that, we were finally given the right to look at the amendment overnight last night. Great. So we come back at 10 a.m. this morning, after working with our staffs to wade through 373 pages of the amendment, only to find out that mega-amendment is out the window. We have a new modified version of the mega-amendment, which we have never seen before, which we were only given a copy of in the last hour. Now we are trying to digest a new mega-amendment. Meanwhile, the procedure is rolling along.

Of course, the majority leader, through this unprecedented use of the so-called clay pigeon, has hand chosen the only amendments that apparently will come up during this debate on the Senate floor. It is not an accident that there are no Vitter amendments. I had plenty filed. None of them are on the list. The majority leader could have chosen any list of amendments. He could have tried to make an effort to have a balanced list to include some amendments of folks such as me who have fundamental reservations with the bill. He did not. There are no Vitter amendments. It is not a coincidence there are no Sessions amendments. There are no DeMint amendments. There are no Cornyn amendments, the person who began this process working with the working group, developing the bill. It is not a coincidence there are no Elizabeth Dole amendments. All of us have been completely shut out in terms of the handpicked list of amendments.

Then we try to participate in the process again on the Senate floor. I try to be recognized several times to exercise my rights as a Senator. I am shut down again because the majority leader will only recognize me for purposes that he decides, not me, for purposes that he approved of, not me. Basically, I am allowed to debate and nothing more. I am not allowed to offer a motion. I am not allowed to do any of that. It is coming to the point where I am wondering, even if he allows me to say anything, is he going to hand me a script and I will have to read from that?

This is not an open, fair process. This is not the Senate I heard about, with unlimited debate and amendment. Yes, there are unlimited amendments as long as they are approved, apparently, by the majority leader. None of them are my amendments. Yes, there is unlimited debate as long as you agree not to exercise any of your rights as a Senator. You can talk only. You can't make a motion. You can't try to bring up your amendments. You can't do any of that.

That process is fundamentally unfair. I hope many Senators who are still considering how they will vote on cloture will focus on this process. The American people have said loudly and clearly this is an important issue to them. They have also said loudly and clearly, by any poll out there, that they absolutely disapprove of this bill by enormous numbers. For us to move ahead anyway is one thing. For us to move ahead using this process, railroading me, railroading any strong opponent of the bill, is something else. It is patently disgraceful.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate the comments of the Senator from Louisiana.

Let me say what I believe is not in dispute. The procedure Majority Leader REID has chosen to utilize is a procedure never before utilized in the Senate. They say: You are just saying it is unfair. Everybody says things are unfair.

The reason this is more than a question of fairness is because it is a transfer, an arrogation of power to the leadership by which, for the first time in the history of the Senate, the majority leader will be able to approve or disapprove whether a Senator gets a vote on an amendment. If one wanted to do that up until this time, since the founding of our Republic, they stayed down here and didn't agree to unanimous consent requests. They stood their guns. It might not be easy, but one could get a vote. They could talk about what they wanted to talk about. But this process by which the leadership will select a limited number of amendments, place them in this clay-pigeon maneuver and only those amendments get voted on and every other amendment is rejected, is unprecedented in the Senate.

I had a senior Member of the Senate come up to me with some alarm not long ago this morning and say: You need to be able to get amendments.

I don't think we have thought this through. It is dawning on me how significant this is. I said earlier: What would Paul Wellstone say? What would Jesse Helms say? What would other Senators say, individual Senators who are proud of the ability—seldom used, perhaps—they could utilize to raise a point that they believe in, even if everybody else disagrees. That is part of our heritage. It will be eroded if we go through this process.

I know my time is up. I appreciate the personal courtesies of the majority leader. He has always been courteous to me. In this instance, a bad decision has been made. Hopefully it will be rectified in some fashion one way or the other by denying cloture on the legislation.

COMPREHENSIVE IMMIGRATION REFORM ACT—Continued

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, we have this matter before us. We are going to do our very best to work through it. To remind everyone about this legislation: This bill was taken up. We spent considerable days on the Senate floor. Prior to doing that, of course, we had a debate last year that encompassed much of what we have talked about this year. In addition to that, though, during the time we pulled the bill from the floor—this bill was pending here—of course, we brought that back with the amendments that had passed.

In addition to that, with the concurrence of the President—because the No. 1 complaint that folks on the other side had initially was there was nothing that was going to take care of the border—$4.4 billion is now in this matter that is now before the Senate, $4.4 billion to strengthen the border. It does do that. Not only do we spend the money, but we spend it well in this bill. There will be 370 miles of fencing that will be paid for—will not be just talked about—300 miles of vehicle barriers that work extremely well, probably better than the fences. It will now be possible to hire 20,000 new Border Patrol agents. The are 105 ground-based radar and camera towers. There will be a facility with detention beds for people who violate these immigration laws. There will be a place to put them.

It toughens employer sanctions by creating a mandatory employer verification system. It doubles criminal and civil penalties against employers who hire unauthorized workers. Employers can be fined up to $5,000 per worker for the first offense, up to $75,000 per worker for subsequent offenses, or they can serve jail time.

Also, as it relates to employer sanctions, it strengthens document integrity by requiring tamper-resistant biometric immigration documents.

And, yes, as the Republican Secretary of Commerce has said, and other administration officials have said, this is not amnesty. In fact, what Secretary Gutierrez has said is that if we do not do something, there is silent amnesty. We are going to move past that.

If someone wants to be on a pathway to legalization, they have a job, they pay taxes, they stay out of trouble, they learn English, they pay penalties and fines. They go to the back of the line, not to the front of the line.

This legislation, very importantly, includes AgJOBS and ends the exploitation of migrant farmworkers and provides them legal status.

The DREAM Act, which a number of individuals worked very hard on—but no one harder than my colleague, the senior Senator from Illinois, Mr. DURBIN—the DREAM Act is to legalize immigrant children brought by their parents to this country through no fault of their own and to allow them to go to college or join the military.

So this is a nice piece of legislation. It is a step in the right direction. We have had 36 hearings since 9/11, 6 days of committee action, 59 committee amendments, 21 days of Senate debate, 92 Senate floor amendments. We have been pretty thorough with this issue.

Mr. President, I yield to my friend for a question, and I would, of course, regain the floor when he completes his question.

Mr. KENNEDY. Mr. President, is it the Senator's understanding with this legislation we will have virtually the strongest border in the history of the United States of America in the Southwest? Is that the Senator's understanding of the effect of this legislation?

Mr. REID. Mr. President, the Senator is absolutely right. He has been on the Judiciary Committee for decades in the Senate. He has been chairman of the Subcommittee on Immigration for decades. He has watched what has gone on. We all recognize what happened in 1986 was not good. It is my understanding the senior Senator from Massachusetts voted against that legislation.

This legislation will correct that. This legislation will put 4.4 billion real dollars—not authorized—in direct funding. We got a signoff from the President to do this. If we did nothing else, zero—for those people who have concerns about this legislation—if we did nothing else other than do this to secure our border, they should vote for this legislation. But there is much more in it. I have given a brief review of the good things in this legislation. It is a good piece of legislation to correct the problem we have.

Mr. President, I would be happy to yield to the Senator from Massachusetts for a question.

Mr. KENNEDY. Does the Senator agree with the Council of Economic Advisers that said passing this legislation will mean there is $55 billion—$55 billion—in fees and in fines that will be paid that will be used to strengthen the border, to enforce worksite enforcement, to make sure we are going to have a tamperproof card, which is essential for any kind of immigration system; and that if this legislation does not pass, that $55 billion is going to be paid for by the American taxpayer? Does the Senator understand that is the implication of these votes?

Mr. REID. Mr. President, the people who are talking about the negativity of this legislation I do not think understand how good it is. I have talked about the $4.4 billion. But to think about that: $55 billion to go toward making our country safer—not our borders—our country safer, and it is not paid for by the taxpayers. It will be paid for by the people who are seeking to change their status.

I think it is a tremendous improvement, a step forward. I think it is so important that the American people not hear all this ''some of us have not been on the floor talking about this piece of legislation a lot.'' It seems the voices we hear are people who are talking about the process being unfair, that they have not had a right to be heard. Some people complain, ''I thought the Senate was different than this.''

Mr. President, for my friends, some of whom are complaining who served in the House of Representatives, this is a fair process. People in the Senate have a right to speak. We have rules that after so much time, when 60 Senators say you talked enough, debate comes to an end. That is where we are in this matter. We are at a point where tomorrow morning cloture will be invoked on this bill. It would be so important that we do that. It would make our country a better country. We need to do this; otherwise, our borders remain porous, with no end in sight.

Mr. President, what is now before the Senate?

The ACTING PRESIDENT pro tempore. Division III of the amendment is currently before the body.

Mr. REID. I thank the Chair.

Mr. VITTER. Mr. President, will the distinguished majority leader yield for a question?

Mr. REID. I will be happy to in a minute.

Division III is an amendment offered by the senior Senator from the State of Missouri. If anyone wishes to speak on that, what I would like to do is ask—not like to do; I am going to do—I ask unanimous consent that there be an hour of time, for debate only, on this amendment; that following that time being used—it would be divided equally between the two managers—following that time being used, I would have the right to the floor.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BOND. Mr. President, reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I say to the leader, I am going to make about 5 minutes of remarks on it. I have not heard from many other people. I think we could move things along without taking an hour. I do not know if any of my colleagues on the floor wish to speak, but 20 minutes equally divided would—

Mr. REID. Mr. President, I withdraw my unanimous consent request. I appreciate the suggestion of my friend from Missouri. I think it is a constructive one. I, therefore, ask unanimous consent that on the Bond amendment there be 20 minutes equally divided, that this conversation during this 20 minutes be for debate only, that the time be controlled by Senator SPECTER—I am sure he will give his time to Senator BOND—and Senator KENNEDY on our side; and that following the using up of that 20 minutes, I obtain the floor.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. VITTER. Mr. President, reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Reserving the right to object, as I consider the unanimous consent request, can I ask permission to pose two questions to the distinguished majority leader?

Mr. REID. Mr. President, it is my understanding I have the floor; is that right?

The ACTING PRESIDENT pro tempore. The majority leader has the floor.

Mr. REID. Mr. President, I would be happy to yield to my friend for a question.

Mr. VITTER. I thank the majority leader. Two questions. One is on the substance of the bill. In particular, on the point you were making regarding funding for enforcement, are you aware of the CRS letter and report which says that $4.4 billion, or at least much of it, can go to the Z visa and the Y visa program, and that it is not clear at all that the trigger provisions have to be met and that certification has to happen before those funds can instead be used for the Z visa program versus enforcement?

Mr. REID. Mr. President, in response to my friend's question, first of all, at least for the next 18 months, President Bush is our President. His Cabinet officers—two of whom have been heavily involved in this legislation, Secretary Chertoff and Secretary Gutierrez—have confirmed that this money—anything the President has power over through his administration—this money will go to border security, the things I have outlined earlier this afternoon: fencing, vehicle barriers, 20,000 Border Patrol agents, 105 ground-based radar and camera towers, detention beds—and a lot of detention beds, specifically 31,000.

One of the problems we have had at the border is that as our valiant Border Patrol agents grab these people coming across the border, they have no place

to put them. They will now have 31,500—a pretty good holding facility. It will alleviate many of the problems, many of the complaints that our own Border Patrol agents have.

So in response to my friend from Louisiana, the administration assured all of us this money will be used in a manner to make our border more secure.

Mr. VITTER. Mr. President, I ask unanimous consent to have this June 25, 2007, Congressional Research Service memorandum printed in the RECORD because it certainly states clearly that the trigger does not have to be fully met before these funds can go to the Z visa program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, June 25, 2007.

MEMORANDUM

To: Honorable Jim DeMint

From: Blas Nuñez-Neto, Analyst in Domestic Security, Domestic Social Policy.

Subject: Trigger language in S. 1639.

This memorandum is in response to your request concerning the trigger provisions in S. 1639, the Comprehensive Immigration Reform Act. Specifically, you asked CRS to analyze whether the $4.4 billion that would be authorized by the bill to fund the trigger provisions could be used to fund the processing of Y and Z visas. As such, this memorandum will be restricted to a discussion of Sections 1 and 2 of S. 1639. If you have any questions concerning this memorandum, I can be reached at 7–0622.

Section 1 of S. 1639

Section 1 of S. 1639 would establish certain requirements that must be met by the Department of Homeland Security (DHS) before the programs in Titles IV and VI of the Act ''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'' can be implemented.

The Act would make exceptions to this requirement for: the probationary benefits conferred by Section 601(h); the provisions of Subtitle C of Title IV (relating to non-immigrant visa reform); and the admission of aliens under Section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (as amended by S. 1639).

Prior to the implementation of the majority of the programs in Titles IV and VI, the Secretary of DHS would be required to certify in writing to Congress and the President that each of the following measures (commonly referred to as ''triggers'') are ''established, funded, and operational:''

DHS has ''established and demonstrated operational control of 100 percent'' of the land border between the United States and Mexico.

Customs and Border Protection (CBP) has hired, trained, and deployed 20,000 United States Border Patrol (USBP) agents.

CBP has installed 300 miles of vehicle barriers, 370 miles of fencing, 105 ground-based radar and camera towers, and deployed 4 unmanned aerial vehicles to the border.

DHS is detaining all removable aliens apprehended crossing the border illegally, except as specifically mandated by federal or state law or humanitarian circumstances. Additionally, Immigration and Customs Enforcement (ICE) would need to have the resources to maintain this practice, including the ability to detain 31,500 aliens on a daily basis.

DHS has established and is using secure, effective identification tools to verify the identity of workers and prevent unauthorized aliens from obtaining employment in the United States. These tools should include the use of secure documentation that contains photographs and biometric information on the work-authorized aliens and comply with the requirements established by the REAL–ID Act (P.L. 109–13, Div. B). Additionally, DHS would be required to establish an electronic employment eligibility verification system capable of querying federal and state databases in order to provide employers with a digital photograph of the alien's original federal or state issued identity or work-authorization documents.

DHS has received, is processing, and is adjudicating in a timely manner applications for Z non-immigrant status under title VI of this Act.

The Administration would be required to submit a report within 90 days of the enactment of S. 1639, and every 90 days thereafter until the trigger requirements are met, detailing the progress made in funding and satisfying each of the requirements outlined above. The Governmental Accountability Office (GAO) would be required to submit a report within 30 days of DHS' written certification that the trigger provisions have been met concerning the accuracy of that certification.

Section 2 of S. 1639

Section 2 would establish a new account within the DHS appropriation known as the ''Immigration Security Account,'' and would endow this account with a transfer $4.4 billion from the Treasury's general fund. These funds would be available for use by DHS for five years after the enactment of S. 1639 in order to meet the trigger requirements outlined above.

Section 2 further stipulates that, ''to the extent funds are not exhausted'' in carrying out the trigger requirements, they would be available to be used for any of the following additional activities: fencing and infrastructure; towers; detention beds; the employment eligibility verification system, including funds relating to the State Records Improvement Grant Program outlined in Section 306; implementation of the programs authorized by titles IV and VI; and, other federal border and interior enforcement requirements to ensure the integrity of the programs authorized by titles IV and VI.

This language appears to require DHS to expend the funds in the Immigration Security Account to meet the trigger requirements in Section I prior to funding the additional activities outlined above. DHS would be given the authority to transfer funds from the Immigration Security Account as needed to fund the trigger requirements and the additional purposes outlined above.

DHS would be required to submit an expenditure plan for the Immigration Security Account funds to the Senate Committees on Judiciary and Appropriations within 60 days of enactment, and annually thereafter, identifying: one-time and ongoing costs; the level of funding for each program, project, and activity and whether that funding supplements an appropriated program, project, and activity; the amount of funding obligated in each fiscal year by program, project, and activity; the milestones required for the completion of each identified program, project, and activity; and how these activities will further the goals and objectives of the Act.

Lastly, DHS would be required to notify the Senate Committees on Judiciary and Appropriations 15 days prior to the reprogramming of funds from their original allocation or the transferring of funds out of the Immigration Security Account.

Conclusion

In response to your question concerning whether the $4.4 billion in funding appropriated under the Immigration Security Account could be used to fund the processing of Y or Z visas under Titles IV and VI of S. 1639, S. 1639 appears to require that the trigger mechanisms be funded first. Receiving, processing, and adjudicating applications for the Z visa authorized by Title VI of the Act is one of the trigger mechanisms outlined in Section I; this means that funding from the Immigration Security Account could be used for this purpose. Section 2(C) would allow DHS to expend any funds remaining after the trigger mechanisms have been fully funded on certain activities, including the implementation of the programs authorized in Titles IV and VI of the Act. Thus, it appears the funding for the Y visa (and other programs) authorized by Title IV of the Act could only be made available through the Immigration Security Account once the trigger mechnisms had been met. However, S. 1639 does not explicitly stipulate whether the certification required by Section I would have to take place prior to funding being made available for the additional purposes outlined in Section 2(C).

Mr. REID. Mr. President, does my friend have another question?

Mr. VITTER. Yes. The second question for the majority leader is about procedure. I think he understands my frustrations in terms of the procedure we seem to be adopting. Does the distinguished majority leader see any opportunity between now and tomorrow's key cloture vote for me and like-minded Senators to offer our amendments on the floor versus his handpicked amendments or to be recognized on the floor for reasons of our choosing versus merely being recognized for reasons of his choosing?

The ACTING PRESIDENT pro tempore. The majority leader has the floor.

Mr. REID. Mr. President, we are in the Senate. We have certain procedures and rules. I have tried to make things as family friendly as possible; that is, Senate family friendly. I say to my friend, during the early days of this legislation, amendments were offered by him and others, some of which got votes, some did not. That is the way the Senate operates. We are now in a process to work toward in the morning when we have a cloture vote.

I think the process is very fair. The people who are managing this legislation, directed by Senators SPECTER and KENNEDY—two of the most senior Members of our Senate—have been as fair as possible for our getting where we are. There are amendments in this procedure we are going through by people who have never supported the bill and do not intend to support the bill. The amendments were arrived at in a way to try to improve this bill. Will all amendments improve the bill? I guess that is in the eye of the beholder.

I say to my friend, the procedure has been set here. I am sorry you are concerned about it. I, frankly, though, think we have been very fair. As a result of that, I would ask my friend if he has an objection to Senator BOND's suggestion, that we debate this amendment of his—that is debate only—for 20 minutes equally divided.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. VITTER. Mr. President, reserving, again, my right to object, I ask unanimous consent to speak for 1 additional minute.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Is this for debate only?

Mr. VITTER. For debate only.

Mr. REID. I would have the floor as soon as the minute is up; is that right?

Mr. VITTER. That is correct.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, the Senator is recognized for 1 minute.

Mr. VITTER. Thank you, Mr. President.

Well, again, I take it from the distinguished majority leader that his answer to my last question is no. Under this process, there will be no opportunity for me and like-minded Senators to offer our amendments. We will only consider his 26 handpicked amendments. Again, he put together that list. He could have included some amendments of folks who have serious problems with the bill. But there are no Vitter amendments on the list. There are no Sessions amendments. There are no DeMint amendments, no Cornyn amendments, no Dole amendments, no Bunning amendments, and we could go on and on. Is that a fair process?

I also ask, is it a fair process for me to only be recognized on the floor of the Senate during this momentous debate leading up to a cloture vote only for purposes of the majority leader's choosing and for no purposes of my own choosing?

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. So the record is very clear, HARRY REID, the majority leader, did not pick the Republican amendments. The Republican leadership picked those amendments. Senator MCCONNELL and I worked the process so that we would be back on the floor. It wasn't done by me; it was done by us.

I would further say, these amendments, Republican amendments in this bill, were not picked by me; they were picked by the Republican leadership. I didn't stand over his shoulder. They chose what they decided to do.

So I ask my friend if he has an objection to my request.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Who yields time?

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I yield myself 2 minutes before yielding to the Senator from Missouri. I do so at this time before hearing from the senior Senator from Missouri to comment about what the Senator from Louisiana has had to say.

When he objects to the procedure where he doesn't have an opportunity to offer amendments, I would remind the Senator from Louisiana and everyone else that there was a time when we were searching for amendments. I refer specifically to the Thursday afternoon before the majority leader took the bill down on the cloture vote. We sat around for hours looking for amendments, and the people who objected to the bill would not offer amendments, nor would they let anybody else offer amendments. That is why I supported cloture, first to protect the rights of the minority to offer amendments, but then when they would neither offer amendments nor let anyone else offer amendments, I voted for cloture.

So when someone comes to the floor today and objects that they are not being able to offer amendments, I remind them as to what happened and what precipitated this unusual procedure.

As I said earlier, candidly, I don't like this, but it is the lesser of the evils. We don't have any choice if we are going to exercise the will of the Senate on this bill before the recess, because after the 4th of July recess, the Senate is going to be very heavily engaged in appropriations bills and other matters.

Now I yield to the Senator from Missouri. How much time would the Senator like?

Mr. BOND. To the distinguished ranking member of the committee, I would gratefully appreciate 5 minutes.

Mr. SPECTER. The Senator has it.

Mr. BOND. I thank Senator SPECTER and the majority leader for giving me this time.

Mr. President, my part of the division of this amendment, simply stated, will cut the path to citizenship for illegal aliens.

I think most people will recognize that citizenship is the most precious gift America can provide. There are many of us who believe it should not serve as a reward to those who broke the law to enter or remain in this country. The path to citizenship is at the heart of the amnesty criticism of this bill, which we are hearing very loudly in my State and across the Nation. I believe cutting this path cuts out the most severe complaint against this bill.

I supported the Vitter amendment to strike the entire amnesty proposal for 12 million illegal aliens in the country, and that amendment was rejected. Perhaps it was too broad. So my division of the current amendment targets the most controversial aspect of the proposal: the award of citizenship to those 12 million illegal aliens who essentially will stay here—maybe take a 1-day trip—enjoy the benefits of residence, and then can become citizens without having to go through the process everyone else seeking to become a citizen has to go through, which is applying in their home country, and waiting for their time to arrive. Whatever we end up doing for those 12 million illegal aliens, it does not, in my view, require the further step of granting citizenship.

Those 12 million illegal aliens came to this country to work—to work—without expectation of becoming citizens. We ought to understand that. They came here to work, not to become citizens. Now, more legal aliens will come to this country on a temporary basis to work without the expectation of citizenship. There is no need to grant these people the gift of citizenship when they came here to meet their economic needs. The bill, as we know, puts the 12 million illegal immigrants who comply with its terms on the path to citizenship. Illegal immigrants who pay a fine and pass a security check, learn English, touch back to their home country, and show employment can become legalized under the new Z visa program.

After 8 years, formerly illegal immigrants, now legalized with Z visas, may apply for legalized permanent residence, otherwise known as a green card. As most of us already know, under existing law, once you have had a green card for a certain number of years, you can apply for and receive citizenship.

My division simply will cut off that path, automatically invoked once a green card is bestowed, by preventing those formerly illegal immigrants with Z visas from obtaining green card status and therefore citizenship.

Specifically, my portion of the amendment would strike the contents of section 602 on earned adjustment for Z status aliens, replacing it with a prohibition on issuing an immigrant visa to Z nonimmigrants, which is currently in the bill, and a prohibition on adjusting a Z nonimmigrant to legalized permanent residency, or so-called green card holders.

This proposal of mine would not change any of the bill's requirements to obtain and keep a Z visa, such as a clean criminal record, progressively better English competency, or continued employment. Nor does my proposal change any of the rights afforded to Z visa holders, including work, residency, and travel. Z visa holders would remain in that status as long as they chose. Alternatively—and this is an alternative—Z visa holders could abandon their status, return to their home country and, if they choose, pursue legalized permanent residency and citizenship from outside the country, as any other foreign citizen could.

As I discussed above, I do personally support granting the rights I enumerated for Z visa holders. I supported the Vitter amendment to strip all the Z program provisions. But the Senate had its vote on all of those provisions and we lost. This amendment is the next best thing.

Our immigration system is broken and must be fixed. I support a strong emphasis on border security and enforcing the immigration laws, but we should not hold border security hostage to amnesty. I voted before and

will continue to vote to appropriate more money for funding for border fencing, detention facilities, and border agents. I urge my fellow Senators to support those ways to strengthen and protect our country and our security, but reject rewarding illegal immigrants with undeserved citizenship.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SPECTER. How much time remains on this side?

The ACTING PRESIDENT pro tempore. The Senator has 3 minutes remaining.

Mr. SPECTER. In light of the comments which have been made as to the cost of this program, I think it is important to focus on the fact that the nonpartisan Congressional Budget Office has made a finding that new Federal revenue from taxes, penalties, and fees under the bipartisan immigration bill will more than offset the costs of setting up any immigration system and the costs of any Federal benefits temporary workers, Z visa holders, and future legal immigrants under the bill would receive. CBO estimates that increased revenue from taxes, penalties, and fines under the bill will offset any estimated increases of mandatory spending, such as emergency Medicaid, and produce a net fiscal surplus of $25.6 billion over 10 years. The surplus will be used to cover costs, including implementing the new program, and a significant portion of the costs of better securing our borders and improving interior enforcement through additional Border Patrol and ICE agents.

I ask unanimous consent that this fact sheet be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IMMIGRATION FACT CHECK: CBO REPORT—THE REST OF THE STORY

The non-partisan Congressional Budget Office (CBO) finds that new Federal revenue from taxes, penalties, and fees under the bipartisan immigration bill will more than offset the costs of setting up the new immigration system and the costs of any Federal benefits temporry workers, Z visa holders, and future legal immigrants under the bill would receive.

CBO estimates increased revenue from taxes, penalties, and fines under the bill will offset any estimated increases in mandatory spending, such as emergency Medicaid, and produce a net fiscal surplus of $25.6 billion over 10 years. This surplus will be used to cover costs including: the costs of implementing the new program; a significant portion of the costs of better securing our borders and improving interior enforcement through additional Border Patrol and ICE agents.

CBO concludes temporary workers, Z visa holders, and future legal immigrants under the Senate bill will have a positive financial impact on Social Security and Medicare.

The temporary worker and Z visa programs will be funded by fees charged to participants, and will not be subsidized by taxpayer dollars.

Z visa holders and temporary workers under the Senate bill must pay income taxes and are not entitled to welfare, food stamps, SSI, or non-emergency Medicaid.

CBO concludes that with border and interior enforcement provisions, this immigration bill will have ''a relatively small net effect on the federal budget balance over the next two decades.''

The bill authorizes more than $40 billion in spending. Assuming all of this spending is appropriated, the bill would produce a net fiscal deficit. However, more than three-quarters of this spending is for enhancements to border security and interior enforcement. These enhancements will benefit the country as a whole and reflect costs that taxpayers currently bear. In addition, revenues generated by new workers under the bill will still cover about half of these enforcement costs.

The bill is an improvement over last year's Senate bill (S. 2611), which CBO estimated would have required a taxpayer contribution of twice the magnitude estimated for this year's bill.

CBO estimates the bill ''would reduce the net annual flow of unauthorized immigrants by one-quarter'' but admits ''the potential impact of the border security, employment verification, and other enforcement measures on the flow of unauthorized migrants is uncertain but could be large.''

For the first time, CBO has found that the enforcement provisions of an immigration bill are robust enough to reduce significantly illegal immigration.

CBO notes that, while previous attempts to cut illegal immigration have been relatively unsuccessful, the bill ''would authorize significant additional resources as well as a comprehensive employment verification system to deter the hiring of unauthorized workers.''

The report also notes that ''the implementation of the new guest worker program and the provision of visas to the currently unauthorized population could occur only if the Secretary of DHS certifies'' that certain enforcement measures are in place.

BACKGROUND ON THE BIPARTISAN IMMIGRATION REFORM BILL

The bill commits the most resources to border safety and security in U.S. history.

Temporary worker and Z visas will not be issued until meaningful benchmarks for border security and worksite enforcement are met. These triggers include: increasing border fencing, increasing vehicle barriers at the Southern border, increasing the size of the Border Patrol, installing ground-based radar and camera towers along the Southern border, ensuring resources are available to maintain the effective end of ''Catch and Release'' for every non-Mexican apprehended at our border, establishing and putting in use a reliable employment eligibility verification system.

The bill recognizes that enforcement alone will not work to secure our border and meet the needs of the U.S. economy. The temporary worker program will help immigration enforcement officers control the border by creating a lawful and orderly channel for foreign workers to fill jobs that Americans are not doing.

Mr. SPECTER. I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Massachusetts is recognized.

Mr. KENNEDY. We have, as I understand, 10 minutes; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY. I yield 5 minutes of that to the Senator from Colorado.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized for 5 minutes.

Mr. SALAZAR. Mr. President, I thank my colleague from Massachusetts, Senator KENNEDY, and I thank the Chair.

First, let me make a comment about the process here. On the other side of the aisle we have heard people stand up and try to use every procedural obstacle they can to kill the bill. They want to kill the bill. What this Chamber ought to be about is trying to find solutions to those huge problems that face our country, whatever those problems may be, including the issue of immigration.

They have said this process is somehow unfair. Well, when I look at how much time this Chamber has spent dealing with the issue of immigration, I think there has been ample time for people to talk about and debate this issue over the last 2 years. Since 9/11—since 9/11—the Senate has had 36 hearings on the issue of immigration—36 hearings. Since 9/11, there have been 6 days of committee action with respect to immigration. Since then, there have been 59 committee amendments on immigration. Since then, there have been 21 days of Senate debate—21 days of Senate debate on immigration, and 92 Senate floor amendments—92 Senate floor amendments.

So for those who want to use procedure to kill this bill, they are wrong in making the case that they have not been heard. There has been ample time and opportunity to hear their arguments, and that has gone on time and time again. It is time we in the Senate get down to business and fix the problem of immigration for our country.

Secondly, this is a good bill. It may not be a perfect bill, but we can't let the perfect be the enemy of the good. This bill toughens border security. It does it by making sure that the $4.4 billion is there for border security, 370 miles of fencing, 300 miles of vehicle barriers, 20,000 Border Patrol agents, and it goes on. It doubles employer sanctions to make sure we can enforce our laws here in our country through a variety of different means, and it also makes sure that we develop a realistic and tough solution to the 12 million undocumented workers who are here in America. Those who are part of a ''round them up and deport them'' crowd are being unrealistic because of the costs involved and the difficulty in ultimately fixing the problem we have. So we have come up with the right kind of solution that punishes them, fines them, puts them to the back of the line, and allows them to come out of the shadows of this society and into the sunlight.

Finally, we can't forget the human values at stake in this debate on immigration. In this picture we see Army SPC Alex Jimenez. He was deployed for a second tour in Iraq. He has been missing in Iraq since May 12. We have found some other of his personal belongings. But as he is in Iraq missing in action, his wife was being questioned

by ICE in our country, in America, because her immigration status was undocumented. Now, is that the American way? Is that the American way, to have one of our soldiers missing in action in Iraq, with his wife concerned about her immigration status here in the United States of America?

What this demonstrates to me is we have a system of chaos and disorder here in America. We need to fix the problem. This Chamber can fix the problem. I hope we will stand behind the solution we are bringing to the floor today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. Six minutes.

Mr. KENNEDY. If the Chair would let me know when I have 1 minute.

Mr. President, maybe we could take a moment and look at those words that are written in stone right above the Vice President's chair there: e pluribus unum, meaning one out of many. One out of many. That is the desire, that is the hope, that is the dream of this country: one out of many.

Many come from different traditions, backgrounds, and experience, but we all are one country with one history and one destiny—not with the Bond amendment, not with the Bond amendment.

The lines written at the Statue of Liberty are:

> Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me. I lift my lamp beside the golden door!

That is right, as long as those individuals are working and who will never become citizens, who will never have that right to become a part of the American dream, and once you stop working, out of the country you go. Better gather up all of your belongings, because you are going to be out of status, and out of status means you can be subject to deportation.

You can imagine what that individual is going to say to their employer when the employer says: Sure, you have worked 40 hours. You work 50 hours, 60 hours, and bring your wife in and make sure she works overtime this week as well; otherwise, you are out of status. You are out of here.

That is what the Bond amendment would do to Americans. One America that has rights and privileges, and to a second group in America they say: Once we wring out of you the last bit of sweat that you can give to some employer, you are finished, you are out of status, you are deportable.

That isn't what this country is about. Maybe we don't like the fact that people are not satisfied with the regime we have given or recommended in this legislation that says: You go to the back of the line. You came here because you wanted to work, because you wanted to provide for your family; you came here, and you are at church on the weekends; and you came here and your son or daughter is serving in Iraq or Afghanistan. But we say: OK, you go to the end of the line, pay a fee, learn English, and you have to demonstrate that you are working and you are going to become a good American. That isn't good enough for some.

Well, Mr. President, this creates the two Americas, which I think all of us understand is not what this Nation is about. That is the result of the Bond amendment, and I think it would be a major step backward. We can imagine the resentment and hostility that will seethe and grow with generations that come with their families when they see them exploited. Talk about a danger and social dynamite in our society, this amendment will breed that. We don't need that or want it, Mr. President. We should not have it. I hope the amendment is not accepted.

I reserve the remainder of my time.

Mr. SPECTER. Mr. President, how much time remains on my side.

The ACTING PRESIDENT pro tempore. There is 1½ minutes remaining.

Mr. SPECTER. I yield that time to the Senator from Missouri.

Mr. BOND. Mr. President, my colleague from Massachusetts made a very powerful statement on behalf of those who came here, but he kind of forgot an important distinction. There are those who come here legally and those who come here illegally. We are talking about the illegals. With the argument so forcefully and persuasively made by my colleague from Massachusetts, if you took that argument to its end result, then there should not be immigration laws. We should not have a process for going for citizenship because anybody who wanted to come in could.

We have changed those laws. We have provided laws, and the people we are talking about have come here illegally to work. If they wanted to become citizens, there is a process. If they join the military, I strongly believe they should become citizens.

But if they come illegally just to work, then they have not earned citizenship like all of the others do, like my ancestors and the ancestors of almost every Member of this body. We are all immigrants, but we did not come here illegally and expect to get citizenship. Therefore, Mr. President, I strongly urge my colleagues, if you believe there is a difference between people who come legally and people who come illegally, to support the Bond division or proposal, vote against the motion to table.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, we have broken borders. The 1986 act had no enforcement mechanism, and that was under a Republican administration. We are not bringing that up. We have 12½ million immigrants. You can say we are going to ship them back, and it will take $250 billion and 25 years to be able to do it. Buses will stretch from Los Angeles to New York and back again. Are we going to do that? No, we are going to take another route and just exploit them and not do what is in this legislation, which makes them pay a fine and demonstrate that they are going to work hard and learn English and provide for their family and give something back to America, like they do when their sons and daughters serve in Iraq and Afghanistan. You will be able to stay here under the Bond amendment, but you are going to work for an employer. When you get tired of working, we are going to report to the INS that you are out of status, and out you are going to go, lock, stock, and barrel. It will be just sweat labor here.

We are going to have two Americas. You may not like our solution, but it is preferable to this alternative, which will create a permanent underclass. I think it would be a mistake.

The PRESIDING OFFICER (Mr. SANDERS). The majority leader is recognized.

Mr. REID. Is all time expired?

Mr. KENNEDY. I yield back my time.

The PRESIDING OFFICER. All time is expired.

Mr. REID. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—56

Akaka	Feinstein	Murray
Bayh	Graham	Nelson (FL)
Bennett	Hagel	Obama
Bingaman	Harkin	Pryor
Boxer	Inouye	Reed
Brown	Kennedy	Reid
Brownback	Kerry	Salazar
Cantwell	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Kyl	Smith
Casey	Lautenberg	Snowe
Clinton	Leahy	Specter
Collins	Levin	Stabenow
Conrad	Lieberman	Voinovich
Craig	Lincoln	Warner
Crapo	Martinez	Webb
Dodd	Menendez	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murkowski	

NAYS—41

Alexander	Barrasso	Bond
Allard	Baucus	Bunning

Burr	Ensign	McConnell
Byrd	Enzi	Nelson (NE)
Chambliss	Grassley	Roberts
Coburn	Gregg	Rockefeller
Cochran	Hatch	Sessions
Coleman	Hutchison	Shelby
Corker	Inhofe	Stevens
Cornyn	Isakson	Sununu
DeMint	Landrieu	Tester
Dole	Lott	Thune
Domenici	Lugar	Vitter
Dorgan	McCaskill	

NOT VOTING—3

Biden	Johnson	McCain

The motion was agreed to.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, my friends, Senators VITTER and DEMINT and SESSIONS, have asked a number of questions during the day, and they are valid questions, but I feel it is appropriate to respond. The way I will respond now is with a letter I wrote in response to the letter they wrote to me a few days ago. This letter is dated June 25:

DEAR SENATORS CORNYN, VITTER, DOLE, SESSIONS and DEMINT: Thank you for writing to me earlier today about my effort to bring the comprehensive immigration reform bill back to the Senate floor.

As you know, the Senate was unable to complete action on the immigration bill earlier this month because a handful of Senators, including several of you, objected to my repeated efforts to call up further amendments to the bill. Following the unsuccessful cloture vote on June 7, a group of Senators, including Minority Leader McConnell, Republican Conference Chairman Kyl and Judiciary Committee Ranking Member Specter, came to see me with a request that I bring the immigration bill back before the Senate under a procedure under which a large number of additional amendments could become pending to the bill.

The so-called ''clay pigeon'' procedure is unusual, and I would not have considered employing it in this instance without the full support of Senator McConnell. It seems to me appropriate for the two leaders to work together to overcome the tactics of a small number of Senators in order to allow the full Senate to debate an important national issue like immigration. The White House made clear that it also favors such a procedure, since the immigration bill is one of the President's top priorities.

I respectfully disagree with your assertion that I intend to ''shut off the debate'' and that the procedure in question will ''silence amendments instead of facilitate their debate.'' On the contrary, I am working to facilitate debate on more than twenty additional amendments to the bill. In contrast, several of you objected when I tried to call up as few as five amendments during the earlier debate. The American people can see clearly who wants to debate immigration reform and who wants to shut off that debate.

Moreover, your claim that the Senate will only debate amendments which I ''hand select'' is plainly untrue. The dozen or so Republican amendments that will become pending to the bill have been selected by the Republican leadership, not by me.

In sum, I appreciate the concerns expressed in your letter but consider them misplaced. Senator McConnell and I have worked together in good faith to ensure a full, open and productive debate on a bill of overriding national importance that is supported by many Republicans and endorsed by President Bush.

I signed it, Senator REID.

Mr. President, what is the matter now before this body?

The PRESIDING OFFICER. Division IV is now pending.

Mr. REID. What I would like to do, Mr. President—this is the Dodd amendment—I would like to ask, as I did with the prior amendments that have come up today, I ask unanimous consent for debate only; that we start with 1 hour, equally divided, to debate this amendment, and then following that, I would be recognized to do whatever I felt appropriate.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. There is objection. And I would like to ask the majority leader's——

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. REID. The Senator from Louisiana is not recognized. I have not given up the floor.

Mr. President, it is my understanding——

The PRESIDING OFFICER. The majority leader, please.

Mr. REID. It is my understanding the Senator from Louisiana objected; is that true?

The PRESIDING OFFICER. Did the Senator from Louisiana object?

Mr. VITTER. I am reserving my right to object, and I was trying to gain recognition, and I believe I did gain recognition.

The PRESIDING OFFICER. The Senator is acknowledged but not recognized.

Mr. VITTER. Then I ask that the record be read with regard to whether I was recognized or not.

The PRESIDING OFFICER. It is a misstatement that the Senator was recognized. There is a unanimous consent request pending.

The majority leader.

Mr. REID. Mr. President, I would ask my friend to object, if he cares to, and then I would be happy to enter into a dialog with the distinguished Senator from Louisiana.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. There is objection. I would like to enter into that dialog on two points.

Mr. REID. Mr. President, first of all, I would be happy at this time to yield to my friend from Louisiana for 2 minutes for the purpose of a question, and then I, of course, would have the floor following the termination of those 2 minutes.

Mr. VITTER. I thank the majority leader, and simply two points, quickly.

First, with regard to the statement the majority leader just made and the letter he read, let me end the debate. Let me stipulate for the record that Senator MCCONNELL is not being railroaded and President Bush is not being railroaded. I am being railroaded and my allies on the floor of the Senate are being railroaded. So we will end that debate and stipulate that for the record.

Second, with regard to your last unanimous consent request, I would love to agree to it if it can be modified so that my rights on the floor of the Senate are also preserved—specifically so that I can be recognized for 2 minutes for any purpose.

Mr. REID. I could not agree to that, Mr. President, so I would certainly object to that.

Now, we had in the last amendment that was laid down, I thought, a very sensible debate. People were able to offer their opinions as to the merits. In fact, it was a good debate. Senator BOND was advocating his position, and Senator KENNEDY and others were advocating against that. My question to the Senate now is, Could we have the same procedure? I have suggested 1 hour equally divided, which would be for debate only, and following that period of time, I would be recognized.

I ask, Mr. President, unanimous consent that request be back before the Senate at this time.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. There is objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. Will the leader yield for a question?

Mr. REID. I am sorry. Oh, there you are. I would be happy to yield for a question from my friend from South Carolina for up to 2 minutes, and then I would get the floor back.

Mr. DEMINT. I thank the leader. I would just ask that I have the opportunity, as you did, to read the letter that I wrote, along with a number of other Members, in response to your response to us. It is just a few paragraphs. I ask unanimous consent that we be allowed to put in the RECORD our particular response to what you read.

Mr. REID. Go ahead.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Thank you.

DEAR SENATOR REID:

Thank you for your response to our letter regarding your unprecedented efforts to bring the immigration bill back to the Senate floor after it was rejected three times by the full Senate. We are writing to address several of the issues you raised.

First, you said the Senate was not allowed to complete its earlier debate on this bill because some of us objected to your calling up further amendments. This is untrue. You repeatedly objected to Republican amendments being offered and insisted on selecting our amendments for us and for the entire Senate. Consequently, we objected to all amendments until we could get a full and fair debate. We did not believe you had the right to hand-pick amendments then, and we do not believe you have that right now.

Second, you said the abuse of Senate rules during this debate is justified because it allows you to ''overcome the tactics of a small number of Senators.'' This is also untrue. We hope you realize that over 60 Senators voted against cutting off debate because they opposed the substance of the bill and the process you used to debate it. This is not a small group.

In addition, your unprecedented abuse of the rules and precedents of the Senate will negatively impact every Senator by fundamentally reducing their rights to debate and to offer amendments in the future. We believe you understand our concern because just two years ago you said, ''the Senate should not become like the House of Representatives, where the majority manipulates the rules to accommodate its momentary needs.'' If you go forward with this plan, history will show that your decision not only impacted the ever-growing number of Senators who oppose this immigration bill, but hundreds of Senators in the years to come who wish to make their voices heard.

Third, you repeatedly defended this process for debate by blaming the Senate Republican leadership and the President himself. While their cooperation may give you comfort, it does not justify your actions. As Senate Majority Leader, only you can execute this abusive practice. Only you can set up a process that guarantees consideration of a hand-selected group of amendments to buy support for a bill while at the same time blocking all other amendments. You may want Americans to believe this is a Republican bill, but your willingness to use your office to force it through the Senate shows precisely how much you support it and the extent you are willing to go to pass it.

We respectfully ask you to reconsider your plan to force this bill through the Senate. The American people do not support this legislation and they do not support the heavy-handed tactics being used to pass it.

That is signed by Senators VITTER, DEMINT, SESSIONS, ELIZABETH DOLE, and I think several others on another page.

I thank the majority leader for allowing us to read the letter.

Mr. REID. Mr. President, I would ask unanimous consent to have printed in the RECORD the letter I wrote, along with Senator DEMINT's—that both appear in the RECORD, Senator DEMINT's first, with mine following that.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 25. 2007.

Re: Unprecedented floor procedure will harm the United States Senate as an institution, and will diminish the senatorial powers of each individual member.

Majority Leader HARRY REID,
U.S. Senate,
Washington, DC.

MAJORITY LEADER REID: We write to express serious concern regarding the potential use of an unprecedented procedure to place the Senate immigration bill's floor amendment process under your sole control. Our understanding is that you are considering the introduction of a specially crafted amendment with 20 or more carefully selected parts, known as a ''clay-pigeon'' amendment. By exercising your priority right of recognition, you can divide the amendment into its parts and fill all available amendment slots with issues that you hand select. All Senators who have amendments to the bill that were not selected will be completely shut out of the floor amendment process.

Because you have priority right of recognition over all other Senators, you are the only member that can use a ''clay-pigeon'' amendment to limit the rights of the other 99 members in this body. To our knowledge, all previous uses of a ''clay-pigeon'' amendment have been to preserve the rights of minority members who sought votes on amendments the majority wanted to block.

Your use of the ''clay pigeon'' to shut of the debate and amendment process will be the first time in history this procedure has been used to silence amendments instead of facilitate their debate. Undoubtedly, such a procedure would significantly undermine the U.S. Senate's reputation as the greatest deliberative body on earth. We ask you to announce publicly that you will not allow such a procedure to be invoked on this critically important legislation.

This immigration legislation is critically important to the American people. The public is becoming increasingly aware of a number of serious problems with the bill, and, like all legislation, this bill would only benefit from the sunlight of a free, open, and transparent amendment process. Without a fair, open, and robust debate to improve this bill, the public's confidence in Congress will continue to erode.

Sincerely,

JOHN CORNYN.
DAVID VITTER.
ELIZABETH DOLE.
JEFF SESSIONS.
JIM DEMINT.

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, June 25, 2007.

Hon. JOHN CORNYN,
Hon. DAVID VITTER,
Hon. ELIZABETH DOLE,
Hon. JEFF SESSIONS,
Hon. JIM DEMINT,
U.S. Senate,
Washington, DC.

DEAR SENATORS CORNYN, VITTER, DOLE, SESSIONS AND DEMINT: Thank you for writing to me earlier today about my efforts to bring the comprehensive immigration reform bill back to the Senate floor.

As you know, the Senate was unable to complete action on the immigration bill earlier this month because a handful of Senators, including several of you, objected to my repeated efforts to call up further amendments to the bill. Following the unsuccessful cloture vote on June 7, a group of Senators including Minority Leader MCCONNELL, Republican Conference Chairman KYL and Judiciary Committee Ranking Member SPECTER, came to see me with a request that I bring the immigration bill back before the Senate under a procedure under which a large number of additional amendments could become pending to the bill.

The so-called ''clay pigeon'' procedure is unusual, and I would not have considered employing it in this instance without the full support of Senator MCCONNELL. It seems to me appropriate for the two leaders to work together to overcome the tactics of a small number of Senators in order to allow the full Senate to debate an important national issue like immigration. The White House made clear that it also favors such a procedure, since the immigration bill is one of President Bush's top priorities.

I respectfully disagree with your assertion that I intend to ''shut off the debate'' and that the procedure in question will ''silence amendments instead of facilitate their debate.'' On the contrary, I am working to facilitate debate on more than twenty additional amendments to the bill. In contrast, several of you objected when I tried to call up as few as five amendments during the earlier debate. The American people can see clearly who wants to debate immigration reform and who wants to shut off that debate.

Moreover, your claim that the Senate will only debate amendments which I ''hand select'' is plainly untrue. The dozen or so Republican amendments that will become pending to the bill have been selected by the Republican leadership, not by me.

In sum, I appreciate the concerns expressed in your letter but consider them misplaced. Senator MCCONNELL and I have worked together in good faith to ensure a full, open and productive debate on a bill of overriding national importance that is supported by many Republicans and endorsed by President Bush.

Sincerely,

HARRY REID.

U.S. SENATE,
SENATE STEERING COMMITTEE,
Washington, DC, June 26, 2007.

Hon. HARRY REID,
U.S. Senate,
Washington, DC.

DEAR SENATOR REID: Thank you for your response to our letter regarding your unprecedented efforts to bring the immigration bill back to the Senate floor after it was rejected three times by the full Senate. We are writing to address several of the issues you raised.

First, you said the Senate was not allowed to complete its earlier debate on this bill because some of us objected to your calling up further amendments. This is untrue. You repeatedly objected to Republican amendments being offered and insisted on selecting our amendments for us and for the entire Senate. Consequently, we objected to all amendments until we could get a full and fair debate. We did not believe you had the right to hand-pick amendments then, and we do not believe you have that right now.

Second, you said the abuse of Senate rules during this debate is justified because it allows you to ''overcome the tactics of a small number of Senators.'' This is also untrue. We hope you realize that over 60 Senators voted against cutting off debate because they opposed the substance of the bill and the process you used to debate it. This is not a small group.

In addition, your unprecedented abuse of the rules and precedents of the Senate will negatively impact every senator by fundamentally reducing their rights to debate and to offer amendments in the future. We believe you understand our concern because just two years ago you said, ''the Senate should not become like the House of Representatives, where the majority manipulates the rules to accommodate its momentary needs.'' If you go forward with this plan, history will show that your decision not only impacted the ever-growing number of senators who oppose this immigration bill, but hundreds of senators in the years to come who wish to make their voices heard.

Third, you repeatedly defended this process for debate by blaming the Senate Republican Leadership and the President himself. While their cooperation may give you comfort, it does not justify your actions. As Senate Majority Leader, only you can execute this abusive practice. Only you can set up a process that guarantees consideration of a hand-selected group of amendments to buy support for a bill while at the same time blocking all other amendments. You may want Americans to believe this is a Republican bill, but your willingness to use your office to force it through the Senate, shows precisely how much you support it and the extent you are willing to go to pass it.

We respectfully ask you to reconsider your plan to force this bill through the Senate. The American people do not support this legislation and they do not support the heavy-handed tactics being used to pass it.

Sincerely,

JIM DEMINT.
JEFF SESSIONS.
DAVID VITTER.

ELIZABETH DOLE.

Mr. REID. Mr. President, I will say that his letter makes our argument. Of course there were more than 60 who voted against proceeding on that legislation. That is precisely why we are back on this legislation, because a significant number of those 60 came to me and Senator MCCONNELL and said that we need to bring this bill back and we need to have amendments heard. So I think the letters speak for themselves.

Finally, let me say this. Would the Senator from Louisiana or South Carolina—I asked for 1 hour—would they agree to 30 minutes equally divided on this amendment, for debate only?

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving my right to object, if I can inquire of the distinguished majority leader and explain to him, through the Chair, that my objection does not rest on the time period; it rests on my rights on the Senate floor being shut down.

So I would again ask if the unanimous consent request can be modified to allow me to exercise my rights on the Senate floor—specifically, to have a mere 5 minutes on the Senate floor to be recognized for purposes of my choosing, not merely for purposes of the majority leader's choosing?

Mr. REID. So is there objection?

The PRESIDING OFFICER. Does the leader so modify his request?

Mr. REID. No, I would not do that.

Mr. VITTER. Regrettably, I must continue my objection.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Thank you very much.

Mr. President, my objection to the request comes from the fact that we are here as a result of the Republican leadership coming to me. And I am glad to be here, but we are here because, as everyone will recall in the first go-round, we had seven votes from the minority. We needed more than that. Everyone realized that. And in an effort to do that, we have these amendments which have been brought before this body. It is a fair process.

I just think my friends from South Carolina and Alabama and Louisiana have made their point, and I think we have made our point, also. This is a process which we are trying to move. Why are we trying to move it? Because immigration is in need of fixing.

Mr. President, it is my understanding the Senator from Arizona wishes to ask me a question, and I will be happy to yield to my friend for a question.

Mr. KYL. Mr. President, I have a question for the majority leader. Do I understand that currently the pending business before the Senate—or will be pending—is a motion to table the Dodd amendment; is that correct?

Mr. REID. I say to my friend that we have really no alternative. That is the process we are in. So the answer is, I would think there would be a motion to table made if we can't resolve this debate issue.

Mr. KYL. Also, just for the purpose of propounding a unanimous consent request, Mr. President, my thought would be, given the fact we are about to vote on an amendment, it would help the body, obviously, to have a brief explanation of that amendment. I wonder if the body would agree to give the Senator from Connecticut 5 minutes to explain his amendment, for 5 minutes on this side, for me or——

The PRESIDING OFFICER. The Senator from Arizona does not have the floor and cannot make that request.

Mr. REID. I would be happy, Mr. President, because of the suggestion of my friend from Arizona, to make a unanimous consent request, so that people better understand this amendment, that the Senator from Connecticut be recognized for 5 minutes, the Senator from Arizona be recognized for 5 minutes, and then following that, the Senator from Pennsylvania would be recognized for purposes of making a motion.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving my right to object, may I ask if that can be amended to allow the Senator from Louisiana 30 seconds—30 seconds—to gain the floor for purposes of my own choosing rather than the majority leader's choosing?

The PRESIDING OFFICER. There is objection.

Mr. REID. Is there an objection to the request I made?

Mr. VITTER. Regrettably, because I am being shut down, I will continue my objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

VOTE ON DIVISION IV OF AMENDMENT NO. 1934, AS MODIFIED

Mr. SPECTER. Mr. President, I move to table the Dodd amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—56

Alexander	Coleman	Feinstein
Allard	Collins	Graham
Barrasso	Corker	Grassley
Bennett	Cornyn	Gregg
Bond	Craig	Hagel
Brownback	Crapo	Hatch
Bunning	DeMint	Hutchison
Burr	Dole	Inhofe
Byrd	Domenici	Isakson
Chambliss	Dorgan	Kennedy
Coburn	Ensign	Kyl
Cochran	Enzi	Lott
Lugar	Salazar	Sununu
Martinez	Sessions	Tester
McConnell	Shelby	Thune
Murkowski	Smith	Vitter
Nelson (NE)	Snowe	Voinovich
Pryor	Specter	Warner
Roberts	Stevens	

NAYS—41

Akaka	Feingold	Mikulski
Baucus	Harkin	Murray
Bayh	Inouye	Nelson (FL)
Bingaman	Kerry	Obama
Boxer	Klobuchar	Reed
Brown	Kohl	Reid
Cantwell	Landrieu	Rockefeller
Cardin	Lautenberg	Sanders
Carper	Leahy	Schumer
Casey	Levin	Stabenow
Clinton	Lieberman	Webb
Conrad	Lincoln	Whitehouse
Dodd	McCaskill	Wyden
Durbin	Menendez	

NOT VOTING—3

Biden	Johnson	McCain

The motion was agreed to.

The PRESIDING OFFICER (Mrs. MCCASKILL). The majority leader.

DIVISION V, WITHDRAWN

Mr. REID. The next amendment up is the Kyl amendment. Is that true?

The PRESIDING OFFICER. Division V.

Mr. REID. Is that Kyl? I withdraw it.

The PRESIDING OFFICER. The division is withdrawn.

Mr. REID. What is the next amendment pending?

The PRESIDING OFFICER. Division VI.

DIVISION VI OF AMENDMENT NO. 1934, AS MODIFIED

Mr. REID. Madam President, we have been moving through these. We have a number more to go. What I have tried to do——

Mr. VITTER. Parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield for a parliamentary inquiry?

Mr. REID. No, I do not. I yield to my friend for a question, if it is short. Does my friend have a question?

Mr. VITTER. Yes. I would like to ask the leader if what happened, where apparently we withdrew one of the subamendments, takes unanimous consent or any consent?

Mr. REID. No, it does not take consent.

Mr. VITTER. I would like to ask for clarification from the Parliamentarian and what the effect is on that amendment?

Mr. REID. I would direct a question to the Chair. It is my understanding that I have the right to withdraw that amendment.

The PRESIDING OFFICER. The Senator does have a right to withdraw division V.

Mr. VITTER. Thank you for the opportunity to ask the question.

Mr. REID. Madam President, during the time that we were in the well during the last amendment, I was told by my friend from New Jersey that he had a question he wanted to ask me. We want to move on. I certainly will try to get a time agreement on it. We haven't been too successful on that in the past. I would be happy to yield to my friend

from New Jersey for a question if, in fact, he still has one.

Mr. MENENDEZ. I appreciate the majority leader yielding for a question. My question to the majority leader is——

Mr. KENNEDY. Madam President, can we have order? These amendments are important and the Members deserve to hear the Senator.

Mr. MENENDEZ. My question to the majority leader is: Is it his understanding that the next amendment that is up in the divisions is the Menendez-Obama-Feingold amendment that would, in essence, give the right to U.S. citizens and U.S. permanent residents the ability to be able to claim their family under the new point system that is envisioned under the bill, where that point system would, in fact, allow for up to 10 points, out of a 100-point score, to be subscribed on the basis of——

Mr. VITTER. Madam President, I have a parliamentary inquiry: Regular order.

Mr. MENENDEZ. With an understanding that in doing so it does not guarantee a family member ultimately being able to achieve a visa but would, in fact, give them a fighting chance under the 100-point system to at least have the ability——

Mr. VITTER. Regular order. The Senator is not asking a question.

Mr. MENENDEZ. And would also give them the wherewithal at least to have a fighting chance to come in under our visa system.

The PRESIDING OFFICER. The Senator from New Jersey must ask a question.

Mr. MENENDEZ. I was asking a question, Madam President. I am asking the majority leader for his understanding.

Mr. REID. I understand the question. I will respond to it right now. He started it, if you read the RECORD, he asked me if I understand what his amendment does. I do understand what it does.

A brief summary, Madam President. This legislation comes up with a point system. The point system——

Mr. VITTER. Madam President, regular order. The Senator is not responding to a question, he is making a statement; he is engaging in debate.

Mr. REID. Madam President——

The PRESIDING OFFICER. The majority leader has the floor.

Mr. REID. I have a right to make a statement. Back to where I was before I was so rudely interrupted.

Madam President, I understand the question. In this legislation which has been worked on, as I have indicated, 36 hearings, 6 days of committee action, 59 committee amendments, 21 days of Senate debate, 92 floor amendments, one of the questions a number of us had and have is: What does it do for family reunification? And no one has spoken out more on that issue than the Senator from New Jersey, Mr. MENENDEZ.

The question he asked me is about the amendment. Now a point system has been set up where the process has been used over these many months coming up with this legislation to give various points to different parts of the immigration process.

Now, what my friend from New Jersey and others feel would be appropriate is that out of a 100-point system, 10 points would be allocated to someone for family reunification. I understand the amendment. There is more to it than that, but that is a synopsis. That is what the amendment does. It recognizes the importance in America of family. It recognizes the importance in immigration of family.

Madam President, I move to table the pending amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Nebraska (Mr. HAGEL) and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 55, nays 40, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—55

Alexander	Crapo	McConnell
Allard	DeMint	Murkowski
Barrasso	Dole	Nelson (NE)
Baucus	Domenici	Pryor
Bennett	Ensign	Roberts
Bond	Enzi	Sessions
Brownback	Feinstein	Shelby
Bunning	Graham	Smith
Burr	Grassley	Snowe
Byrd	Gregg	Specter
Carper	Hatch	Stevens
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Tester
Cochran	Isakson	Thune
Coleman	Kennedy	Vitter
Collins	Kyl	Voinovich
Corker	Lott	Warner
Cornyn	Lugar	
Craig	Martinez	

NAYS—40

Akaka	Harkin	Murray
Bayh	Inouye	Nelson (FL)
Bingaman	Kerry	Obama
Boxer	Klobuchar	Reed
Brown	Kohl	Reid
Cantwell	Landrieu	Rockefeller
Cardin	Lautenberg	Salazar
Casey	Leahy	Schumer
Clinton	Levin	Stabenow
Conrad	Lieberman	Webb
Dodd	Lincoln	Whitehouse
Dorgan	McCaskill	Wyden
Durbin	Menendez	
Feingold	Mikulski	

NOT VOTING—5

Biden	Johnson	Sanders
Hagel	McCain	

The motion was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, under the order that is before the body, there is time that has been allocated to the distinguished junior Senator from Alabama. I would ask the Chair how much time he has under the order?

The PRESIDING OFFICER. Forty-seven minutes.

Mr. REID. Madam President, I had a conversation during the vote with the Senator from Alabama. I ask him at this time, would this be an appropriate time for him to use the 47 minutes or any part thereof?

Mr. SESSIONS. Madam President, I will be pleased to use 30 minutes now, and will reserve the remainder of my time, if I could.

Mr. REID. Madam President, I ask unanimous consent that the Senator from Alabama be allowed to speak, for debate purposes only, for the next 30 minutes, and that following that, I be recognized to obtain the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alabama.

Mr. SESSIONS. Madam President, we are in the process of dealing with a very important issue. A number of our colleagues—in some ways dismissive, I think, of the concerns of the American public—refer it to as an emotional issue. I think it is more than an emotional issue. I think it is a serious issue that requires our serious concern. It requires that this great Senate, on a matter of tremendous importance to our Nation and to our constituents, do it correctly.

I love my colleagues who met to try to write this bill. I believe their hearts were correct. But they are not law enforcement officers. They have not investigated and prosecuted cases. They apparently were inundated with information and ideas, and so forth, from special interest groups and others.

I have said I wish the American people had been in the room. I wish the head of our Border Patrol association had been in the room or perhaps the chief of Border Patrol during President Reagan's tenure or the chief of Border Patrol during former President Bush's tenure. All of those people, including the current chairman of the association of retired Border Patrol officers, have criticized this bill in the most severe manner, saying it is a slap in the face to people who followed the law, saying it will not work, saying the 24-hour name check is not going to work at all, and will not provide security to our country, that it will actually be a benefit to terrorists. I am not saying this; they said this. It would be a benefit to terrorists. One called it the ''Terrorist Relief Act,'' or something to that effect.

What I want to tell my colleagues is, the professionals who deal with these issues absolutely oppose this legislation. Now, we can dismiss that. Maybe you talk to somebody from some news outlet or talk to somebody from some business group or some activist organization, and maybe you have a different view. But the people who enforce the laws every day oppose this legislation.

They do not believe it will work. I suggest it will be demoralizing to them.

Our own Congressional Budget Office has analyzed the legislation. We have them for our use. We rely on that organization. It operates under the Speaker of the House, NANCY PELOSI, and the majority leader here, and all of us. It is a bipartisan group. But the Congressional Budget Office has analyzed our current law and concluded that if current law is not changed, we will have 10 million more illegal immigrants in our country in the next 20 years. We have 12 million now, maybe 20 million. But we would have 10 million more under current law. They say if this legislation were to be passed, we would have some reduction of illegality at the border—not much—but we would have an increase in visa overstays because we have so many temporary guest worker programs going on, and the net result would be that this Nation would only have a reduction of 13 percent in the illegal flow of immigrants into our country. Indeed, there would be 8.9 million more persons illegally in our country 20 years from now than today.

Now, what does that say about my good and well-intentioned colleagues who are trying to tell us all that the thing is going to work, that if you do not pass this amnesty, if you do not give these benefits to people who came here illegally, then you will not get enforcement?

Well, we are not getting enforcement, everyone. The bill does not provide enforcement—not in any significant way that would allow us to proceed effectively.

We had hearings in our committees that dealt with the question of the impact of large numbers of foreign workers on the wages of American workers. It is not, I think, subject to dispute. At the current rate we are going, at the current rate of immigration, legal and illegal, wages of lower income Americans are being adversely affected. Professor Borjas at Harvard, who has written a most authoritative technical book on immigration at the Kennedy School, has said it has brought down the wage of low-income workers 8 percent. That is a lot. That is a lot, an 8-percent decline in wages. In many areas, it could be even greater than that, I suspect. It is pretty understandable that it would happen. If you bring in more cotton in this country, if you bring in more cotton, you will have a lower price for cotton. If you bring in corn, you will have a lower price for corn. If you bring in large amounts of labor, it will pull down the value of a working man's hourly wage. So I am concerned about that.

My colleagues have said a number of times that by getting this—Madam President, there is a little bit of a buzz.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SESSIONS. So we have a number of questions that cause us concern. I talked about wages. Let me mention the rule of law.

Our Nation is founded on law. Edmund Burke, when he talked about reconciliation between the Colonies and the King, asked that there not be a war against the Colonies. He said: They follow us in law. He even said: I understand the Colonies have more copies of Blackstone's Commentaries on the law than they have in England.

We have always been a nation of laws. It is our strength. We should not create a system that will not restore that law, even at our borders; otherwise, we are going to have a difficult situation.

Under this bill, we carefully looked at the number. I don't think anyone will dispute it. The level of legal immigration will double—double the amount of legal immigration. That is a number I don't think most Americans understand. I think they are worried about the current level, which is at about the highest this Nation has ever had—highest by far in real numbers we have ever had—and it is going to double, without any reduction in illegal immigration. So this is a bargain, a grand bargain we should not take. If we do, I think we will regret it because the American people are not going to be happy with us.

By the way, the polls continue to show that our constituents overwhelmingly oppose this legislation. A decent respect for our own constituents, even if we might think them wrong, on an issue of this importance where they are so decidedly hostile to this legislation suggests we ought to slow down and listen to them and talk with them about what their concerns are and make sure when we go back home and campaign and seek reelection, we can look them in the eye and say: I heard your concern, and I fixed that concern, or I believe the legislation answers your concern.

But here we have a completely new bill that has been plopped down on the Senate floor, first with over 700 pages, and then I guess last night there was a 370-page amendment, and that had so many errors in it that even the sponsors themselves have plopped down another amendment of 403 pages. They want to vote that through right away. I don't think that is what we owe our constituents.

They say: Well, we have had 2 years of debate, and all that. We had a bill last year that was quite different from this one. It had some things in it better than this one. I thought this year's bill was going to be better, and said it was better several times, but it actually—as I have studied it, I am not sure it is any better. It is weaker in a number of different areas. For sure, it is weaker in a number of different areas. So that is a matter we should consider as we go forward with this legislation. I think we ought to give careful attention to what we are doing.

I want to address one more very important matter that very fine Senators have raised. They have suggested one of the best things that is going to be happening with this legislation is everybody will be given an identification, and the Nation will be safer for that. Therefore, even if the bill is not perfect and has lots of problems, let's vote for it anyway because it has that in it. Let me share some thoughts with my colleagues on that issue.

Michael Cutler, who is a retired INS—Immigration and Naturalization Service—senior agent, participated in a press conference last Thursday at the National Press Club. It focused on the grave threat to national security the immigration bill represents. He also authored an op-ed in the Washington Times last Friday entitled ''Immigration Bill a No Go.'' This is an experienced INS agent. He focused on the security question in the bill: Does it make us safer? This is what he said. I doubt our good friends who met in secret and wrote this bill asked his opinion, but this is what he says after reading it:

If a person—

Let me quote:

If a person lies about his or her identity and has never been fingerprinted in our country, what will enable the bureaucrats at the USCIS—

That is who will be checking his 24-hour background——

the bureaucrats at USCIS to know that person's true identity? If the adjudicators simply make a fictitious identity through a computerized database, they will simply find the name has no known connection to any criminal or terrorist watch list.

What is the value of that? Remember, we are talking about a false name. There is absolutely no way this program would have even a shred of integrity and the identity documents that would be given these millions of illegal aliens would enable every one of them to receive a driver's license, Social Security card, and other such official identity documents in a false name. Undoubtedly, terrorists would be among those applying to participate in this ill-conceived program. They would then be able to open bank accounts and obtain credit cards in that false name. Finally, these cards would enable these aliens to board airlines and trains even if their true names appear on all of the various terrorist watch lists and no-fly lists. That is why I have come to refer to this legislation as the ''Terrorist Assistance and Facilitation Act of 2007.''

Do you get it? Unless you already happen to be fingerprinted and you come here and you are a known terrorist and you give a false name with some false electric bill, they will give you this temporary visa and you get an ID then. Before, if you are illegal, you would have a hard time getting a bank account or a Social Security card or a driver's license. Now, you are given one. You can travel all over the country with no problems. That is what he is saying. So in many ways, it is going to facilitate a dangerous situation.

How about this gentleman, Mr. Kris Kobach, a former Department of Justice attorney under Attorney General Ashcroft, who specialized in the Department of Justice in terrorism and immigration issues and who has spoken out often and is a college professor

now. He agrees with Mr. Cutler. He posted an article on the Heritage Foundation Web site titled ''The Senate Immigration Bill: A National Security Nightmare.'' He says:

The bill will make it easier for alien terrorists who operate in the United States by allowing them to create fraudulent identities with ease. Supporters of the Senate's comprehensive immigration reform bill have revived it under the guise of national security. However, the new public relations campaign is a farce. The bill offers alien terrorists new pathways to obtain legal status, which will make it easier for them to carry out deadly attacks against American citizens. The top priority in this bill is extending amnesty as quickly and as easily as possible to as many illegal aliens as possible. The cost of doing so is to jeopardize national security.

That is Mr. Kris Kobach who has testified before Congress a number of times, former Assistant Attorney General specializing in immigration and national security issues.

So I urge my colleagues to look at this bill because we don't need to pass a piece of legislation that we can't defend to our constituents, that we cannot tell our constituents with confidence it will make them safer. It will reduce illegality dramatically at the border 13 percent; 80, 90, 95 percent is the goal we should have to reduce illegality, and that should be the beginning point. We can get there. We don't need to pass a piece of legislation that is going to double the legal flow, not reduce the illegal flow, and end up having the wages of Americans further diminished by this incredibly large flow of low-skilled, low-wage workers. We don't need to further erode the morale of our Border Patrol officers and erode American confidence in the rule of law.

Those are my thoughts. I hope we will give this serious consideration as we make our judgment tomorrow about whether we should proceed. If we don't proceed tomorrow, that is not the end. Of course, we are going to consider this bill and this issue—continue to consider it. Polling data suggests the American people, what they want us to do, is to take incremental steps focusing on enforcement.

Why don't we just do that? We might could get that done. That would be what I suggest.

Also, one more time, I urge my colleagues to give the most serious consideration to the procedure by which we are moving forward with this legislation. People have said it is unfair. I think it is unfair, but it is more than unfair. It is a historic departure from the traditions of the Senate. The leader of this Senate is arrogating to himself the ability to approve every single amendment that is voted on. No amendment can be voted on the leader does not approve. That is the way this clay pigeon has been set up. That has never been done before. Any Senators willing to come down here and battle and hold out and not give up can get his amendments up and voted on. I think it is a matter that most of us haven't fully comprehended yet. I think Senators who are proud of the great ability of individual Senators, when they feel strongly about an issue—it doesn't happen often—but they can stand up and make sure their amendments get voted on, and they have an opportunity to speak.

Madam President, I reserve the remainder of my time and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, it is my understanding that the distinguished Senator from Alabama has about 27 minutes in the time that has been ordered; is that true?

The PRESIDING OFFICER. He has 28 minutes.

Mr. REID. I am also of the understanding, having spoken to the ranking member of the Finance Committee, Senator GRASSLEY, that Senator SESSIONS is at this time willing to give him part of the time he has been allocated for debate only on this matter.

I ask unanimous consent that the Senator from Iowa be recognized for up to 10 minutes.

Mr. SESSIONS. Madam President, I will yield up to 10 minutes to the Senator from Iowa.

Mr. REID. Yes, Madam President.

Mr. SESSIONS. I understand this would be time allotted to me. The Senator does still have his entitlement to speak on his amendment when that appropriate time comes.

Mr. REID. It is my understanding that the Senator from Iowa is going to take 10 minutes of the time of the Senator from Alabama for debate, and if we have an opportunity to debate his amendment, of course, he can speak on it.

Mr. KYL. Reserving the right to object, if this is a unanimous consent request, I have comments to make in opposition to the amendment of the Senator from Iowa and would like to be afforded an opportunity to do so. So if the agreement is to afford time to one side, but the other side won't get an opportunity to speak, then I will object to that. I hope we can work something out where I would get at least 5 minutes. The Senator from Iowa should have time to debate his amendment, but I want time to respond.

Mr. REID. Madam President, I can handle the issue dealing with the Senator from Iowa because that is simply time the Senator from Alabama is giving him. As to the amendment itself, I know how strongly the Senator from Arizona feels on this amendment. He has explained that to me. He knows what we have been going through trying to get people the opportunity to speak. The only thing I can do now is ask unanimous consent that the time of the Senator from Alabama, which is 10 minutes, be allocated to the Senator from Iowa for debate only, leaving the Senator from Alabama, at a subsequent time, 17 or 18 minutes.

Mr. SESSIONS. Reserving the right to object, under the circumstances and the nature of the amendment, I am prepared to yield 5 minutes to the Senator from Iowa from the balance of my time.

Mr. REID. I think that is very fair. I thank the Senator from Alabama.

I propound a unanimous consent request that the Senator from Iowa be recognized for 5 minutes from the time given to the Senator from Alabama and 5 minutes to the Senator from Arizona for debate only.

Mr. SESSIONS. No, I object, Madam President. If the Senator is going to be speaking on his amendment, it is not mine. I don't like his amendment. I am going to give him 5 minutes out of courtesy. I am disappointed that the Senator from Arizona would not be able to respond.

Mr. GRASSLEY. I don't care if I speak. Let's forget all this. I can speak some other time. I would like to say why I ought to have debate on my amendment. If I don't talk about the substance of the amendment, can I talk about why I ought to be able to bring up the amendment?

Mr. SESSIONS. The Senator from Iowa looks at me. The majority leader won't allow you to speak. I was trying to give you 5 minutes.

Mr. GRASSLEY. Would you mind if I said why I ought to be able to bring my amendment up?

Mr. REID. I say to my friend from Iowa, I have been trying all day to allow people to speak to their heart's content. I have had objections. At this time, I have no objection to you speaking for a reasonable period of time and the Senator from Arizona speaking for a reasonable period of time. You can talk about your amendment, and he can talk about why he doesn't like your amendment. Forget about the Senator from Alabama. He reserved his 28 minutes.

I ask unanimous consent that the Senator from Iowa be recognized for up to 10 minutes for debate only, and following his remarks, I ask that the Senator from Arizona be recognized for up to 10 minutes for debate only and following their remarks, that I be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Iowa is recognized for 10 minutes and then the Senator from Arizona for up to 10 minutes.

Mr. GRASSLEY. Thank you. I am not going to talk about the substance of my amendment. I want to remind people before the amendment comes up that, No. 1, I was promised by the Senator from Pennsylvania and, in turn, his talking to the Senator from Massachusetts, that I would have an opportunity to offer an amendment. Now I

have that opportunity to offer the amendment, so that promise has been kept. I have tried to clear it with my Republican colleagues who have been objecting all afternoon so that they would not object to my efforts to offer and debate my amendment. So I hope you realize it doesn't do much good to make a promise for me to offer my amendment if I don't have an opportunity to debate the amendment. That is the first point.

The second point is that I should not even be here having to offer this amendment. If you go back to that Thursday afternoon in April when there were rump sessions in S. 219, I was invited by some of the people to the rump session who were working on this compromise—to come in and offer a compromise on Social Security identification, employer identification, or verification. I went to that meeting and sat there for a long time and explained a compromise. I had no objections to the compromise at that particular time, but 3 weeks later, the document comes out and it is not the compromise I had presented, which I assumed was agreed to. That doesn't surprise me because going back to January or February, Senator KYL had met with me and some other people, because this is in the jurisdiction of the Finance Committee—we have jurisdiction over IRS and over the Social Security system—saying that they were very strongly in favor of having something that went way beyond protecting the privacy of Internal Revenue tax records and Social Security information and were hellbent on going down a route of giving the Department of Homeland Security any sort of information they want, not within the tradition of protecting the privacy of income tax records.

So that is why my amendment is being offered, because I am going back to that compromise which I presented to the committee in the rump session back in April which I thought was OK. I find out now that it is not. That is why I am going to offer my amendment.

How much time do I have?

The PRESIDING OFFICER (Mr. OBAMA). Seven minutes 50 seconds.

Mr. GRASSLEY. Mr. President, I am going to speak generally about the legislation before us.

There is some concern that I have expressed—not so much on the floor but in other public comments I made—that I am one of about 22 or 23 Members of the Senate who were here in 1986 when we passed amnesty, as is in this bill as well. I was one of those Senators who voted for amnesty at that particular time. At that particular time, we had maybe 1 million to 3 million people cross the border illegally and who were here illegally. We all thought—and there have been plenty of references to statements made in the CONGRESSIONAL RECORD 20 years ago—that if we were to adopt amnesty, it would settle this problem once and for all, do it once and for all. You know, I believed that. But do you know what I found out maybe 5 or 10 years ago? When you reward illegality, you get more of it. Now the guesstimate is that we have 12 million people here illegally. They are not illegal people, but they came here illegally.

I think I have an obligation to consider the votes I made before and, if they are wrong, not make that mistake again. You know, it is a little like the chaos you would have if you didn't respect and enforce red lights and stop signs. You would have chaos at intersections and accidents. Wherever you don't enforce the rule of law, those are the things that happen. You need social cohesion, and social cohesion comes from respect for the rule of law in our country.

So it seems to me that, as we go down this road, what we ought to do is concentrate on legal immigration, the reforms we are bringing to the H–1B program, the reforms we are bringing in the way of a temporary worker program. People would rather come here legally rather than illegally, I believe. I know it is not very satisfying to people to hear that we have 12 million people in the underground. The point is that if people could come here legally to work, they would soon, one by one, by attrition, replace people who are here illegally, I believe.

I am not one who wants to make that mistake again. That is why I am weighing very heavily the issue of what we do with amnesty or what other people who don't like the word ''amnesty'' would say is earned citizenship, guest worker program, those sorts of things that are covering up really what we are doing.

I say if it walks like a duck and it quacks like a duck, it is a duck. If it looks like amnesty, it is amnesty. That is the bottom line. We ought to learn the lesson that in 1986 it didn't work. I don't think it will work now. I am 73 years old, so obviously I am not going to be here 20 years from now when we have another immigration bill. But I should not make that problem so that a successor of mine has to deal with 25 million people being here illegally as opposed to the 12 million now or the 1 to 3 million before.

I yield the floor and whatever time I didn't use I will retain or whatever is done with the surplus.

Mr. REID. Why don't you just yield it back?

Mr. GRASSLEY. I reserve my time.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is to be recognized at this point for 10 minutes.

Mr. KYL. Mr. President, may I be notified after 5 minutes so I might yield time to Senator KENNEDY?

The PRESIDING OFFICER. The Senator will be notified.

Mr. KYL. Mr. President, I appreciate the comments of the Senator from Iowa. He was absolutely assured by people on our side that he would be allowed to bring up an amendment, and I am glad we have been able to do that. He certainly should be afforded that right.

With that said, however, I can't match his opposition to the bill with his amendment. If you want to assure that the bill will not work, then adopt the Grassley amendment. It substitutes the existing title III in the bill, which is a very good title to ensure employee verification, with a potpourri of provisions that, frankly, look a lot like the status quo and will not ensure that employees are adequately checked to ensure they are entitled to be employed.

For example, the Grassley amendment provides that none of the current employees are checked. In other words, the only people who have to be checked are future employees, so all the people working today, including all the illegal immigrants working today, don't have to be checked under the Grassley amendment.

Secondly, amazingly, the only way to physically verify that the person seeking the job is, in fact, the person with the identity entitled to be employed is with a photograph. Nobody is proposing that we fingerprint people to get jobs, and that leaves the photograph as the best identity document. The bill provides that either a passport with a photograph or a driver's license with a photograph be the document. You have to verify that the person standing in front of you is the person to whom the document has been issued and the rightful owner of the Social Security number he has given you.

The Grassley amendment does not require that a photograph be used in the identification process. This is one of the first things that was recommended by the 9/11 Commission, to have a secure document with a photograph with which you can confirm identity.

Third, and this is amazing, and I honestly don't understand why this would be in the Senator's amendment, but it gives foreign temporary workers the right to file legal complaints against employers who hire American workers instead—basically, to file a discrimination complaint based upon the fact that they were not hired.

Current law does not permit temporary workers to file these complaints. The basic bill would not allow workers to file these complaints. But the amendment does this by eliminating current laws that prohibit temporary workers from filing a discrimination claim based on immigration status.

Next, one of the key things we did after 9/11 was to ensure that Government agencies could share information with each other. When we determined the best way to ensure people are legally eligible to work, we quickly understood that we had to have sharing of information from the Social Security Administration, from the Department of Homeland Security, even, in some cases, from the Internal Revenue Service. Unless these agencies are able to

share the information with each other when we access the databases, we are not going to know for sure whether the individual is entitled to be employed. What the amendment provides is that after 5 years, the information-sharing provisions are sunsetted.

None of these are really calculated to ensure that we can have a good employee verification system. They undercut that system and, as a result, they would weaken our ability to ensure employee eligibility to work.

Finally, in some cases, we have employers who are violating IRS rules because they don't report income. The underlying bill allows the IRS to identify those employers and go after them. This is one of the things the American people are upset with today, that we are not going after employers who are violating the law, who commit tax violations in hiring unlawful workers. The underlying bill allows us to do that. The amendment doesn't allow us to do that, and I don't understand why.

The bottom line is that title III of the underlying bill is a very good, strong provision supported on a bipartisan basis to ensure that we can verify the eligibility of workers to be employed.

Title III, unfortunately, is weakened dramatically by this Grassley amendment which would in all the five ways I indicated undercut our ability to verify employment.

Mr. President, I reserve the remainder of my time and yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator from Arizona has explained the technical provisions of this legislation very well, but I want to underscore a very important difference. And that is how each system will treat their workers.

If there is some glitch in the system, under the legislation before us, under the existing law, the worker should be able to continue to work and can continue to work until ultimately there is a determination by a court that the worker should not be confirmed. The decision being appealed is called a nonconfirmation. If there is a glitch in the system—and we understand there are going to be a number of glitches in the system, but this was a provision that we took a considerable amount of time to make sure that workers who are going to be caught up in the system, if there is a glitch in the system, they will still be able to continue to work until there is a real indication of trouble. They will continue to work, unlike the proposal of the Senator from Iowa.

The amendment of the Senator from Iowa says that if there is found to be some glitch in the system, they will have a legal case, but they will have to demonstrate—this is the test: that the government's conduct has either been negligent, reckless, willful, or malicious. The employee will have to demonstrate one of those qualities, which means they have to go out and get a lawyer. They will be let go, and they will have to go out and get a lawyer and go through the whole legal process in order to recover some damages. There is a large difference.

I believe the underlying provisions which have been included—this is it, and I agree this is one of the most important provisions in the legislation. We want employer enforcement. That has to be a part of it. Tough borders that are going to be enforced and legality in the workplace, and the only way we are going to have legality in the workplace and also protection for the workers is the underlying bill.

The bill requires SSA to begin issuing only fraud-resistant, tamper-resistant, wear-resistant Social Security cards within 2 years. This will help prevent counterfeiting and identity theft by undocumented workers. The Grassley amendment has no comparable provision. It only requires that the worker give an employer a Social Security number rather than presenting an actual card.

If we are serious, and I think all of us in this body, are serious, about dealing with the undocumented, we have to have tough worksite enforcement, and we are also going to have to have tamper-proof cards. I think this moves us in that direction in a very positive and important way.

As I say, most importantly, at a time that we are going to go into this transition, how are the workers going to be treated, and really there is a dramatic difference between how those workers are going to be treated under the proposal we put forward under the existing bill and under the Grassley amendment.

For these reasons, I hope his amendment will not be accepted.

The PRESIDING OFFICER. The Senator from Iowa retains 3 minutes.

Mr. GRASSLEY. Mr. President, I have 3 minutes left, I have been told. First of all, I think the Senator from Massachusetts was doing a good job reading from a letter Secretary Chertoff sent to me. I sent back a rebuttal letter, and I would like to provide the letter for the Senator from Massachusetts to read. It is a point-by-point rebuttal of what is wrong with Secretary Chertoff's analysis of my amendment.

One of the criticisms that Senator KYL gave against my amendment is we are not going to force employers to look through 160 million workers to find illegal workers. Let's look at the basic legislation. The legislation legalizes people who are here already illegally. So if they are illegally working, and this bill legalizes them, don't you see how ridiculous it is that we are going to tell people to go out and find people who are here illegally when the bill has already legalized them?

The second point is that we eliminate the requirement of a photograph for identification. My amendment requires every U.S. citizen to present a passport or driver's license and every noncitizen to present a legal permanent resident card or work authorization card. Each of these documents is required to contain an individual's photograph.

Moreover, my amendment requires workers to submit their passport number, driver's license number, or employment authorization number in addition to their Social Security number through the employment verification system. Without that information, there is no guarantee that Homeland Security will be able to contact the issuing agencies or determine which document was issued. This is the very same problem that has prevented Homeland Security from utilizing Social Security Administration data in the past.

My amendment further requires the Social Security Administration, the State Department, and the State departments of motor vehicles to establish a reliable and secure method to allow the Department of Homeland Security to verify the identity document of each issuing agency.

On another point Senator KYL made saying it eliminates after 5 years the information sharing among Government departments, which is critical to making this work, a sunset is standard practice when we compromise the protection for the individual taxpayer, that the taxpayer's income tax information will be private so that, like President Johnson and President Nixon, it cannot be used to violate your privacy for political reasons. That is why that law was passed.

Mr. President, I ask unanimous consent to have printed in the RECORD several letters regarding this issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 22, 2007.

Hon. MICHAEL CHERTOFF,
U.S. Department of Homeland Security, Washington, DC.

DEAR MR. SECRETARY: We are again disappointed that you have written another erroneous and misleading letter regarding our amendment to Title III of the immigration bill. However, we appreciate the opportunity to explain why our amendment provides a more cost effective and administratively feasible employment verification system.

(1) Your letter states that ''employers have no independent obligation to resolve no-match problems . . . (DHS) could only ask employers to resolve no-match problems.'' This statement reflects a fundamental misunderstanding of our amendment. Our amendment establishes criteria to determine mandatory participation in the employment verification system with respect to current workers. Current workers identified by DHS would be verified through the employment verification system in exactly the same manner as newly hired workers.

The purpose of an employment verification system is to prevent unauthorized workers from using fraudulent Social Security numbers (SSN) or misusing legitimate SSNs to obtain employment in the United States. This goal is accomplished by comparing the name and SSN submitted by the worker to the records maintained by the Social Security Administration. Regardless of whether

this comparison occurs when a worker is hired, or when a worker's W–2 is processed, the result is the same.

Our amendment requires every employer to verify every newly hired worker through the employment verification system. According to Bureau of Labor Statistics data, more than 60 million workers would be verified each year through this process. In addition, under current tax law, every employer must submit an annual W–2 for every worker. According to Social Security Administration data, more than 160 million workers will be verified each year through this process.

Requiring every employer to verify every worker through the employment verification system would merely duplicate the results of verifying every worker through the W–2 process. If the names and SSNs match in one case, there is no reason to believe they won't match in the other case. In order to avoid needless duplication, our amendment allows DHS to obtain data through the W–2 process and thereby identify every worker using a fraudulent SSN, or misusing a legitimate SSN. The employers of these workers would be required to utilize the employment verification system to verify each of these workers.

(2) Your letter states that under the version of Title III supported by DHS ''we will be relying on electronic verification . . . [to prevent] . . . illegal employment. Your amendment does not require equivalent security measures.'' This statement reflects a fundamental misunderstanding of our amendment. Our amendment requires workers to submit their Passport number, driver's license number, or employment authorization number (as applicable based on citizenship status) in addition to their Social Security number through the employment verification system. It further requires SSA, the State Department, and state DMV agencies to establish a reliable and secure method to allow DHS to verify the identity documents issued by each agency. Thus, DHS will be able to determine when identity documents are fraudulent or when more than one person is using the same legitimate document.

Our amendment differs from the approach envisioned in the version of Title III being supported by DHS. The approach being advocated by DHS would require employers to verify the photo on every identity document presented by every employee at the time of hiring. This represents an unnecessary and overly burdensome requirement for workers and employers. Our amendment would allow DHS to generate a tentative nonconfirmation whenever the identification number does not match agency records, or when the same number appears multiple times. In such cases, the employee would be required to resolve the tentative non-confirmation with the issuing agency.

(3) Your letter states ''The need for no-match information . . . will not disappear in five years.'' Our amendment provides DHS with the ability to independently verify SSNs, state driver's license numbers, and U.S. Passport numbers. There is no reason to believe continued access to SSA no-match data will be necessary once DHS has fully implemented the employment verification system. However, should continued access be needed, we would fully support an extension of the 5–year limitation, provided DHS meets its obligation to protect and properly use this confidential taxpayer data.

(4) Your letter states that we ''. . . misunderstand the current bill . . .'' There is no misunderstanding on our part. The current version of Title III supported by DHS states ''An employer may not terminate an individual's employment solely because that individual has been issued a further action notice . . . [or] . . . reduce salary, bonuses, or other compensation . . .'' The comments in our previous letter referred to individuals who are issued a ''final nonconfirmation,'' not a further action notice. Moreover, your letter states ''. . . the current bill allows workers to earn a living while they appeal what they believe to be erroneous eligibility determinations.'' This statement is true only with respect to a further action notice. The current version of Title III supported by DHS does not require employers to pay workers who appeal a final nonconfirmation. In contrast, our amendment protects workers throughout the entire appeals process.

(5) Your letter states we oppose the requirement that employers resolve no match letters ''. . . because the letters are not sent to every single employer.'' That is not correct. We oppose the no-match requirement because it is ineffective and unenforceable. DHS would have no knowledge of who received a no-match letter. Moreover, employers could continue to rely on the current flawed I–9 process to ''resolve'' their no-match letters. Our amendment would allow DHS to readily identify every single employer with a no-match, and target those with the biggest problem for worksite enforcement or accelerated participation in the employment verification system.

Thank you for providing us with the opportunity to explain our amendment. We stand ready to work with you to create a more effective and feasible verification system.

Sincerely,

CHARLES E. GRASSLEY.
MAX BAUCUS.
BARACK OBAMA.

DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, June 21, 2007.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: I received your June 20, 2007 letter regarding my concerns that your amendment to the immigration reform legislation represents a serious step backward in our worksite enforcement effort. I must respectfully disagree with your statement that your amendment ''would improve Title III.'' On the contrary, reading your response to my letter underscores my initial concerns, for the following reasons:

(1) Your letter acknowledges that under the Grassley-Baucus-Obama amendment, employers need not use the Electronic Employment Verification System (EEVS) to find out whether their existing employees are working legally except ''when there is evidence to suspect unlawful employment.'' Under your amendment, employers have no independent obligation to resolve no match problems, and the Department of Homeland Security (DHS) could only ask employers to resolve no-match problems if DHS already had enough information to begin an investigation. But if DHS has enough information to begin an investigation, it should not ask employers for their help, The value of verification is that it generates evidence of unlawful behavior. It is odd to say that DHS must have evidence of potential wrongdoing before utilizing the best means of uncovering this wrongdoing in the first place.

DHS has no intention of asking employers to act as police. The EEVS is a convenient nondiscriminatory but powerful tool that will bring violations to DHS's attention without imposing heavy burdens on employers. We should not impose arbitrary limits on its use.

(2) As you observe, the current bill requires that only secure licenses and identification cards be accepted after 2013. In the meantime, we will be relying on electronic verification as the principal means of identifying identity fraud and preventing illegal employment. Your amendment does not require equivalent security measures. In view of the widespread industry specializing in production of fake documents, I believe that your amendment keeps us and innocent employers vulnerable to such documents and weakens the protections against identity theft.

(3) We all agree that DHS should have access to the ''no-match'' information that both the current bill and your amendment allow. Our difference arises from the fact that the Grassley-Baucus-Obama amendment arbitrarily cuts off that access after five years. As you will recall, our recent enforcement efforts have shown that fake IDs and made-up Social Security numbers are rampant in many industries. The need for ''no-match'' information to combat such fraud win not disappear in five years.

We should not exempt employers from enforcement of immigration laws because we fear that they may refuse to comply with tax law. I am confident that the vast majority of employers want to follow the law. Indeed, our enforcement system rests on the expectation that individuals—employers and employees alike—will obey the law. For those few who may flout the law, however, the tight response is more enforcement, not less.

(4) I believe your letter misunderstands the current bill in one important respect. The current Title III would not allow employers to cut off pay to workers who seek administrative review of their further action notices. In fact, Title III expressly prohibits businesses from doing so, or from taking other adverse actions against an employee who received such a notice.

I am pleased to correct this misunderstanding.

I am also surprised that you appear to prefer a system requiring that a worker who receives a nonconfirmation notice be fired first, and that he pursue his administrative and judicial appeal while unemployed, with the distant prospect of getting back lost wages. By contrast, the current bill allows workers to earn a living while they appeal what they believe to be erroneous eligibility determinations.

(5) We agree that the Grassley-Baucus-Obama amendment does not require employers to act on the no-match notices they receive. You argue that the law should not require employers to resolve no-match letters because the letters are not sent to every single employer. But the letters are sent to the employers with the biggest no-match problems. And your alternative proposed solution is far less effective. Your amendment proposes that all of the no-match data be sent to DHS, which would then have to repeat everything that the Social Security Administration has already done to locate and send notices to employers whose employees may be violating the law.

In sum, I committed to inform the bill managers if I became concerned about an amendment that would threaten the enforceability and/or workability of the underlying bill A good enforcement program benefits the vast majority of law abiding employers by ensuring that they are not competitively disadvantaged by the unscrupulous few. Unfortunately, I continue to believe that your amendment will perpetuate the kinds of obstacles that have burdened effective enforcement of immigration law at the worksite since 1986.

I appreciate your genuine concern about this matter and please know that I am always glad to meet and discuss these concerns.

Sincerely,

MICHAEL CHERTOFF.

U.S. SENATE,
Washington, DC.

Hon. MICHAEL CHERTOFF,
Department of Homeland Security,
Washington, DC.

DEAR MR. SECRETARY: We are extremely disappointed that your June 19th letter to Senators Kennedy and Specter contained a number of erroneous and misleading allegations regarding our amendment to Title III.

Letter to Senators Kennedy and Specter:

''(1) Job Security for Criminal Aliens . . . existing workers are never checked out . . .''

Grassley/Baucus/Obama Amendment:

The pending immigration bill requires all employers to run all existing workers through the verification system within three years. This is an onerous and unnecessary requirement given the fact that these workers are already subject to the annual wage reporting (no-match) process. Our amendment would require employers to run existing workers through the system only when there is evidence to suspect unlawful employment. To accomplish this goal, DHS would be given access to Social Security and IRS data to identify all mismatched, duplicate, deceased, minor children, or non-work SSNs.

Letter to Senators Kennedy and Specter:

''(2) Loophole for Fake Documents . . . present any driver's license . . . not required to . . . provide a second document . . . eliminate grant program . . .''

Grassley/Baucus/Obama Amendment:

The pending immigration bill says state driver's licenses and ID cards that are not REAL ID compliant will no longer be accepted beginning in 2013. The language also gives the Secretary of DHS the authority to modify state driver's licenses and ID cards prior to the implementation of REAL ID. Finally, it authorizes—but does not fund—grants to States for REAL ID. Congress can only fund REAL ID though the appropriations process. Our amendment avoids imposing an arbitrary deadline and allows the continued use of state driver's licenses and ID cards (subject to new verification procedures with the state DMVs) in recognition of the fact that final implementation of REAL ID remains in doubt.

Letter to Senators Kennedy and Specter:

''(3) Arbitrary End to Information Sharing . . . cuts off all information sharing after five years . . .''

Grassley/Baucus/Obama Amendment:

The pending immigration bill provides DHS with access to Social Security and IRS data. Our amendment would sunset these provisions after five years, subject to a future extension, as is standard practice when allowing access to private taxpayer data for the first time for a new purpose. Moreover, the long-term value of SSA and IRS data for immigration enforcement is highly suspect. Once employers realize their W–2s will be used against them, they may simply stop filing suspect W–2s.

Letter to Senators Kennedy and Specter:

''(4) Punishing the Enforcers Instead of the Violators . . . individuals . . . can seek compensation . . . even if the initial error was caused by the individual and not the government . . . ''

Grassley/Baucus/Obama Amendment:

The pending immigration bill prohibits employers from firing workers for as long as DHS wants to review a worker's appeal of a final nonconfirmation notice. This would force employers to keep workers on their books, but allow them not to be paid, while the government attempts to find and correct the mistakes in its databases. This will put legal workers in a financial bind while providing no incentive for DHS to improve the system. Under our amendment, illegal workers who receive a final nonconfirmation notice would be immediately fired. But, legal workers who are erroneously fired could recover lost wages, if they did not cause the error, and the government was at fault.

Letter to Senators Kennedy and Specter:

''(5) Ignoring the Government's Best Evidence of Illegal Workers . . . Grassley-Baucus-Obama . . . would not . . . require employers to resolve no-match letters''

Grassley/Baucus/Obama Amendment:

The pending immigration bill requires employers to retain SSA no-match letters and document steps taken to resolve them. But, SSA sends no-match letters only when there are more than 10 employees whose names and numbers do not match, and the total number of no-matches exceeds 0.5 percent of total employees. Thus, an employer with 11 no-matches and 2,199 employees would get a letter, but an employer with 11 no-matches and 2,200 employees would not. No-match letters are completely at the discretion of SSA. SSA does not inform DSH which employers receive a no-match letter. Under our amendment, DHS is granted access to all no-match data. They can use this data to identify employers for worksite enforcement or to require early participation in the verification system with respect to new or existing employees.

Letter to Senators Kennedy and Specter:

''(6) No Improvement to IRS Authority... Grassley-Baucus-Obama drops all of these important provisions ...''

Grassley/Baucus/Obama Amendment:

The pending immigration bill would increase IRS penalties for filing incorrect information returns and authorizes—but does not fund—additional IRS personnel to investigate incorrect returns. This is a poorly concealed effort to recruit IRS personnel to do the job DHS is supposed to do: enforce our immigration laws.

We strongly support creating an effective, mandatory employment verification system for all employers to verify the legal status of their workers. But the design, implementation, and oversight of the system as proposed in the pending immigration bill are flawed in several respects.

Our amendment would improve Title III by (1) protecting U.S. citizens and legal workers from errors in the system; (2) protecting the states from excessive federal intrusion; (3) protecting the rights of all legal workers; (4) protecting the privacy of all Americans; and (5) improving our ability to prevent unauthorized employment while minimizing the burden on workers and employers.

We hope that your future correspondence to the Hill will acknowledge these much needed improvements and avoid the erroneous and misleading allegations contained in your previous letter.

Sincerely,

CHARLES E. GRASSLEY.
MAX BAUCUS.
BARACK OBAMA.

DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, June 19, 2007.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: I promised at the start of this process that I would tell you if the bill you were shepherding became so unworkable or unenforceable that it threatened to worsen our current illegal worker problem. In general, the Senate has avoided workability and enforceability pitfalls, but for the first time I must write to you to express concern about a proposed amendment that would be a serious step backwards in our enforcement effort.

Enforcing the law means more than border enforcement. We have to shut off the job magnet that pulls illegal aliens into our country. The current bill's Title III wi11 do just that. It creates a much stronger, more effective worksite enforcement system than the one that exists today. This system will stop illegal aliens from getting hired, and it will punish employers who make illegal workers part of their business model. By contrast, the Grassley-Baucus-Obama Amendment will significantly weaken the current Title III, with the result that illegal workers wil1 still be drawn across our borders by the lure of easy employment.

These are just some of the specific examples of deficiencies in the Grassley-Baucus-Obama Amendment that will lead to a lack of enforceable worksite enforcement:

(1) Job Security for Criminal Aliens—Current Title III requires mandatory verification of all existing workers. Under the Grassley-Baucus-Obama Amendment, existing workers are never checked. So serious criminals, and other aliens who are not eligible for legal status, would be able to hide in their existing jobs indefinitely, without ever having to prove that they are authorized to work in this country.

(2) Loophole for Fake Documents—Current Title III requires that new hires show a secure identification card to keep their jobs. Under the Grassley-Baucus-Obama Amendment, in contrast, most new hires will be able to present any driver's license, whether or not it meets federal standards for secure documents. And unlike the current Title III, individuals presenting a non-secure license will not be required by the Amendment to provide a second document to establish that they are authorized to work in the United States. Finally, the Grassley-Baucus-Obama Amendment eliminates a grant program to reimburse States for the costs of improving license security. The result will be to continue a flourishing market for fake documents and identity theft.

(3) Arbitrary End to Information Sharing—The best way to catch unscrupulous employers who do not verify their employees is to compare Social Security records to the records of the EEVS. Current Title III allows DHS to do so. But the Grassley-Baucus-Obama Amendment cuts off all information sharing after five years. Grassley-Baucus-Obama tells unscrupulous employers that, after five years, when the government agencies stop talking to each other, they can return to ''business as usual,'' employing unauthorized workers.

(4) Punishing the Enforcers Instead of the Violators—Many Americans want tough financial sanctions and strict liability on employers who hire illegal workers. So far as I am aware, none of them want to impose sanctions and no-fault liability on immigration enforcers. But that is precisely what the Grassley-Baucus-Obama Amendment would do. Under the Grassley-Baucus-Obama Amendment, any individual who wins his judicial appeal against the government's determination of his employment eligibility can seek compensation for lost wages—even if the initial error was caused by the individual and not the government. Moreover, in a poorly concealed effort to make DHS avoid tough enforcement, the Grassley-Baucus-Obama Amendment actually proposes that any award come from DHS's enforcement budget. This would actually make the enforcement climate worse than it was after the 1986 law.

(5) Ignoring the Government's Best Evidence of Illegal Workers—Every year, SSA sends out millions of ''no-match letters'', indicating that an individual's name and social security number do not match. These letters are a powerful indicator that the individual may not be work-authorized. The current bill gives DHS authority to require that employers take action to resolve ''no-match letters.'' Grassley-Baucus-Obama would not.

It would encourage employers to continue to turn a blind eye to evidence that their workers may be illegal.

(6) No Improvement in IRS Authority—Nothing worries an unscrupulous businessman more than the prospect of a tax audit. The IRS has great investigative skills; it also has authority to punish immigration violators who file incorrect information about their employees, but this authority does not have the deterrent effect it should because the current fines are so low. Title III fixes this problem by raising the fines and creating a dedicated Criminal Investigation Office to investigate tax violations related to immigration violations. Grassley-Baucus-Obama drops all of these important provisions.

Title III is the foundation of comprehensive reform. We will not reform our immigration system. nor will we shut off the stream of illegal immigrants pouring across our border, without addressing the force that draws them here in the first place. We need better documents and stronger tools to uncover identity fraud. The current version of Title III gives us these tools; by contrast the Grassley-Baucus-Obama Amendment eliminates needed tools and allows unscrupulous businesses to continue to freely hire illegal workers.

Finally, weak enforcement is bad for business. Legitimate businesses that comply with the law will be undercut by competitors who disobey that law if enforcement is lacking. I ask that you help to defeat the Grassley-Baucus-Obama Amendment, not just to help our enforcers but to give a fair shake to those who want to obey the law.

In the end, the Grassley-Baucus-Obama Amendment unfortunately fuels public skepticism about whether enforcement will work or political forces will frustrate serious efforts to bring employers into compliance with the law. I reject that view. We must enforce the law, and with your help we will. I urge you to join with me in opposing the Grassley-Baucus-Obama Amendment.

Sincerely,

MICHAEL CHERTOFF.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. GRASSLEY. Yes.

Mr. KENNEDY. Isn't it true that the Finance Committee estimated that under these systems, there were going to be a certain number of mistakes that were going to be made?

Mr. GRASSLEY. Yes, we presented that to you that day in April——

Mr. KENNEDY. That is exactly right. It is significant numbers, in the hundreds of thousands, as I remember. It is in the hundreds of thousands of mistakes that are going to be made as they set this up. I am just wondering about the protection of those workers. In our bill, we provide that those individuals should be protected because they can keep their jobs while they appeal a nonconfirmation. I am wondering if the Senator will relate to us how he thinks——

The PRESIDING OFFICER. The time of the Senator from Iowa has expired.

Mr. KENNEDY. Do I have any time remaining?

The PRESIDING OFFICER. The Senator has 1 minute yielded by the Senator from Arizona. Who yields time?

The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that the Senator from Iowa have an additional minute to respond, and then I will take my last minute.

Mr. REID. For debate only.

Mr. KYL. Yes, for debate only.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the only response I can give to the Senator from Massachusetts is that we have worked very hard in the Finance Committee to make sure that private income tax information and private Social Security information is protected. It seems to me that is basic to a system of taxation that is voluntary compliance.

We have made some compromises of that, some use of that under very strict guidelines in the past. We presented it to the Senator's committee on this bill the same as we have in the past. The 5-year sunset is one example. Certain penalties for misuse of the information is another one.

It seems to me that is very basic if we are going to have confidence in our tax system and protect the privacy of the individual taxpayer.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I thank the Chair.

Three quick things. The amendment of the Senator from Iowa eliminates both the requirement of an employee to show an official identification card with a photo in State or Federal databases and the DHS-run photo match system that is the ultimate protection against document fraud in the workplace. You have to be able to do that match.

Second, the Senator from Iowa says why would we want to check workers after we have made them legal? Well, the whole point is to be sure we don't have anyone continuing to work here illegally.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of organizations that oppose the Grassley amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The following organizations are publicly opposing the amendments listed below.

GRASSLEY

American Farm Bureau Federation
Compete America
Information Technology Industry Council
TechNet
Essential Worker Immigration Coalition
Alabama Employers for Immigration Reform
Arizona Employers for Immigration Reform
Colorado Employers for Immigration Reform
Federation of Employers and Workers of America
Florida Employers for Immigration and Visa Reform
Nevada Employers for Immigration Reform
New York Employers for Immigration Reform
Oklahoma Employers for Immigration Reform
Texans for Sensible Immigration Policy
Texas Employers for Immigration Reform
Tennessee Employers for Immigration Reform
American Health Care Association
American Hotel & Lodging Association
American Nursery & Landscape Association
American Subcontractors Association
Associated General Contractors
California Landscape Contractors Association
Federation of Employers & Workers of America
Florida Transportation Builders Association
Golf Course Superintendents Association of America
International Franchise Association
National Chicken Council
National Club Association
National Restaurant Association
Outdoor Amusement Business Association, Inc,
PLANET
Society of American Florists
US Chamber of Commerce

BAUCUS

American Farm Bureau Federation
Coalition for a Secure Drivers License
Essential Worker Immigration Coalition
Alabama Employers for Immigration Reform
American Health Care Association
American Hotel & Lodging Association
American Nursery & Landscape Association
American Subcontractors Association
Associated General Contractors
California Landscape Contractors Association
Federation of Employers & Workers of America
Florida Employers for Visa and Immigration Reform
Florida Transportation Builders Association
Georgia Employers for Immigration Reform
Golf Course Superintendents Association of America
International Franchise Association
National Chicken Council
National Club Association
National Restaurant Association
Outdoor Amusement Business Association, Inc.
PLANET

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, as one of the managers of the bill, I will speak very briefly, and then I will move to table the Baucus amendment; and after conferring with the majority leader, it is my understanding that we are going to proceed without further debate to move to table two additional amendments this evening. All efforts to reach some reasonable time agreements have proven to be of no avail.

I think it is worth stating again that when those object that they are not able to offer their amendments, we had time before the bill was taken down a week ago Thursday for people to offer amendments and the objectors did not offer amendments or even allow others to offer amendments. So they have had their opportunity, which has fomented the current situation.

I wish to respond briefly to the distinguished Senator from Iowa, who made a comment that the Senator from Pennsylvania had not kept a promise.

Mr. GRASSLEY. I said you would have to have debate in order to keep your promise or it doesn't mean anything.

Mr. SPECTER. Well, I am not going to ask the record be read back. If the Senator from Iowa said I did not keep

a promise, I am glad to hear that. I don't make promises, I follow procedures. The Senator from Iowa wanted an amendment and he got an amendment, but I didn't make any promises. And if I made a promise, I certainly don't break promises.

When an amendment is offered and you seek a time agreement around here, you have to have unanimous consent to get a time agreement. If you don't have unanimous consent, somebody gets the floor and can filibuster and can talk forever and the majority leader was not going to put this body in a position to have someone get the floor and talk forever. So that the Senator from Pennsylvania doesn't control unanimous consent agreements.

The Senator from Iowa and I have worked together now for 27 years plus. We came to the Senate on the same day. Regrettably, he had an edge in seniority because he had been in the House. They didn't base it on State size. We have had no disagreements up till now, and I am glad to see we don't have a disagreement now.

Mr. GRASSLEY. We don't.

Mr. SPECTER. I would add one addendum, Mr. President, and that is that I have to differ with him when he says he will not be around here 20 years from now. He is only 73 and Strom said he is a young fella.

VOTE ON DIVISION VII OF AMENDMENT NO. 1934, AS MODIFIED

Mr. President, I move to table the Baucus amendment, and I ask for the yeas and nays.

Mr. VITTER. Will the Senator yield for a clarification?

The PRESIDING OFFICER. Will the Senator yield?

The majority leader.

Mr. REID. Mr. President, I know this is not debatable, I understand that, but we are going to move to table Baucus, Grassley, and Domenici. I ask unanimous consent that the first vote be the standard time; the next two votes be 10-minute votes.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving my right to object, if I could simply make a clarification about a statement that has been made.

Mr. REID. Mr. President, I ask for the yeas and nays on the motion to table.

Well, first, we have a unanimous consent request.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Mr. VITTER. I object.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. The motion to table has been made. Is there a sufficient second? There appears to be a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDIENT OFFICER (Ms. CANTWELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—45

Allard	Domenici	Lugar
Bennett	Durbin	Martinez
Bond	Ensign	McConnell
Boxer	Feinstein	Murkowski
Brownback	Graham	Nelson (FL)
Burr	Gregg	Reid
Byrd	Hutchison	Roberts
Carper	Inouye	Salazar
Chambliss	Isakson	Schumer
Clinton	Kennedy	Smith
Cochran	Klobuchar	Specter
Coleman	Kohl	Stevens
Corker	Kyl	Thune
Cornyn	Lieberman	Voinovich
Dodd	Lott	Warner

NAYS—52

Akaka	Dorgan	Nelson (NE)
Alexander	Enzi	Obama
Barrasso	Feingold	Pryor
Baucus	Grassley	Reed
Bayh	Hagel	Rockefeller
Bingaman	Harkin	Sanders
Brown	Hatch	Sessions
Bunning	Inhofe	Shelby
Cantwell	Kerry	Snowe
Cardin	Landrieu	Stabenow
Casey	Lautenberg	Sununu
Coburn	Leahy	Tester
Collins	Levin	Vitter
Conrad	Lincoln	Webb
Craig	McCaskill	Whitehouse
Crapo	Menendez	Wyden
DeMint	Mikulski	
Dole	Murray	

NOT VOTING—3

Biden	Johnson	McCain

The motion was rejected.

Mr. REID. Madam President, as I indicated earlier, I am going to move to table the—oh, we can't do that. We are stuck on this amendment. Why don't we agree to the amendment now and move on to something else?

Mr. VITTER. I object.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, the distinguished junior Senator from Oklahoma has indicated he wants to speak for up to 10 minutes as in morning business. I ask unanimous consent that he be so recognized and that I be recognized following his 10 minutes. I have explained to the Senator from Oklahoma, and he understands, this is for debate only.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. COBURN. Madam President, I appreciate the distinguished Senator from Nevada allowing me the time. I think it is really important for us to ask ourselves what the test is before us today in the Senate.

As many of you know, I spent the last 2 weeks recuperating from a surgical illness, and I got to see—from a perspective of watching television on all the different channels, reading all the different papers—there was a recurring theme that I noticed that came through from all across this country. It did not matter what part of the country. It did not matter who was saying it, no matter whether they tend to lean liberal or they tend to lean conservative. That theme is this: We have failed to instill the confidence in the American people in the Congress that we are about doing what is in the best long-term interest of our country.

It is not about being against immigration or for immigration. It is not about being against an ethnic group or for an ethnic group. It is not about being liberal. It is not about being conservative. It is about the worry that the American people have for this concept called liberty. They are worried about that concept right now. They are worried about whether we have the mettle to stand up to the test, to put us back on a road that will give them the confidence that what we do will be done in the best interests of them and their children. There is worry that the thing that gives us liberty, which is the rule of law, is somehow now being tinkered with in a way that undermines their confidence and security in what this American dream is all about.

So we have had a very interesting experience today, but it is really not about the immigration bill. It is about something much greater that we should be paying attention to. It is about the right to govern with the confidence the people of this country give us and the responsibility that comes with us to have the integrity to do that in a way which builds that confidence, which rebuilds the strength, rebuilds the positive attitude, rebuilds the ''I can do'' America has been known for.

I asked for this time to speak not as a Republican but as a citizen of this country with children and grandchildren, like everybody else out there who wants the best for our country. We can debate about the details.

I had this wonderful experience about a year ago traveling with members of the opposite party to China. We met with students at Chinese Harvard. What we found was 95 percent of the things we agree on, we were solid in our bond.

The very thing that makes this country great is what Democrats and Republicans agree on: the idea of the rule of law; the idea of freedom; the idea that we have a Constitution that has to be supported, nurtured, and maintained. The only way that happens is if we rebuild the confidence of the American people in our abilities to do that.

We are in the midst of a debate on immigration that is a very wildly moving, emotional issue for all sides. But it should be a signal to us that when it is this wildly emotional and wildly divided, it should temper our thoughts to

say the most important thing is not to finish the bill, the most important thing is to reestablish credibility in what we do for the American people.

I happen to believe if we do the right things that the American people in their gut know are right, ultimately, we will go from the 17-percent approval rating the country has of this body today back to where we should be—a healthy, vibrant confidence that the people who are elected to represent them in the Senate will, in fact, have the confidence of the American people to do and carry out this wonderful, creative experiment our Founders started over 200 years ago.

My question for the body and my challenge to the body is that we have a greater problem than immigration. The problem is the test: Do we meet the test that is before us of regaining the confidence of the American people? I think that is the biggest test we have today. I think all 100 of us need to redouble our efforts to assure that No. 1, we listen; No. 2, the Constitution is our guide; that the oath we took said nothing about Republican, said nothing about Democrat, said nothing about an individual State, but said we have an oath to uphold the Constitution of these United States without regard to party, without regard to locale.

So I would beg my fellow Senators, over the next few weeks, as we go on break in a week and we come back here, that the No. 1 goal that ought to be in front of us is, how do we change that approval rating? How do we restore the fact that we are listening, that we are hearing, that our action is based on what we know to be right, what we know to be good, and what we know is in the best interests long term for our country?

With that, I yield the floor.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, are we in morning business?

The PRESIDING OFFICER. The Senate is on the legislation.

AMENDMENT NO. 1978 TO DIVISION VII OF AMENDMENT NO. 1934, AS MODIFIED

Mr. KENNEDY. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 1978 to division VII of amendment No. 1934, as modified.

The amendment is as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

Mr. KENNEDY. Madam President, I think all of us understand we have had a very full day today of voting on this legislation, the Comprehensive Immigration Reform Act. After more than 30 days of hearings since 9/11, after the 6 days of markup in our Judiciary Committee on the legislation that we addressed last year, which is very similar to the underlying legislation that is before us; after now some 23 days of debate on the legislation, both last year and now; after the consideration of more than 70 different amendments—70 different amendments—there is an awareness and understanding by the Members of this body about the substance of this legislation and, hopefully, a recognition of its importance.

We are sent here to legislate—not just to make speeches and to submit amendments but to legislate in our national interests, and we have a national challenge. We have a national challenge. I think everyone as Members of this body understands it. Certainly we receive the phone calls, the wires, the e-mails, and the rest. After it is all said and done, I think the people in our respective States and the people of this country are expecting us to exercise the best judgment about this legislation. They are not asking us to put our finger to the wind and say, from which way is the wind blowing the strongest and from what direction, but to try and take some initial steps—and they are initial but very important and fundamental steps—that can make a difference in terms of our national and border security.

(Mr. CASEY assumed the Chair.)

Mr. KENNEDY. The American people are expecting action in this body. Tomorrow, in the morning, it will certainly be an extremely important and perhaps decisive vote about whether we are going to complete our responsibility, or whether we are not. I have respect for those who have expressed reservations and observations. But my commitment and view is stronger than when we first started this legislation. The importance of this legislation, I think,—I find it more persuasive than the day it was initially introduced, developed, and shaped over the period of the last years.

We all have been faced with this legislation more closely over this debate and the debates we have had in recent days. We know, as we have heard frequently, and as I have said and many others have said, we have a national security issue and a problem. We can, as a nation, no longer afford to have, effectively, almost an open border in the Southwest. We also know, because in our committee we have listened to those who understand this issue, when they say we need to have secure borders, they also understand that with the strong kind of magnet attraction the American economy has, there is going to be leakage on that border. No matter how high we build walls or how many radars or air drones we have there or how many border guards we have, there is going to be leakage, unless we provide at least some opportunities for those who have some skills that in the United States we find we are unable to get filled in terms of the American workforce.

There has to be at least some opportunity for those individuals to come to the United States. Those of us who support this legislation believe in legality. We believe in national security, but we believe in legality. What we have today is lawlessness. We have lawlessness on the border, approaching the border, after the border, and in too many shops, plants, and factories around our country, including in my own State, in which we find the undocumented exploited, and they continue to be exploited. That is happening today.

We have to ask: Do we have something that is going to be basically serious about the border? Are we going to have a way for us to be able to say, OK, there are certain skills that we need here in terms of the American economy—those may be high skills, but in many circumstances it is going to be low skills, according to the Department of Labor. This legislation approaches that issue. We may say we would like to have it skewed this way or that, to some degree, but the fundamentals are essential in terms of the legality on our borders, in terms of national security, and also with regard to worksite enforcement.

As one who has, along with others, been involved in these debates about immigration reform, unless you are going to have a tamperproof card, you might as well forget it. We have learned that lesson in the 1986 act and in the 1992 act and earlier periods of time. The idea that somehow tomorrow we are not going to be willing to continue this process and end this process without the assurances that we are going to end up with a tamperproof card is going to mean that the challenges we are facing on this issue at this time are going to be multiplied many times over, many times over. That is a fact.

Some people are troubled by the way that has been fashioned in this legislation. I think there is a strong and persuasive case we can make. We will have an additional opportunity with the Schumer amendment and, hopefully, with passage of cloture tomorrow. So we have those elements that are law enforcement at the border, respectful law, by coming into the United States and respecting our laws and our immigration laws, law enforcement at the worksite, and respect for the laws in that period of time. To say to those individuals who have come that—their motivations for coming here, by and large, are the values which Americans respect and admire, such as hard work. Sure, there may be some individuals who have gamed the system out there. But there can be no denial when any of us look at this situation and examine it and when you look at particularly the faces and meet the individuals, as

we all have, and we have had the issue spoken to so well by many of our colleagues, this is a population that is interested in hard work. That is a value Americans admire. They also admire the fact that these are families who work hard and care about the members of their family.

Mr. President, $40 billion a year is sent back to Central and South America by the primarily undocumented workers in the United States. This is where individuals are making $10,000 to $12,000 a year. So they care about their families. They are not coming in on their own to try to game the system. The statistics are there. I think those figures speak for themselves in terms of their willingness to work hard, care about their families and, as we all know, this community, this constituency—they are men and women of faith and belief, strong individuals of faith and belief.

On another occasion, we would say those are American values that we admire, and so many of them want to be part of the American dream and make America better. They reflect it by urging their sons and daughters to go into the service—thousands of them being in the service of our country in Afghanistan and Iraq. Many of them have lost their lives in the service of this country. So many of these families—as I listened to the mayor of Los Angeles today talk about a number of mothers he had met who lost their children in Iraq—the particular one he referred to had been undocumented and their son had been lost. In any event, that is the general sense of their desire and willingness, similar to other immigrants who came at other times.

So what is their great violation? The violation is that they have violated our immigration laws. That is serious. What is on the other side of those barriers? The magnet of the American economy. The magnet of the American economy has drawn these individuals like moths to a flame. Sure, it is all there because they have violated our laws, but they work hard and they care for their families. They are men and women of faith, with an extraordinary record of looking after their grandparents, and they have a great desire to be part of the American dream. They have violated laws and they should have a penalty. We looked around and looked around, those of us, Republicans and Democrats, at what should be the penalty. Should they get a penalty? The $5,000 processing fee can vary. We can put a requirement in about learning English. In Boston, MA, it is not that the undocumented don't want to learn English; it is a 3-year wait. Courses in English cost from $2,000 to $3,000 in my part of the world. I look forward to the Alexander amendment—the Senator from Tennessee. He wants to at least provide greater access to individuals to learn English. We are for that. There are requirements that they have to learn English. They have to demonstrate they have worked here and that they paid their taxes and they have to demonstrate that they are good Americans and that they are learning English. We have those requirements. Before they can even think about moving on the pathway to a green card, they have to wait in line for the 8 years to clear up.

Then, according to a merit system, over the next 5 years, they will be able to hopefully get on the path for a green card and then wait another 5 years to become a citizen—8 years, 5 years, and 5 more years. That is 18 years for some of those individuals, plus the penalties and fines—for people who want to be a part of the American dream.

This has, as others have spoken to, very important provisions in here about the ag jobs. I remember going through the Southwest in the early 1960s when I arrived in the Senate. Americans were involved in the Bracero Program, which, outside of slavery, was the greatest exploitation of humanity. Perhaps we could talk about some of the incidents in terms of the Native Americans certainly. But this was a sanctioned program that continued for years and years with the exploitation and abuse of people.

That was the beginning of the rise of the farmworker movement and the extraordinary tensions that existed between the farmworkers and the agricultural interests. It took a long period of time. Finally, they got together to try to have a program which both of them agreed with, which is the AgJOBS bill, to make a difference to 800,000 or 900,000 people who are some of the hardest working people in America. Then there's the DREAM Act. There is some responsibility in the areas of education. We know of the difficulty so many have in completing high school. It is true in the Latino community. This kind of opportunity—if they are the sons of people who came here undocumented, these children didn't know about it, but if they work hard and complete school, they have the opportunity to serve this country and they can get on a pathway for citizenship, or if they are otherwise eligible and the State approves, they can also continue in education.

So there are, I know, strong views about these different provisions; but, quite frankly, I think it is a compelling story that demands and requires action. If we fail this opportunity, we know we are going to miss this opportunity for some time. It is getting late into the season now, July and August we will be out and in September is the appropriations time. We will move into a highly politicized period of time, and we will move into a Presidential campaign. So we will miss an incredible opportunity.

I hope the Senate is going to be responsible tomorrow. We know if we fail, those individuals are all going to be out there; the numbers are going to increase, exploitation will increase, and we are going to have the silent amnesty that others have referred to. That is the real alternative. I don't say that because I believe the failure to act is bad, and it is going to get worse, although I believe it will. It is that if we can take this action and make this downpayment, we can continue to work on this issue as the House does. That will take time. We can obviously work with those who are interested in it and try to make adjustments and changes and try to strengthen and improve it. That is the way the legislative process works. Hopefully, we will be able to come to the period where we can all feel the final product is the best judgment we have had on this bill. That is the optimum, and it seems to me this is an exceedingly important opportunity we should not miss.

Finally, I again thank our leaders for giving us a chance to come back to this issue. We know it has been a complicated and difficult one. As I have said repeatedly, immigration and civil rights are the hot-button issues. We have had complex issues in our HELP Committee dealing with biologics, an enormously complex and difficult issue. We came together and passed that legislation. We had issues dealing with information technology, privacy, grants, and we came together and took action. Our committee has been dealing with the general cost of education and loan programs, and we were able to, Republicans and Democrats, cut some $18 billion from the lenders and return $17 billion to the students. We came together, Republicans and Democrats, and have been able to get reauthorization of the Food and Drug Administration. We look forward to continuing with mental health parity and other issues. But it is the issues of immigration and civil rights that are the hot-button issues, and they get the juices flowing.

I hope tonight people will stand back and think through the significance of this vote tomorrow. It is going to be a matter of enormous importance to our country. It is going to have enormous importance in terms of quality of life for millions of people. We are going to make the decision whether they are going to continue to live in fear or whether they are going to be able to come out of that darkness into the sunshine and be part of this country. If we don't act, we all know what is going to be happening in local communities all across the country and the increasing backwash that is going to arise that is going to make other matters much more difficult for us to continue to make progress on.

I look forward to tomorrow, and I hope all our Members will exercise their best judgment. We will have an opportunity to move ahead and complete this legislation and then hopefully we will continue the progress we made in the Senate so we can work with those who have differing views in the House and in the Senate and ultimately get legislation that is worthy of the Senate.

Mr. LEAHY. Mr. President, I am pleased to offer my support for the

Baucus-Tester-Collins-Leahy amendment to strip the references to the problematic REAL ID program from the underlying immigration bill. We may agree or disagree about the merits of the actual REAL ID program, but as hearings in the Judiciary Committee and the Homeland Security and Government Affairs Committee have shown, REAL ID is far from being ready for prime time.

While the Department of Homeland Security has not even released final regulations directing the States on REAL ID implementation, REAL ID licenses are rapidly becoming a de facto national ID card, since you will need one to enter courthouses, airports, Federal buildings, and—if this bill passes—workplaces all across the country. With roughly 260 million drivers in this country, I do not see how we could have the massive national databases required by REAL ID and this immigration bill up and running by the 2013 deadline set in this bill. Moreover, REAL ID raises multiple constitutional issues whose legal challenges could delay final implementation for years.

In addition to numerous privacy and civil liberties concerns, REAL ID is a massive drivers' tax that could cost Americans taxpayers more than $23 billion. Opposition spans the political spectrum, from the right to the left, and a large number of States have expressed concerns about the mandates of the REAL ID Act by enacting bills and resolutions that oppose REAL ID. Georgia, Washington, Oklahoma, Montana, South Carolina, Maine, and New Hampshire have gone so far as to pass binding legislation that says they intend to refuse to comply with REAL ID. The National Conference of State Legislatures and the National Governors Association have expressed serious reservations about the costs imposed on the States—and the structure of the poorly drafted grant program in the underlying bill. The Center for Democracy and Technology and the ACLU have expressed serious concerns about the lack of privacy and civil liberties protections within the REAL ID program. The reaction to the unfunded mandates and lack of privacy standards in the REAL ID Act is a good example of what happens when the Federal Government imposes a unilaterally devised and ill-considered mandate rather than working to meet goals through cooperation, bipartisanship, and partnership.

For any new immigration measures to be effective, they must be well designed. Forcing employers, employees, and the States to use this troublesome national ID card will slow down the hiring process, stifle commerce, and not serve as an effective strategy. In addition, the States have already told us that they will not all have their new license programs up and running by the 2013 deadline called for in this bill. On top of that, I have gone through this bill several times, and I have found money for border fences, money for surveillance technologies, money for border patrol agents, and money for detention facilities, but I cannot find any hard money that actually goes into REAL ID implementation. So doing away with this poorly drafted grant program will not take $1 away from the $4.4 billion in enforcement money contained in this bill.

As a result, I do not believe that we should jeopardize the future success of the immigration reforms sought in this bill by tying REAL ID too closely to it. Instead of mandating REAL ID licenses for employment verification, I think we should support the Baucus-Tester-Collins-Leahy amendment to strip REAL ID from this bill and put together a workable employment verification system that does not needlessly burden every legal job seeker in this country with the onerous and problematic requirements of REAL ID.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I know my friend from South Dakota wishes to speak. I have a unanimous consent request I wish to make that will put us into a situation where he can speak. I understand he wants to speak for 5 minutes. This will only take a minute, and then I will be recognized to do some other business we have to do tonight. It is nothing in relation to immigration. No one need worry about that.

ORDERS FOR THURSDAY, JUNE 28, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes business today, it stand adjourned until 9:30 a.m., Thursday June 28; that on Thursday, 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 be reserved for their use later in the day, and the Senate then resume consideration of S. 1639, the immigration bill, with an hour for debate only prior to a cloture vote on S. 1639, with the time equally divided and controlled between Senators KENNEDY and SPECTER or their designees; that upon the use or yielding back of time, without further intervening action or debate, the Senate proceed to vote on the motion to invoke cloture; that Members have until 10 a.m. to file any germane second-degree amendments; and that the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding the Senator from South Dakota, Mr. THUNE, wishes to be recognized. Is the Senator going to use the full 10 minutes? He is entitled to it.

Mr. THUNE. Mr. President, I shouldn't take that long. I guess maybe 7 minutes.

The PRESIDING OFFICER. The Senator from South Dakota.

IMMIGRATION

Mr. THUNE. Mr. President, I thank the majority leader for his indulgence. I appreciate very much the opportunity to speak to the issue before the Senate today.

The debate over immigration has been a contentious one. Soon we are going to come to that moment of truth when we all have the opportunity to cast a vote either for or against the so-called ''grand bargain'' that is before the Senate. Most of us are going to make that vote formed by our own experiences, formed by our conscience, formed by our constituents, and like so many others in this Chamber, those are all factors that come into play and influence the way that I view this very important and serious issue.

In fact, to speak to some of the experiences I have had, it was not too long ago I was in a supermarket in my home State of South Dakota in Sioux Falls. I was approached by someone who was working there who had asked me to help with a problem. It turns out he was in this country, and his wife had been here illegally. They had a child here. The child, therefore, is a citizen. His wife determined that she wanted to be legal. So she left this country and went back home and decided to come here through a legal mechanism. That was a year ago. For the past year, she has been trying to come back to this country legally. I have been working with her. They have to first get an immigrant waiver and then ultimately go through the process where she can come into this country and come legally.

I make that point because I believe it is very relevant to the debate we are having on the floor of the Senate. If this woman who wanted to do the right thing and decided to go back because she wanted to come into the United States of America legally—she didn't want to be here illegally—had just stayed here, under this bill, she could become legalized. What does that say to all the people such as her who are trying to follow the laws, who are trying to play by the rules we have created?

That is one episode, one example, as I look at this debate and think about the consequences for those who have played by the rules, those who follow our laws, those who observe the rule of law in America, how it forms the way I view this issue.

We have been told throughout this debate that this is the best compromise

that can be achieved and, after all, isn't compromise the essence of what the Senate is all about, is coming to a consensus after a long debate? The difference with this grand bargain is that the die was cast long before the debate began. The process whereby this bill came to the floor bypassed the regular order, and its outcome has been ordained by the grand bargainers to prevent amendments that might actually improve the bill from becoming part of the solution to America's broken immigration system.

Opposing the underlying bill or proposing amendments to improve it has led to labels such as anti-immigrant or nativist or xenophobic. I am none of the above. It is not anti-immigrant to be for the rule of law. It is not nativist to be for enforcing America's laws. And it is not xenophobic to believe that those who come to America should come here legally.

America has a long tradition as a welcoming nation. I am a product of that tradition. In 1906, two Norwegian brothers named Nicolai and Matthew Gjelsvik came to America from Norway. The only English they knew were the words ''apple pie'' and ''coffee,'' which evidently they learned on the way over.

When they arrived at Ellis Island, the immigration officials determined that their given name would be too difficult to spell and pronounce for people in this country so they asked them to change it. G-j-e-l-s-v-i-k was how they spelled it. They picked the name of the farm where they worked near Bergin, Norway, which was called the Thune Farm. So Nicolai Gjelsvik became Nick Thune, my grandfather.

Then, as now, there was a great demand in America's economy for workers. They went to work on the transcontinental railroad doing hard manual labor. they learned English and made enough to start a small merchandising company which subsequently became a hardware store that to this day bears their name. They came here for the opportunity that America offered—the opportunity to succeed and the opportunity to fail.

Their story has been duplicated millions and millions of times over and continues today. Millions and millions of Americans came here from other places, but they came here legally. I support them and the millions more who are still to come. You see, you can be pro-immigration and pro rule of law. The two are not mutually exclusive. Unfortunately, the bill before the Senate violates that bedrock American distinction of the rule of law. Under this bill, somewhere between 12 and 20 million illegal immigrants will be immediately legalized.

Ironically, it is that very rule of law that serves as a magnet that attracts people to America. The reason America's economy is the most prosperous in the world is its foundation is in the rule of law. Concepts such as legal certainty, private property rights, and an independent judiciary provide the framework for the most successful economy in the history of civilization. It doesn't happen by happenstance. It happens because the rule of law is an inviolable principle of American democracy.

The solution to America's broken immigration system is really quite simple: Enforce the laws in the workplace and enforce the laws at the border. Sacrificing America's most basic foundational principle in the interest of a short-term fix betrays the belief of the millions who are here legally and the millions more to come that America is different because here the rule of law matters.

President Ronald Reagan once said that a nation that ''can't control its own borders can't control its destiny.'' We are a country, we are a nation. We need the strong border security measures in this bill, and we need the strong workplace verification measures in this bill, but the immediate legalization of 12 million people is a bridge too far.

It contradicts one of the great ideals of our democracy and sends wrong and conflicting signals to those who are here currently and those who will come in the future. The demand for workers in America can be met when those here illegally go back and return through legal channels or when they are replaced by those who wait to come legally. This bill is the wrong solution, and I believe and I hope that the Senate will reject it.

We can get a good immigration bill, a solid immigration bill that secures the border, that deals with the issue of workplace verification, and it sends the right message to those who are waiting to come to America that America is a nation, a welcoming nation, a nation that is pro-immigration, but a nation that fundamentally respects its great tradition as a nation that is based upon the rule of law.

I hope my colleagues, as they consider how they will vote tomorrow on these important votes, will think about the importance of that tradition of the rule of law, the importance of the message we send to those who have observed our laws, such as the lady I mentioned whose husband is in Sioux Falls, SD, and she hopes to come back to our great country and to our State. She made a fundamental decision that she was going to play by the rules, she was going to follow the laws. There are so many like her. What we want to do is send a message that people like her are welcome here, people who follow our laws. We don't want to reward those who come here illegally. I believe on a most basic level that is what the legislation before the Senate does.

I urge my colleagues to vote ''no'' on these important votes tomorrow.

Mr. President, I yield back the remainder of my time.

Mr. LOTT. 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.

UNANIMOUS-CONSENT REQUEST—H.R. 1

Mr. REID. Mr. President, despite the fact that we are fast approaching the 6-year anniversary since the terrorist attacks of September 11, it is painfully clear that we have a lot of work to do to protect this Nation from further terrorist attacks. The threats are real, they are growing, and when Democrats took control of the Congress at the start of this year, we said we would implement the unanimous recommendation of the bipartisan 9/11 Commission. That matter passed this body by a big vote. That is where we said we should implement into law the 9/11 Commission recommendations. Democrats voted for that, and Republicans voted for it. It was one of the first bills we passed at the start of this session of Congress. The House passed its version of the bill on January 9. The Senate passed our bill on March 13. The House bill was 299 to 128; ours was 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 on these two bills. I myself have spoken to Chairman LIEBERMAN, I don't think it is an exaggeration to say a dozen times. The American people expect us to finish this work quickly, and that is why we believe we need to take the next procedural step as part of our regular order, which is to appoint conferees to finish these negotiations.

When this bill is signed into law, it will make America more secure. It will improve the screening of maritime cargo so that Americans can be assured we are doing all we can to prevent the smuggling of weapons into this country, including nuclear weapons. It will improve the congressional oversight of intelligence to ensure we are building the best capabilities possible to stop terrorist attacks. It will improve information sharing and communications interoperability among first responders so that they can work swiftly to prevent terrorist attacks. It will ensure that transportation and mass-transit structures are hardened against terrorist attacks.

This legislation wasn't something a couple of Senators dreamed up. It was the recommendations of the bipartisan 9/11 Commission, chaired by Governor Kean and cochaired by Congressman Hamilton, a Republican and a Democrat. This is what we are doing. We are long past when we should have done this. We need to do this.

I make the following request, 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 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 with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, the leadership has been continuing to consult with our colleagues who are working on this legislation, and I have the impression, from talking to Members who are involved, that they have done a lot of good work and perhaps have made some progress that will lead to being able to get a conference and act on it. They have been discussing some very significant issues.

One of the problems that I recall is that this legislation went well beyond what was just in the 9/11 Commission recommendations, and that is a major part of the problem. There was some other language that was of great concern and could lead this bill to be vetoed by the President, but he does not want to veto it, and we want to get a bill that we can agree on that can become law. We all want to strengthen our homeland security, but, as quite often is the case in the Congress—the House or the Senate or the both of us—we put language in these bills that is problematic and, in my opinion and others, counterproductive. So we don't want to get to a point where we can't get an agreement or get a bill signed into law and have to start back at square one.

I wish to emphasize that the impression of the leadership—and that is whom I am speaking for here—is that they are working and making progress, and we hope they will continue to do that and get a good, productive, and bipartisan agreement.

At this point, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I, of course, am very disappointed my Republican colleague has chosen to object to this request on moving forward on the 9/11 Commission recommendations bill. The minority stated yesterday that they had a problem with the bill. We agreed to take that out of the bill. I don't know how much more we can do.

It appears to me there are forces within the Republican Senate that simply don't want this bill enacted. This is really too bad. As my friend—and we have worked together on this Senate floor, my friend, the junior Senator from Mississippi, we have worked on this floor together for many years. When he was the majority leader, we worked together in detail on so many different issues, so this is not directed toward him. But I do say that there have been procedural roadblocks thrown up in front of virtually everything we have tried to do in the Senate this year. I was hoping we could reconsider this obstructionism when it comes to moving legislation that would make America more secure. Every day we wait on this is another day for the terrorists. For example, I talked about cargo screening. Other countries do it, but we don't.

These phantom issues which are blocking this bill do not exist. This is a bill which the managers, Senator LIEBERMAN and others, have worked out. We could go to conference and do this bill in one-half hour, an hour. And this is a real conference where conferees would sit down, there would be open debate, public debate, there is nothing to jam this through. This is the way we should do things.

The 9/11 victims' families have organizations, and these family representatives are calling for all parties to move this forward, and we are listening to them. This bill needs to pass. We are willing to be flexible. We have shown that. I would hope my Republican colleagues and the administration will demonstrate what they do not like about this bill, and what they do not like about it, tell us. This bill is important. It is important for me and my family, every Senator here and their families, everybody in this country, and every day we don't do something is a day lost.

I can assure my Republican colleague that Senator LIEBERMAN, our lead conferee, as well as the rest of our conferees will continue to work in a bipartisan manner, as they have to date. So I am very disappointed the Republicans are still objecting to moving the process forward on this bill. I say to my colleagues and to all Americans that I will be back on the floor again and again until our Republican friends allow us to move forward.

I do say, Mr. President, that it is a real shame we can't get this done before the Fourth of July recess. I am not exaggerating when I say this bill needs to be done. I think, without going into any confidential information, this bill should pass. We should do it as soon as we can. I urge my friend to speak to whomever needs to be spoken to on the other side to reconsider their objection.

Tomorrow, let us move this bill. It is Thursday. We could complete this before we go home, and it would be a day of celebration for all America that we are implementing the 9/11 Commission recommendations.

UNANIMOUS-CONSENT REQUEST—H.R. 1585

Mr. REID. Mr. President, I have a unanimous consent request that I would like to make, and I will do that right now.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 189, H.R. 1585, the Department of Defense Authorization Act, on Monday, July 9, following the period of morning business.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object, Mr. President, it is my understanding the Senate bill is not yet available. I think the bill will be filed at some point soon so that Members can review it, but at this time, until Members see the legislation, I will object, and maybe we can revisit this when the bill is reported. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. If I could ask the indulgence of the majority leader briefly.

With regard to the effort on the homeland security, 9/11 Commission recommendations, I think the concerns we have on this legislation were made very clear, laid out in the CONGRESSIONAL RECORD when the legislation was being considered. We want homeland security in America, but we also want to make sure the money we provide and what we authorize is done in a responsible and appropriate way. There is the possibility of gorging the system without getting a lot of results.

I have flown to the different ports in this country and looked at port security and all the intermodal activities and the security that goes on there. More is being done than maybe some people realize. But also there were some labor provisions in this legislation that clearly needed to be worked out in order for this legislation to make it through the process.

But I agree, hopefully we can get something worked out here where this legislation could perhaps get into conference and get it done before we leave for the Fourth of July. The conferees know where the problems are; if they would meet and get those problems worked out, then I think probably this legislation could be cleared.

I just wanted to respond to the majority leader's concern. I understand how he feels and what he is trying to do, but I did want to put those comments and those thoughts on the record.

Mr. REID. Mr. President, I would say this: The labor provisions about which the distinguished Senator talked, we have agreed to take care of those. Everybody knows that. Maybe my friend doesn't, but we certainly have conveyed this to the minority in great detail. I would simply say, if it is not this, then what is it? We have agreed to handle the labor situation in this bill. The Speaker and I have agreed, and I don't know what other assurance anyone could give.

This is really stunning to me, that on the Defense authorization bill I am

going to have to file cloture—Defense authorization bill—a motion to proceed to it. We have already filed—I don't know the exact number, I lose track of it, but 12 to 14 motions, clotures on motions to proceed, far more than were done in the last Congress just in this little period of time we have been here. Why? Because everything we move to, there is an objection.

Keep in mind what this is. It is the Defense authorization bill, a bill we have to pass to take care of our troops in Iraq, in Afghanistan, in Korea, in Germany, and troops here at home. It is for training. It has a pay raise in it. It is a good piece of legislation worked on by Senator WARNER and Senator LEVIN. It is a bipartisan bill, and I just think everyone who is listening to these proceedings, wherever they might be, should understand the Republicans are objecting to going to the bill to fund our troops.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 189, H.R. 1585, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will now report the motion to invoke cloture on the motion to proceed to H.R. 1585.

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. 189, H.R. 1585, Department of Defense Authorization, 2008.

Harry Reid, Richard J. Durbin, Daniel K. Inouye, Byron L. Dorgan, Ted Kennedy, Joe Biden, Patty Murray, Bill Nelson, Jack Reed, Debbie Stabenow, Jim Webb, Ben Nelson, Ron Wyden, Pat Leahy, H.R. Clinton, Claire McCaskill, Carl Levin.

Mr. REID. Mr. President, I now withdraw the motion to proceed and ask the mandatory quorum call with respect to the motion required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 320(c) of S. Con. Res. 21, the 2008 Budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that extends the Transitional Medical Assistance program, so long as that legislation does not worsen the deficit over the period of fiscal years 2007 through 2012 or fiscal years 2007 through 2017.

I find that S. 1701, introduced today by Senator BAUCUS, satisfies the conditions of the deficit-neutral reserve fund for Transitional Medical Assistance. Therefore, pursuant to section 320(c), I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Finance Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 320(c) DEFICIT-NEUTRAL RESERVE FUND FOR TRANSITIONAL MEDICAL ASSISTANCE

[In billions of dollars]

Section 101:	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,015.841
FY 2009	2,113.811
FY 2010	2,169.475
FY 2011	2,350.248
FY 2012	2,488.296
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−34.955
FY 2009	6.885
FY 2010	5.754
FY 2011	−44.302
FY 2012	−108.800
(2) New Budget Authority:	
FY 2007	2,376.360
FY 2008	2,496.053
FY 2009	2,517.001
FY 2010	2,569.530
FY 2011	2,684.693
FY 2012	2,718.954
(3) Budget Outlays:	
FY 2007	2,299.752
FY 2008	2,468.314
FY 2009	2,565.585
FY 2010	2,599.174
FY 2011	2,691.658
FY 2012	2,703.160

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 320(c) DEFICIT-NEUTRAL RESERVE FUND FOR TRANSITIONAL MEDICAL ASSISTANCE

[In millions of dollars]

Current Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,515
FY 2007 Outlays	1,017,805
FY 2008 Budget Authority	1,078,809
FY 2008 Outlays	1,079,815
FY 2008–2012 Budget Authority	6,017,388
FY 2008–2012 Outlays	6,021,713
Adjustments:	
FY 2007 Budget Authority	12
FY 2007 Outlays	3
FY 2008 Budget Authority	96
FY 2008 Outlays	99
FY 2008–2012 Budget Authority	−9
FY 2008–2012 Outlays	−3
Revised Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,078,905
FY 2008 Outlays	1,079,914
FY 2008–2012 Budget Authority	6,017,379
FY 2008–2012 Outlays	6,021,710

VOTE EXPLANATION

Mr. BROWNBACK. Mr. President, I regret that on June 11, I was unable to vote on the motion to invoke cloture on the motion to proceed to the consideration of S.J. Res. 14, a joint resolution expressing the sense of the Senate that Attorney General Alberto Gonzalez no longer holds the confidence of the Senate and of the American people. I wish to address this vote, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 207, I would not have voted in favor of the motion to invoke cloture on the motion to proceed to the consideration of S.J. Res. 14. My vote would not have altered the result of this motion.

OPEN GOVERNMENT ACT

Mr. LEAHY. Mr. President, on July 4, the Nation will celebrate the 41st anniversary of the Freedom of Information Act, FOIA, landmark legislation that has guaranteed the public's ''right to know'' for generations of Americans. Regrettably, the Senate will mark this very important anniversary without having passed the Openness Promotes Effectiveness in Our National Government Act, the OPEN Government Act, S. 849, comprehensive legislation that Senator CORNYN and I introduced earlier this year to strengthen and reinvigorate FOIA for all Americans.

Responsive government and transparent decisionmaking are bedrock American values. FOIA honors and helps translate those values into practice, and the OPEN Government Act will help FOIA work better in serving the public's interest.

The Judiciary Committee favorably reported this bipartisan legislation in April. But a Republican hold is delaying consideration of this important FOIA reform bill. The Senate Republican leadership has also ignored requests to debate this bill on the Senate floor, needlessly stalling these long-overdue, bipartisan reforms to strengthen FOIA.

For more than four decades, FOIA's timeless values of openness and transparency in government have ensured access to Government information. Just this week, we witnessed the great value of FOIA in shedding light on a controversial policy within the Office of the Vice President regarding the handling of classified information, with news reports that a FOIA request to the Justice Department first revealed that the Attorney General may have delayed a review into the legality of this troubling policy.

Although FOIA remains an indispensable tool in shedding light on bad policies and Government abuses, this open Government law is being hampered by excessive delays and lax FOIA compliance. Today, Americans who seek information under FOIA remain less likely to obtain it than during any other time in FOIA's 40-plus year history. According to the National Security Archive, an independent research institute, the oldest outstanding FOIA requests date back to 1989, before the collapse of the Soviet Union.

Moreover, more than a year after the President's FOIA Executive order to

improve agency FOIA performance, FOIA backlogs are at an alltime high. According to a recent report by the Government Accountability Office, Federal agencies had 43 percent more FOIA requests pending and outstanding in 2006 than in 2002. In addition, the percentage of FOIA requestors who obtained at least some of the information that they requested from the Government declined by 31 percent in 2006, according to a study by the Coalition of Journalists for Open Government.

As the first major reform to FOIA in more than a decade, the OPEN Government Act would help to reverse these troubling trends and to restore the public's trust in their Government. In so doing, this bill is a fitting tribute to FOIA and a wise investment in our American democracy.

The OPEN Government Act promotes and enhances public disclosure of Government information under FOIA by helping Americans to obtain timely responses to their FOIA requests. This bill also improves transparency in the Federal Government's FOIA process by restoring meaningful deadlines for agency action under FOIA; imposing real consequences on Federal agencies for missing FOIA's 20-day statutory deadline; clarifying that FOIA applies to Government records held by outside private contractors; establishing a FOIA hotline service for all Federal agencies; and creating a FOIA Ombudsman to provide FOIA requestors and Federal agencies with a meaningful alternative to costly litigation.

Let me also be clear about what this bill does not do. This bill does not harm or impede in any way the Government's ability to withhold or protect classified information. Classified, national security and homeland security-related information are all expressly exempt from FOIA's disclosure mandate, and this bill does nothing to alter these important exemptions. Senator CORNYN and I have also offered an amendment to this bill that would preserve the right of Federal agencies to assert these and other FOIA exemptions, even if agencies miss the 20-day statutory deadline under FOIA.

The OPEN Government Act is cosponsored by a bipartisan group of 13 Senators, including the bill's lead Republican cosponsor, Senator CORNYN. This bill is also endorsed by more than 115 business, public interest, and news organizations from across the political and ideological spectrum, including the American Library Association, the U.S. Chamber of Commerce, OpenTheGovernment.org, Public Citizen, the Republican Liberty Caucus, the Sunshine in Government Initiative, and the Vermont Press Association. I thank all of the cosponsors of this bill for their commitment to open government. I also thank the many organizations that have endorsed the OPEN Government Act for their support of this legislation.

The OPEN Government Act is a good-government bill that Democrats and Republicans alike can and should work together to enact. If there are legitimate concerns with this bill, those concerns should be openly debated and the Senate should promptly pass this legislation.

Senator CORNYN and I both know that open government is not a Democratic issue or a Republican issue. It is an American issue. It is in this bipartisan spirit that I urge the Senate to promptly consider the OPEN Government Act and that I encourage all Senators to support this important FOIA reform legislation.

I ask unanimous consent to have printed in the RECORD a list of the bill's supporters following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF SUPPORTERS OF THE LEAHY-CORNYN OPEN GOVERNMENT ACT, S. 849

Alliance for Justice
America Association of Law Libraries
American Association of Small Property Owners
American Booksellers Foundation for Free Expression
American Civil Liberties Union (ACLU)
The American Conservative Union
American Families United
American Library Association
American Society of Newspaper Editors, Member of Sunshine in Government Initiative
Animal Welfare Institute
ASPCA
Assassination Archives and Research Center
Associated Press, Member of Sunshine in Government Initiative
Association of Alternative Newsweeklies, Member of Sunshine in Government Initiative
Association of American Publishers
Bill of Rights Defense Committee
Biodiversity Conservation Alliance
Blancett Ranches, Aztec, NM
Californians Aware
Californians for Western Wilderness
Center for Democracy and Technology
Center for Energy Research
Center for National Security Studies
Citizen Action New Mexico
Citizens for Responsibility and Ethics in Washington (CREW)
Chamber of Commerce of the United States
Coalition of Journalists for Open Government, Member of Sunshine in Government Initiative
Common Cause
Community Recovery Services
Conservation Congress
Doctors for Open Government
DownsizeDC.org, Inc.
The E-Accountability
FoundationlParentadvocates.org
Electronic Frontier Foundation
Environmental Defense Institute
Environmental Integrity Project
Ethics in Government Group
Fernald Residents for Environmental Safety & Health, Inc.
Florida First Amendment Foundation
Forest Guardians
Friends Committee on National Legislation
Friends of Animals
Friends of the Wild Swan
Georgia Forest Watch
Georgians for Open Government
Government Accountability Project
Great Basin Mine Watch
Gun Owners of America
HALT,Inc
The Health Integrity Project
HEAL Utah
The Humane Society of the United States
Idaho Sporting Congress, Inc.
Indiana Coalition for Open Government
The James Madison Project
Law Librarian Association of Greater New York
Law Librarians Association of Wisconsin
League of Women Voters of the U.S.
Liberty Coalition
Los Alamos Study Group
Maine Association of Broadcasters
Mine Safety and Health News
The Multiracial Activist
National Association of Broadcasters, Member of Sunshine in Government Initiative
National Association of Manufacturers
National Coalition Against Censorship
National Freedom of Information Coalition
National Newspaper Association, Member of Sunshine in Government Initiative
National Press Club
National Security Archive
National Taxpayers Union
National Treasury Employees Union
National Whistleblower Center
Natural Resources Defense Council
The New Grady Coalition
Newspaper Association of America, Member of Sunshine in Government Initiative
No FEAR Coalition
Northern California Association of Law Libraries
Northwest Environmental Advocates
Nuclear Watch New Mexico
Okanogan Highlands Bottling Company
OMB Watch
Open Society Policy Center
OpenTheGovernment.org
Oregon Natural Desert Association
Oregon Peace Works
Owner-Operator Independent Drivers Association, Inc.
People For the American Way
Project On Government Oversight
Public Citizen
Radio-Television News Directors Association, Member of Sunshine in Government Initiative
ReadtheBill.org Education Fund
Reporters Committee for Freedom of the Press, Member of Sunshine in Government Initiative
Republican Liberty Caucus
Reynolds, Motl & Sherwood, PLLP
The Rutherford Institute
Sagebrush Sea Campaign
Semmelweis Society International
Snake River Alliance
Society of American Archivists
Society of Professional Journalists, Member of Sunshine in Government Initiative
Southern California Association of Law Libraries
Southwest Research and Information Center
The Student Health Integrity Project
Tax Analysts
Tri-Valley CAREs (Communities Against a Radioactive Environment)
Union of Concerned Scientists
VA Whistleblowers Coalition
Vermont Coalition for Open Government
Vermont Press Association
Western Environmental Law Center
Western Lands Project
Western Resource Advocates
The Wilderness Society
Wild Wilderness
Wilderness Workshop

REMEMBERING SENATOR CRAIG THOMAS

Ms. COLLINS. Mr. President, it has been said that we all have a birth date

and a death date, with a dash in between. It is what we do with our dash that counts.

Senator Craig Thomas made his count. He was a dedicated public servant, a vigorous advocate, a compassionate leader, a marine, a proud patriot. To the citizens of his beloved Wyoming and to his colleagues in the Senate, he was a cherished friend.

Although my State and his are miles apart, with vastly different geography and history, I am struck by the similarities in the character of our people. Both the rugged Maine Yankee and the tough Wyoming cowboy are steadfast and modest. Both are determined, committed to doing what is right rather than what is easy. An old cowboy proverb says, ''The best way out of a tight spot is to go straight through it,'' and Craig Thomas always faced challenges head-on. I have no doubt that he would have been just as at home on the deck of a lobster boat as he was on horseback, riding the range.

As a Senator representing a large rural State, I deeply appreciate Craig's devotion to preserving and enhancing a way of life that is such a vital part of the American spirit. His tireless work on such issues as agriculture, Indian affairs, natural resources, rural health care, and educational opportunity will help ensure a better future for people in small communities throughout our nation.

The courage and integrity with which he led his life were evident until the very end. Although stricken with a terrible disease, Craig always put his Nation and his State first. There was no time for self-pity or regret while there was still work to be done. He stayed in the saddle.

Craig was a public man, but, first and foremost, he was a loving husband, a devoted father, and a proud grandfather. In this time of sorrow, I know that his wonderful family finds strength in his honorable legacy. Senator Craig Thomas filled his dash with service, courage, and commitment, with life and love. May his memory inspire us all to do the same.

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 April 12, 2007, in Crothersville, IN, Coleman King and Garrett Gray beat a man to death for allegedly making a sexual proposition to one of them. As the two young men were returning to Gray's house from an errand that day, they picked up 35-year-old Aaron Hall. The two men told police that Hall had propositioned King; in retaliation, King and Gray began to beat Hall. The two men allegedly struck Hall until his eyes were swollen shut and he was spitting blood. They then carted him off to a ditch, continued to beat him and left him for dead. The two men drove back to the ditch with a shotgun later that day in order to make sure Hall was dead, but found him instead several days later dead in a nearby field, where he had apparently crawled.

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.

ADDITIONAL STATEMENTS

TRIBUTE TO JIM BOWMAN

● Mr. ALLARD. Mr. President, I pay tribute today to a legend of the U.S. Air Force Academy's athletic department, Mr. Jim Bowman. After dedicating 49 years of service over six decades to the Air Force Academy, Mr. Bowman, the associate athletics director for recruiting and support, will retire at the end of July 2007.

Mr. Bowman excelled on the football field at Michigan's Charlevoix High School. Following graduation, Mr. Bowman brought his on-the-field tenacity to the University of Michigan, where he played 3 years for the Wolverines, lettering at center his senior year. After graduation in 1956, Bowman joined the Air Force and completed pilot training in 1957 and also attended B–47 transition school.

In 1958, Lieutenant Bowman arrived at the Air Force Academy as junior varsity football coach. He led the junior varsity team for a total of 5 years and the freshman team for 11 years. In addition to his coaching duties, Mr. Bowman also began serving as the Academy's associate athletic director for admissions. However, after the 1975 season, when the Academy added 10 Varsity women's teams in addition to the 17 existing men's teams, Bowman stepped down from coaching to devote his full-time duties to recruiting support.

At the Air Force Academy, Bowman served on a coaching staff that led the Falcons to 17 postseason bowl games and 16 Commander-in-Chief's Trophies, as the top service academy football team. Since arriving at the Academy, Bowman has seen every class graduate, totaling 38,797 cadets to date, has overseen the appointment of an estimated 14,000 recruited athletes, and administered 49 admission cycles. Through this period, Mr. Bowman worked with 16 superintendents, 22 commandants of cadets, 8 deans of faculty, 8 athletic directors, 10 directors of admissions, and 120 assistant football coaches. His extensive experience in all phases of intercollegiate athletics has contributed immensely to the development of the Air Force Academy's athletic programs. Mr. Bowman is an honorary member of the Academy Association of Graduates and a lifetime member of the American Football Coaches Association. In 2001, Bowman was inducted into the Colorado Springs Sports Hall of Fame as part of the 1958 Cotton Bowl team.

Jim Bowman's retirement from the Academy marks the end of an era in Air Force Academy athletics. His 49 years of dedication to Falcon athletes, our future Air Force officers, and the Academy is simply unparalleled. Although his service at the Academy will be missed, I know Mr. Bowman will continue to serve his country in whatever future endeavors he chooses to pursue.

I ask my colleagues to join me in recognizing Mr. Jim Bowman's hard work and commitment to the U.S. Air Force Academy, the Air Force, and our country. While Mr. Bowman described his service to the Academy as ''a privilege and an honor,'' it is our Nation that is indebted to Jim Bowman for his positive influence in helping to shape the characters of so many of our future military leaders.●

CONGRATULATING CHARLES J. MARTINEZ

● Mr. BUNNING. Mr. President, today I pay tribute to Charles J. Martinez of Bowling Green, KY, on being recognized as a winner of the Library of Congress's 2007 Letters About Literature competition.

Letters About Literature is a reading and writing program sponsored by the Library's Center for the Book. Throughout the country more than 56,000 young readers in grades 4 through 12 participated in the program, which encourages young kids to read and write a letter to their favorite author, of any era, whose books inspired them.

Charles chose to write about author J.K. Rowling's ''Harry Potter'' series. He was one of two winners chosen this year in the Commonwealth of Kentucky.

I now ask my fellow colleagues to join me in congratulating Charles for his dedication and commitment to reading and writing. In order for our society to continue to advance in the right direction, we must encourage more young people like Charles to read and write as often as possible. He represents Kentucky at its finest.●

CONGRATULATING CARLEY SMITH

● Mr. BUNNING. Mr. President, today I also pay tribute to Carley Smith of Harrodsburg, KY, on being recognized as a winner of the Library of Congress's 2007 Letters About Literature competition.

Letters About Literature is a reading and writing program sponsored by the

Library's Center for the Book. Throughout the country more than 56,000 young readers in grades 4 through 12 participated in the program, which encourages young kids to read and write a letter to their favorite author, of any era, whose books inspired them.

Carley chose to write about author Judith Guest's ''Ordinary People.'' She was one of two winners chosen this year in the Commonwealth of Kentucky.

I now ask my fellow colleagues to join me in congratulating Carley for her dedication and commitment to reading and writing. In order for our society to continue to advance in the right direction, we must encourage more young people like Carley to read and write as often as possible. She represents Kentucky at its finest.●

HONORING NEW ENGLAND OUTDOORS CENTER

● Ms. SNOWE. Mr President, today I honor an exceptional small business from my home State of Maine that is striving to employ more Mainers and revive tourism in one of Maine's hidden natural treasures. The New England Outdoors Center of Millinocket is a multifaceted ecotourism and recreational sports business and a wonderful example of entrepreneurial spirit in Maine. Local residents of the Millinocket region and tourists, who come from far and wide to see Maine's splendor and beauty, enjoy the Outdoors Center's diversity of services. In addition, the Center's owner, Matt Polstein, is working to add a resort to his business which would bring additional jobs to the Katahdin region.

The New England Outdoors Center is an all-season facility that consists of a snowmobile business, the River Drivers restaurant, and a white water rafting enterprise. The Outdoors Center provides a gateway to Baxter State Park and the spectacular Mount Katahdin, the Appalachian Trail's northern terminus. The Center has won numerous commendations throughout its decades of operation, including a Maine Tourism award. It is a member of the Katahdin Area Chamber of Commerce, the Maine Tourism Association, the Maine Snowmobile Association, and many other groups. Matt Polstein and the New England Outdoors Center's endeavors greatly benefit the local economy, which has recently been suffering due to a slump in visitors to Baxter State Park.

In light of this decline in tourism, Matt Polstein's vision of building the new Ktaadn Resorts on Hammond Ridge is particularly critical in bringing people back to the Katahdin region and to all of Maine. Mr. Polstein's $65 million proposal evidences his commitment and determination to create new jobs for Mainers and to contribute to the growth of Millinocket's regional economy. The plan has garnered the support of the Millinocket community and its leaders, as well as the unanimous endorsement of Maine's Land Use Regulation Commission, which oversees the state's planning and zoning for plantations, townships, and unorganized areas without local governance. This forward-thinking proposal for a new resort is one of the largest resort proposals in Maine's Unorganized Territory history—a true victory for all involved. Conscious of the environment, Mr. Polstein is seeking to grow crops and livestock for use at the resort and in the community. The new Ktaadn Resorts will be an extraordinary feat when finished, complete with a state-of-the-art conference center, a lodge, rental cabins, and restaurants. The Resort is expected to create at least 100 new jobs and to shed light on Millinocket as a hub of tourism in Maine and New England.

It is vital that we respect our natural surroundings, and Matt Polstein's proposal does just that. It is a bright example of the kind of intelligent planning that benefits Maine's economy while protecting the State's natural environment. Mount Katahdin is a shining example of what makes Maine beautiful, and Mr. Polstein's dedication to the improvement of his community exemplifies what makes Maine people so special. I commend Matt Polstein for his public service as a city councillor in Millinocket, his current business ventures that provide accommodations and services to tourists yearround, and for his smart and bright entrepreneurial savvy with the future Ktaadn Resorts. I wish Mr. Polstein and everyone at the New England Outdoors Center continued prosperity, and a successful completion to the Ktaadn Resorts.●

KEAN UNIVERSITY CHAMPIONS

● Mr. LAUTENBERG. Mr. President, I wish to pay tribute to the Kean University Cougars baseball team's dramatic victory in the 2007 NCAA Division III National Championships. Bringing joy to the more than 13,000 Kean University students and all of the Cougar fans in Union, NJ, Kean University capped off their impressive season with a thrilling 5-to-4 victory in the 10th inning of the championship game. The victory ushered in the Cougars' first baseball championship title and was the culmination of an inspiring undefeated run through the postseason.

Throughout the season the team played with courage and determination. Boasting a roster with 28 New Jerseyans, the Cougars finished in first place in the New Jersey Athletic Conference, NJAC, with an impressive record of 15 wins and only 3 losses, best in the conference. Although the Cougars fell to the College of New Jersey in the conference championships, the team recovered quickly and finished the season with an overall record of 43 wins and 8 losses and the national championship.

Championship baseball requires strong leadership, and under coach Neil Ioviero, the Cougars played team baseball that allowed them to realize their full potential. With the help of assistant coaches Jamie Ioviero, Lewis France, Jack Nagy, Francisco Romero, and Frank Beckhorn, the coaching staff created a winning environment and offered the guidance that allowed the Cougars to excel on the field.

The entire Cougars squad played with heart and the championship was truly a team effort. I would like to congratulate and commend all of the players on the Kean University 2007 Division III Championship Team: Maikel De La Rosa, Ryan Clark, Joseph Augustine, Mike Shymanski, Keith Kwiatek, Aaron Richard, Joseph D'Andrea, Eric Ammirata, Perry Schatzow, Chris Carrano, Thomas Paglione, Brandon Aich, Mike Manganiello, Kevin O'Neill, Kyle Murphy, Andrew Cupido, Colin Feneis, Matt Donaghue, Derek Gianakas, Mark Blevins, Dan Mattonelli, Matt Grinkevich, Joe Rizzo, Tim Lowe, Daniel Zeffiro, Joe Bartlinski, Matt Merrigan, Nick Nolan and Nick Cesare.

Mr. President, on behalf of the State of New Jersey I am honored to congratulate the Cougars for their NCAA Division III Championship season. They played hard and displayed an admirable commitment to competition and sportsmanship that instills a sense of pride in the students of Kean University, the team's fans, and the people of my State.●

TRIBUTE TO VIC ATIYEH

● Mr. SMITH. Mr. President, there is a word Senators traditionally use when referring to one of our male colleagues on the floor of the Senate. That word is ''gentleman.'' It is a word that you don't hear often in today's society, as many consider it too old-fashioned. I disagree. Calling someone a gentleman is one of the highest compliments one can give.

I pay tribute to the career and accomplishments of a truly outstanding gentleman—the former Governor of Oregon Vic Atiyeh. Anyone involved in the Oregon political arena over the past several decades, Republican or Democrat, will tell you about Vic Atiyeh's kind and courteous nature, his personal integrity, and his civility in a business that is all too often uncivil.

On Wednesday, July 18, 2007, Oregonians will gather at the Portland International Airport to officially dedicate the international concourse as the ''Governor Victor G. Atiyeh International Concourse.'' This is an outstanding and truly fitting honor. During his eight years as Oregon's Governor, Vic Atiyeh implemented policies that transformed Oregon into a hub for international commerce. Long before the term ''global economy'' was part of our lexicon, Vic understood the importance of opening Oregon's doors to international commerce, tourism, and cultural exchange programs.

Vic Atiyeh's leadership in transforming Oregon's economy was critical as his swearing-in came just as Oregon entered an economic nosedive the likes of which unseen since the Great Depression.

How bad was the situation? His first year in office, Governor Atiyeh called a special legislative session to deal with a $242 million budgetary shortfall. Just as he and the legislature agreed on a package of budget cuts, they were presented with new estimates increasing the shortfall by nearly $100 million. Several months later, the deficit jumped again by another $100 million.

Tough and unpleasant decisions had to be made. Vic Atiyeh rolled up his sleeves and made them. One of Oregon's most respected journalists, Brent Walth, wrote:

Quietly, diligently, without whining or badgering or a single ''I told you so,'' Atiyeh demonstrated how to manage a state through a crisis.

As a tribute to Vic's leadership, and the wisdom of Oregonians, in the darkest days of the recession he was reelected Governor by one of the largest margins in our State's history.

I can't help but think that at the naming of the international concourse, Vic Atiyeh will be thinking of his parents. Both Vic's father and mother were immigrants from the Middle East. They made their way first to Ellis Island, and then on to Oregon where in 1900 they started a family-owned carpet business—a business that continues to thrive today. I also know that Vic will be thinking about his wonderful wife Delores, who from the beginning has helped Vic to remember his priorities as a public servant, dedicated father, and husband.

A few years ago I invited a small contingent of Oregon leaders to join me for a breakfast to discuss issues important to our State. Vic called to say he would like to attend, but had a prior engagement: attending his granddaughter's soccer game. I assured Vic that I agreed, he was making exactly the right decision.

Mr. President, I am proud to call Vic Atiyeh my friend, and I am delighted the International Concourse at Portland International Airport will soon bear his name. While I will be here in Washington at the Senate on July 18, my thoughts and best wishes will be with one of Oregon's truly great gentlemen—Governor Vic Atiyeh.●

ANNIVERSARY OF HURRICANE AUDREY

● Ms. LANDRIEU. Mr. President, June 27, 2007, marks the 50th anniversary of Hurricane Audrey, which ravaged Cameron Parish in southwest Louisiana. It was the deadliest storm our Nation had ever experienced until Hurricane Katrina came ashore in 2005.

Hurricane Audrey was a hurricane like no one had ever seen before in south Louisiana. Some residents rode out the fierce category 4 storm in the Cameron Parish Courthouse, where a memorial service was held today. More than 400 lives were lost—men, women and children.

Don Kingery describes the wrath of Hurricane Audrey in today's Lake Charles American Press:

Cameron Parish residents swam, clung, gasped and prayed. Those who reached cheniers—ridges slightly higher than the surrounding marshes found fear-crazed water moccasins and wild marsh animals snapping and striking at each other and at humans.

But the people of Cameron Parish and southwest Louisiana are resilient. We rebuilt our homes, our schools, our churches, our communities.

In September 2005, Hurricane Rita, the third worst hurricane our nation has ever seen, struck this same coast. Once again, the people of Cameron have shown unbelievable resilience—again, returning to their homes and rebuilding, literally, from the ground up. The Cameron Courthouse again managed to survive a devastating hurricane and truly became a symbol of strength and hope for the Parish. Every Cameron resident who suffered through Rita is linked by family and community to Audrey's survivors and victims.

Today is an opportunity to look back and remember Audrey and the lives lost, but also to look forward to a better, more vibrant community in the years ahead. At the Cameron Courthouse today, survivors shared with the younger generation their many vivid stories. We will take these stories and lessons from Audrey, learn from them and grow from them.

Today, I want the Senate to recognize the National Guard, Civil Air Patrol and American Red Cross, all of which worked so bravely 50 years ago in the wake of Hurricane Audrey, helping to bring Cameron Parish back to its feet.

I would also like to recognize BG Robert LeBlanc, who spoke at the memorial service in Cameron today. He formed the first Louisiana National Guard unit in Abbeville. In the aftermath of Audrey, he helped command the evacuation. He is now the Vermillion Parish director of homeland security and emergency preparedness and was recently inducted into the Louisiana National Guard Hall of Fame.

For the record, I want to honor Cameron Parish President Darryl Farque and Sheriff Theos Duhon as well as their 1957 counterparts: Parish President Eraste Hebert and Sheriff O.B. Carter.

Nola Mae Ross and Cathy Post also deserve recognition today, as their books on Hurricane Audrey will ensure future generations will never forget that fateful June day in 1957.●

HONORING FRANCIS CREE

Mr. CONRAD. Mr. President, I want to pay tribute to a friend and distinguished North Dakotan, Francis Cree, who passed away on June 15 at the age of 86.

Francis Cree was a highly respected Ojibwe elder of the Turtle Mountain Band of Chippewa of North Dakota. He was the official pipe carrier for the tribe, a position of honor and leadership. He led the tribe as chairman in the 1960s and served several terms on tribal council. Francis spent countless hours teaching young people about Ojibwe culture and traditions. He was also a singer, a crafter and artist, a spiritual leader, a carver of pipes, and a keeper of the ceremonial drum for the Dunseith community. On November 8, 2001, we had the honor here in the Senate of being led in opening prayer by Francis. It was indeed a proud day for Francis and his family.

Francis was married to Rose Cree, herself a well-known artist who made beautiful willow baskets, several of which were featured at the Smithsonian's Festival of American Folk Life on The Mall here in our Nation's Capital. The Crees collaborated on these baskets. Both collected the materials, while Francis made the frames from ash, and Rose wove the willows. In 2002, Francis and Rose received the National Endowment for the Arts National Heritage Fellowship, which recognizes the significant contributions of American folk artists.

Francis was a kind, humble, and generous man. He gave selflessly and never expected or wanted anything in return. Francis and Rose raised 14 children and opened their hearts and home to many more. They were also proud grandparents to more than 100 grandchildren and great-grandchildren and many, many great-great grandchildren. Each and every one of them is a reflection of Francis's caring and endearing spirit.

Mr. President, this is a tremendous loss for the Cree family, but it is also an incredible loss to North Dakota and the Nation. Francis's life and the legacy he leaves behind is truly an inspiration to us all.

HONORING J. CLEVELAND CADY

● Mr. CONRAD. Mr. President, today I wish to recognize the contributions of a New Yorker with North Dakota ties—J. Cleveland Cady.

A few weeks ago while reading the New York Times, I happened across an article that referenced Mr. Cady's contributions to Manhattan's architecture. Mr. Cady was a prominent architect in New York during the late 1800s. He designed the American Museum of Natural History as well as the original Metropolitan Opera House. He also designed a significant portion of a fairly notable institution we know today as Yale University.

This article caught my eye because of a special connection between Mr. Cady and the State of North Dakota.

Early in the last century, a young North Dakotan named William Langer was attending a concert during his time at Columbia University when he noticed a beautiful woman sitting below him on the orchestra level. According to the William Langer Papers

collected at the University of North Dakota, Mr. Langer was fond of recalling how he managed to have the woman's date called away on a phantom phone call. Seizing his opportunity, Mr. Langer approached the young lady and struck up a conversation. They began a long courtship shortly thereafter before marrying in 1918.

That woman was Lydia Cady, the daughter of J. Cleveland Cady.

Sadly, Mr. Cady died just 1 year after his daughter's wedding.

However, as the New York Times piece indicates, Mr. Cady's momentous architectural contributions continue to shape the landscape of New York City today.

In much the same way, his son-in-law's achievements played a key role in shaping the North Dakota of today. ''Wild Bill'' Langer was a larger-than-life figure in North Dakota politics for nearly half a century. Mr. Langer was elected attorney general of North Dakota in 1916. He went on to be elected Governor of North Dakota in 1932 and again in 1936. He then represented North Dakota in the U.S. Senate from 1941 to 1959, holding the seat I am now privileged to hold. In the Senate, Bill Langer was a champion for a range of issues that remain important to North Dakota today, including rural electrification, agriculture, and health care.

Mr. President, I ask unanimous consent that the New York Times article on Mr. Cady's architecture be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 18, 2007]

J. CLEVELAND CADY

On a morning in March when pedestrians were sliding around on the ice in front of the American Museum of Natural History, hard hats were walking along wooden planks 120 feet overhead installing blue metal scaffolds around a tiled tower that resembled an upside-down ice cream cone with one scoop on top. A vast scrim was stretched tightly down to the ground; behind it a three-year restoration of the building's facade would take place—dentistry on a grand scale. The goal? To preserve the robust and magnificent neo-Romanesque building designed by J. Cleveland Cady of Cady, Berg & See in the 1890s.

EAGLES

Fernando Fuentes, a foreman for the restoration company, stood on the sidewalk in his green hard hat. A former accountant, he began working high up on the sides of New York buildings 30 years ago. ''I didn't want to wear a tie anymore,'' he said. ''I wanted to get outdoors. The first time I looked down from the 60th floor of a building I went 'uh-oh' but I got used to it. Now I love it. You see for miles. Sometimes eagles have flown around us while we worked. We restored the tallest and most beautiful buildings in New York—the Chrysler Building, Rockefeller Center.''

CADY

Cady, who was influenced by the great H.H. Richardson, designed the original Metropolitan Opera House in 1883. He built hospitals, churches, houses and college buildings (15 at Yale alone) but today he is pretty much forgotten. Even in the natural history museum where everything from limpet to triceratops is labeled, the name of J. Cleveland Cady is nowhere to be seen.

MEMORY

The Church of the Covenant, a modest building, stands at 310 East 42nd Street. Inside the church, a graceful Romanesque arch curves above the altar, and cast-iron columns support screens of white flowers. In a hall by the front door is a photograph of Cady, framed in dark wood. Cady, who died in 1919, taught Sunday school in the church for 58 years. Across from the portrait that is—finally—a plaque devoted to Cady, even though it is turning black with age. ''In loving memory of J. Cleveland Cady,'' it says.

OUTSIDE THE MUSEUM—APRIL

Mr. Fuentes pokes his finger into a crack between two large blocks of pink granite: ''we're going to point up all the stone.'' Men in yellow hard hats are loading chunks of stone into blue wheelbarrows and dumping them into an open truck the color of ketchup. ''This place is beautiful,'' says Mr. Fuentes. ''One day years from now I'll drive by and I'll say, 'I worked there.' ''●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARKIN, from the Committee on Appropriations, without amendment:

S. 1710. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. No. 110–107).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2007'' (Rept. No. 110–108).

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 966. A bill to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes (Rept. No. 110–109).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

*Reuben Jeffery III, of the District of Columbia, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development.

*James R. Kunder, of Virginia, to be Deputy Administrator of the United States Agency for International Development.

*June Carter Perry, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sierra Leone.

Nominee: June Carter Perry.

Post: Sierra Leone.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses: Chad and Martha Perry, none; André Perry, none.
4. Parents: Bishop and Louise Carter, deceased.
5. Grandparents: Andrew and Martha Carter, deceased; Grover and Sadie Pendleton, deceased.
6. Brothers and spouses, no siblings.
7. Sisters and spouses, no siblings.

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*Wanda L. Nesbitt, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cote D'Ivoire.

Nominee: Wanda L. Nesbitt.

Post: Abidjan, Cote d'Ivoire.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse: Jim Stejskal, none.
3. Children and spouses, not applicable.
4. Parents, deceased since 1992.
5. Grandparents, deceased since 1964.
6. Brothers and spouses: James W. Nesbitt, Jr., none.
7. Sisters and Spouses: Cheryl Diane Nesbitt, none; Gloria Lynn Nesbitt, none; Natalie Ann Nesbitt, none.

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*Frederick B. Cook of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

Nominee: Frederick B. Cook.

Post: Ambassador, Central African Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses: Heather L. O'Donnel, none; Michael O'Donnell, none, Trevor C. Cook, none.

4. Parents: Frederick B. Cook deceased; Myrtle C. Cook, deceased.
5. Grandparents, deceased.
6. Brothers and spouses, not applicable.
7. Sisters and spouses, not applicable.

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*Robert B. Nolan, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

Nominee: Robert B. Nolan.

Post: Lesotho.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses: Meghan and Steve Killiany (daughter and son-in-law) $100, 2004, Kerry Campaign;
4. Parents, none.
5. Grandparents, none.
6. Brothers and spouses: Judy F. Nolan (sister-in-law) $25, 2004, Kerry Campaign;
7. Sisters and spouses, none.

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*Maurice S. Parker, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Swaziland.

Nominee: Maurice S. Parker.

Post: Mbabane, Swaziland.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, $100, 2004, Democratic National Committee.
3. Children and spouses: Jeremy Parker, None; Karen Parker, daughter-in-law, none; Benjamin Parker (deceased).
4. Parents: Robert Parker, deceased; Gertrude Parker, deceased.
5. Grandparents: Alcide and Maude Heard, deceased; Philip and Victoria Parker, deceased.
6. Brothers and spouses: Robert Parker, none; Francis and Mary Parker, none; Bernard Parker, none; Barry and Kerry Parker, None.
7. Sisters and spouses: Madeline Smith, none; Patrice Parker, none.

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*William John Garvelink, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Congo.

Nominee: William John Garvelink.

Post: U.S. Ambassador to the Democratic Republic of the Congo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, $200, September 17, 2006, American Foreign Service Assoc. PAC. $200, September 24, 2005, American Foreign Service Assoc. PAC; $200, August 23, 2004, American Foreign Service Assoc. PAC; $200, August 17, 2003, American Foreign Service Assoc. PAC.
2. Spouse, $100, January 9, 2006, Democratic Congressional Committee; $100, March 26, 2006, Harris Miller for U.S. Senate; $100, May 15, 2006, Democratic Senatorial Committee; $500, September 3, 2006, Granholm for Governor; $250, September 12, 2006, Klobuchar for Senate; $500, May 16, 2005, DNC; $365, September 29, 2005, Emily's List; $200, December 31, 2005, DNC; $150, April 24, 2004, League of Women Voters; $1000, June 3, 2004, Gephardt Fundraiser; $1000, June 9, 2004, Kerry/Edwards; $100, August 20, 2004, Keever for Congress; $100, August 20, 2004, Moore for Congress; $100, August 20, 2004, Schwartz for Congress; $300, September 13, 2004, DNC; $500, November 5, 2004, DNC; $365, February 21, 2003, Emily's List; $100, June 22, 2003, Friends of Barbara Boxer; $150, August 17, 2003, Friends of Hillary; $500, November 12, 2003, Gephardt for President; $200, November 14, 2003, DNC.
3. Children and spouses, no children.
4. Parents: William Garvelink, deceased; Florence Garvelink, deceased.
5. Grandparents: Henry Garvelink, deceased; Gertrude Garvelink, deceased; Jacob DePree, deceased; Hannah DePree, deceased.
6. Brothers and spouses, None.
7. Sisters and spouses: Beverley Ruth Lubbers and Gerald Lubbers, none; Marjorie Lou Gras and Howard J. Gras, none; Susan Elaine Heinlein and Paul Heinlein, none.

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*William R. Brownfield, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Colombia.

Nominee: William R. Brownfield.

Post: Colombia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse: Kristie Ann Kenney, none.
3. Children and Spouses, none.
4. Parents: Albert R. Brownfield $100, 2002, RNC; $100, 2002, Republican Party of Texas; $100, 2002, Governor of Texas; $100, 2003, RNC; $100, 2003, Republican Party of Texas; $100, 2003, Governor of Texas; $100, 2004, RNC; $100, 2004, Republican Party of Texas; $100, 2004, George W. Bush; $100, 2005, RNC; $100, 2005, Republican Party of Texas; $100, 2006, RNC; $100, 2006, Republican Party of Texas; Virginia E. Brownfield, deceased.
5. Grandparents: all deceased for more than 30 years.
6. Brothers and Spouses: Albert R. Brownfield III $100, 2002, Democratic Party of Virginia; $100, 2003, Democratic Party of Virginia; $100, 2004, Democratic Party of Shenandoah County, VA; $100, 2004, Democratic Party of VA; $100, 2005, Democratic Party of VA; $100, 2006, Democratic Party of VA.
7. Sisters and Spouses: Barbara B. Rushing, none; Francis W. Rushing, $200, 2005, Brian Lehman, Mayor, Madison GA; $550, 2006, Bruce Gilbert, State Senate GA; $300, 2006, John Barrow, U.S. Congress; Anne Elizabeth Fay, none; Christopher W. Fay, none.

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*Peter Michael McKinley, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru.

Nominee: Peter Michael McKinley.

Post: Ambassador.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and Spouses: Claire (16), Peter (15), and Sarah (12), none.
4. Parents: Peter M. McKinley, $100–150, 2004 (o/a), RNC Committee; Enriqueta I. McKinley, deceased, 2001.
5. Grandparents: all deceased before 1990, Marjorie and Lindsey Parker McKinley, Vicenta Perez and Francisco Liano.
6. Brothers and Spouses: Brian Matthew McKinley, Rocio Comas McKinley, none.
7. Sisters and Spouses: Margaret McKinley Clarke, Hyde Clarke, $75–$100, 2006, DNC Committee.

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*Patrick Dennis Duddy, of Maine, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Bolivarian Republic of Venezuela.

Nominee: Patrick Denis Duddy

Post: Venezuela.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and Spouses, none.
4. Parents, none.
5. Grandparents, deceased.
6. Brothers and Spouses: Robert Terrance Duddy, Kathleen Duddy, $1,000, 2006, John Baldacci, Governor, Democratic Leadership PAC; Michael Andrew Duddy, Jennifer Duddy, $1,000, 2006, Darlene Curley, U.S. Congress; $100, 2006, Chandler Woodcock, Governor; $50, 2006, Jennifer Duddy, State Representative; $100, 2006, Cumberland County, Republicans.
7. Sisters and Spouses: Christina Duddy, none.

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*Anne Woods Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

Nominee: Anne W. Patterson.

Post: Pakistan.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and Spouses: Edward, 25, Andrew, 20, none.
4. Parents: Carol and John Woods, none.
5. Grandparents: deceased.
6. Brothers and Spouses: John D. Woods, Jr., Jean Byers Woods, none.
7. Sisters and Spouses, none.

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*Nancy J. Powell, of Iowa, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Nepal.

Nominee: Nancy J. Powell.

Post: Kathmandu, Nepal.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, N/A.
3. Children and Spouses: N/A.
4. Parents: Joseph W. Powell, deceased, J. Maxine Powell, none.
5. Grandparents: Boyd and Emma Crandall, deceased, Omar and Christina Little, deceased.
6. Brothers and Spouses: William C. Powell, none.
7. Sisters and Spouses, N/A.

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*Joseph Adam Ereli, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Bahrain.

Nominee: Joseph Adam Ereli.

Post: Bahrain.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and Spouses: Sonia Pastuhov Pastein, none; Masha Pastuhov Purdie, none; Roy Purdie, none.
4. Parents: Eli Ereli, none; Ruth Ereli, none.
5. Grandparents: deceased over 40 years ago.
6. Brothers and Spouses: Michael Ereli, none; Maria Ereli, none.
7. Sisters and Spouses, none.

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*Richard Boyce Norland, of Iowa, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uzbekistan.

Nominee: Richard Norland.

Post: Uzbekistan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, Mary Hartnett: $100, 12/10/03, Clark for Pres.
3. Children and Spouses: Daniel Norland and Jennifer Barkley: $50, 2004, Kerry for Pres.

Kate Norland: none.

4. Parents: Patricia Norland: None.

Donald Norland (Deceased 12/30/06): $250, 12/4/2003, Wesley Clark for Pres.; $300, 7/18/2006, Dem. Natl. Committee; $200, 6/7/2004, John Kerry for Pres.; $200, 7/23/2004, John Kerry for Pres.; $200, 8/16/2004, John Kerry for Pres.

5. Grandparents: E. Norman Norland, deceased: none.

Aletta Norland, deceased: none.

Emily Bamman, deceased: none.

August Bamman, deceased: none.

6. Brothers and Spouses: David Norland: $250, 2/6/2004, Goldman Sachs PAC; $250, 4/7/2005, Goldman Sachs PAC; $250, 5/9/2006, Goldman Sachs PAC; $400, 7/8/2004, George W. Bush, via Bush-Cheney 04 Inc.; $150, 7/8/2005, Republican Nat. Com.; $110, 2/24/2006, Republican Nat. Com.; $150, 9/21/06, Friends of George Allen.

Susan Norland: none.

7. Sisters and Spouses: Patricia Norland: none.

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*Stephen A. Seche, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Yemen.

Nominee: Stephen Seche.

Post: Chief of Mission, U.S. Embassy Sana'a.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: n/a.
2. Spouse: n/a.
3. Children and Spouses: Katherine Seche: n/a.

Lucy Seche: n/a.

Ariel Seche: n/a.

4. Parents: deceased.
5. Grandparents: deceased.
6. Brothers and Spouses: Thomas and Virginia Seche: $100 to the Kerry for President Campaign, 2004.

Wesley Seche: n/a.

Chris and Tinsy Seche: n/a.

7. Sisters and Spouses: Claudia Seche: n/a.

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*John L. Withers II, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Albania.

Nominee: JOHN L. WITHERS II.

Post: Ambassador to Albania.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: none.
2. Spouse: Maryruth Coleman: none.
3. Children and Spouses: no children
4. Parents: John L. Withers (father); Daisy P. Withers (mother): none.
5. Grandparents: Robert and Florence Withers (deceased); Mervin and Lily Portee (deceased): none.
6. Brothers and Spouses: Gregory P. Withers and Carol Jones: $100, 2004, Democratic Party.
6. Sisters and Spouses: No sisters.

Charles Lewis English, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bosnia and Herzegovina.

Nominee: Charles Lewis English.

Post: Ambassador to Bosnia-Herzegovina.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: $100.00, 7/27/2004, Democratic Natl Cmte.
2. Spouse: $100.00, 2004, Kerry for President.
3. Children and Spouses: Cathryn L. English: none.

Matthew C. English: none.

4. Parents: Loretta S. English: none.

Frederick A. English Jr. (deceased 1999).

5. Grandparents: Helen English (deceased 1999).

Frederick A. English (deceased 1955).

Veronica Sullivan (deceased 1957).

Daniel Sullivan (deceased 1949).

6. Brothers and Spouses: Kenneth English: none.

Carolyn Kelly: none.

Kevin English: none.

Marianne P. English (deceased 2004): none.

Frederick A. English III (deceased 2006): none.

Donna Lee P. English: none.

7. Sisters and Spouses: Veronica English Moore: $50.00, 2004, Democratic Natl Cmte.

Gregory Moore: $110.00, 2005, Democratic Natl Cmte.

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*Cameron Munter, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Serbia.

Nominee: Cameron Munter.

Post: Ambassador to Serbia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: 0 N/A N/A
2. Spouse: Marilyn Wyatt: $250 2004 Democratic National Committee
3. Children and Spouses: Daniel Munter: none.

No spouse.

Anna Munter: none.

No spouse.

4. Parents: Leonard Munter: none.

Helen-Jeanne Munter: none.

5. Grandparents: Benno Munter (deceased).

Mary Muriel Munter (deceased).

Phelps Dodge Jewett (deceased).

Florence Bitner Jewett (deceased).

6. Brothers and Spouses: Seth Daniel Munter: none.

No spouse.

7. Sisters and Spouses: Mary Munter: $50, 2006, Hodes for Congress (NH).

Paul Argenti, spouse: none.

Lindsay Rahmun: none.

Richard Rahmun, spouse: none.

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*Roderick W. Moore, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Montenegro.

Nominee: Roderick W. Moore.

Post: Ambassador to Montenegro.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: none.
2. Spouse: n/a
3. Children and Spouses: none.
4. Parents: David N. Moore: (none—no contributions).

Winifred W. Moore: (none—no contributions).

5. Grandparents: Archibald C. Wemple: (deceased).

Sallie C. Wemple: (deceased).

Paul J. Moore: (deceased).

Audrey H. Moore: (deceased).

6. Brothers and Spouses: Geoffrey W. Moore: (none—no contributions).

Gillian P. Moore: (none—no contributions).
Dwight D. Moore: (none—no contributions).
Francesca Moore (none—no contributions).
7. Sisters and Spouses: no sisters.

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*J. Christian Kennedy, of Indiana, a Career Member of the Senior Foreign Service, Class of Counselor, for the rank of Ambassador during his tenure of service as Special Envoy for Holocaust Issues.

*Hector E. Morales, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2010.

Mr. BIDEN. Mr. President, for the Committee on Foreign Relations 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.

Foreign Service nominations beginning with John E. Peters and ending with Andrew P. Wylegala, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 2007.

Foreign Service nominations beginning with Daniel K. Berman and ending with Scott S. Sindelar, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 2007.

Foreign Service nominations beginning with Linda Thompson Topping Gonzalez and ending with Karen Sliter, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 2007.

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*Richard Allan Hill, of Montana, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring June 10, 2009.

*Stan Z. Soloway, of the District of Columbia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2011.

*James Palmer, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2011.

*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. BAUCUS (for himself and Mr. GRASSLEY):

S. 1701. A bill to provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007, and for other purposes; considered and passed.

By Mr. ROBERTS (for himself, Mr. KENNEDY, Ms. COLLINS, and Mr. LIEBERMAN):

S. 1702. A bill to promote employment of individuals with severe disabilities through Federal Government contracting and procurement processes, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself and Mr. COBURN):

S. 1703. A bill to prevent and reduce trafficking in persons; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. ENZI):

S. 1704. A bill to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; considered and passed.

By Mrs. CLINTON:

S. 1705. A bill to prevent nuclear terrorism, and for other purposes; to the Committee on Foreign Relations.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 1706. A bill to amend the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to consider variations in the national average market price for different classes of wheat when determining the eligibility of wheat producers for counter-cyclical payments for the 2007 crop year; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1707. A bill to reduce the duty on certain golf club components; to the Committee on Finance.

By Mr. DODD (for himself, Mr. HAGEL, and Mr. SCHUMER):

S. 1708. A bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN (for himself, Mr. SPECTER, Mr. ALEXANDER, Mr. CARPER, Mr. CARDIN, Mr. COCHRAN, Mr. KENNEDY, Mr. KERRY, Mr. LEVIN, and Mr. OBAMA):

S. 1709. A bill to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 1710. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BIDEN:

S. 1711. A bill to target cocaine kingpins and address sentencing disparity between crack and powder cocaine; to the Committee on the Judiciary.

By Mrs. CLINTON:

S. 1712. A bill to amend the Public Health Service Act to improve newborn screening activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA (for himself, Mr. DURBIN, Mr. ALEXANDER, Mr. BAYH, Mr. COLEMAN, Mr. BIDEN, Mr. LUGAR, Mr. BINGAMAN, Mr. VOINOVICH, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LEVIN, Ms. MIKULSKI, Mr. SCHUMER, Ms. STABENOW, and Mr. REID):

S. 1713. A bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1714. A bill to establish a multiagency nationwide campaign to educate small business concerns about health insurance options available to children; to the Committee on Small Business and Entrepreneurship.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. SMITH, Mr. BIDEN, Ms. COLLINS, and Mr. REED):

S. 1715. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare program; to the Committee on Finance.

By Mr. THUNE:

S. 1716. A bill to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. LUGAR, Mr. OBAMA, Mr. BROWN, Mr. CARDIN, Mr. LEVIN, and Ms. STABENOW):

S. 1717. A bill to require the Secretary of Agriculture, acting through the Deputy Chief of State and Private Forestry organization, to provide loans to eligible units of local government to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located on land under the jurisdiction of the eligible units of local government and within the borders of quarantine areas infested by the emerald ash borer, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN (for himself and Mr. SALAZAR):

S. 1718. A bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemembers of tuition for programs of education interrupted by military service, for deferment of student loans and reduced interest rates for servicemembers during periods of military service, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROWN:

S. 1719. A bill to amend title 38, United States Code, to provide additional educational assistance under the Montgomery GI Bill to veterans pursuing a degree in science, technology, engineering, or math; to the Committee on Veterans' Affairs.

By Mr. BROWN (for himself and Mr. SANDERS):

S. 1720. A bill to amend title IV of the Higher Education Act of 1965 to establish a Federal Supplemental Loan Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 1721. A bill to amend the Farm Security and Rural Investment Act of 2002 to promote growth and opportunity for the dairy industry in the United States, and for other purposes; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 1722. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to determine the price of all milk used for manufactured purposes, which shall be classified as Class II milk, by using the national average cost of production, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. Res. 258. A resolution recognizing the historical and educational significance of the Atlantic Freedom Tour of the Freedom Schooner Amistad, and expressing the sense of the Senate that preserving the legacy of the Amistad story is important in promoting multicutural dialogue, education, and cooperation; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. SMITH):

S. Res. 259. A resolution commending the Oregon State University baseball team for winning the 2007 College World Series; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 39

At the request of Mr. STEVENS, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 39, a bill to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration, and for other purposes.

S. 163

At the request of Mr. KERRY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 163, a bill to improve the disaster loan program of the Small Business Administration, and for other purposes.

S. 185

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 234

At the request of Mr. KERRY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 234, a bill to require the FCC to issue a final order regarding television white spaces.

S. 399

At the request of Mr. BUNNING, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 432

At the request of Mrs. LINCOLN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 432, a bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare program, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 543, supra.

S. 582

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 713

At the request of Mr. OBAMA, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 713, a bill to ensure dignity in care for members of the Armed Forces recovering from injuries.

S. 771

At the request of Mr. HARKIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of ''food of minimal nutritional value'' to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 773

At the request of Mr. WARNER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 793

At the request of Mr. HATCH, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 793, a bill to provide for the expansion and improvement of traumatic brain injury programs.

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 793, supra.

S. 831

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 881

At the request of Mrs. LINCOLN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 912

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 912, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 963

At the request of Mr. MENENDEZ, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 963, a bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust.

S. 966

At the request of Mr. SCHUMER, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 966, a bill to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes.

S. 970

At the request of Mr. SMITH, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from New York (Mr. SCHUMER) 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. 979

At the request of Mr. WYDEN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 979, a bill to establish a Vote by Mail grant program.

S. 1010

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1010, a bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments.

S. 1138

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1138, a bill to enhance nuclear safeguards and to provide assurances of nuclear fuel supply to countries that forgo certain fuel cycle activities.

S. 1154

At the request of Mr. NELSON of Nebraska, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1154, a bill to promote biogas production, and for other purposes.

S. 1204

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1204, a bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome.

S. 1246

At the request of Mr. LIEBERMAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1246, a bill to establish and maintain a wildlife global animal information network for surveillance internationally to combat the growing threat of emerging diseases that involve wild animals, such as bird flu, and for other purposes.

S. 1257

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1322

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1322, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 1338

At the request of Mr. VITTER, his name was added as a cosponsor of S. 1338, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 1353

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1353, a bill to nullify the determinations of the Copyright Royalty Judges with respect to webcasting, to modify the basis for making such a determination, and for other purposes.

S. 1372

At the request of Mr. PRYOR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1372, a bill to provide for a Center for Nanotechnology Research and Engineering.

S. 1373

At the request of Mr. PRYOR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1373, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 1394

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1394, a bill to amend the Internal Revenue Code of 1986, to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations.

S. 1395

At the request of Mr. LEVIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1395, a bill to prevent unfair practices in credit card accounts, and for other purposes.

S. 1406

At the request of Mr. KERRY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1406, a bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

S. 1416

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1416, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for mortgage insurance premiums.

S. 1481

At the request of Mr. VITTER, his name was added as a cosponsor of S. 1481, a bill to restore fairness and reliability to the medical justice system and promote patient safety by fostering alternatives to current medical tort litigation, and for other purposes.

S. 1487

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1487, a bill to amend the Help America Vote Act of 2002 to require an individual, durable, voter-verified paper record under title III of such Act, and for other purposes.

S. 1500

At the request of Mrs. CLINTON, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1500, a bill to support democracy and human rights in Zimbabwe, and for other purposes.

S. 1529

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1529, a bill to amend the Food Stamp Act of 1977 to end benefit erosion, support working families with child care expenses, encourage retirement and education savings, and for other purposes.

S. 1545

At the request of Mr. ALEXANDER, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1545, a bill to implement the recommendations of the Iraq Study Group.

S. 1553

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1553, a bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes.

S. 1565

At the request of Mr. BIDEN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1565, a bill to provide for the transfer of naval vessels to certain foreign recipients.

S. 1588

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1588, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Mississippi (Mr. COCHRAN) 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. 1650

At the request of Mr. KERRY, the names of the Senator from California (Mrs. BOXER), the Senator from Mississippi (Mr. LOTT) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1650, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 1668

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1668, a bill to assist in providing affordable housing to those affected by the 2005 hurricanes.

S. 1695

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of 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.

S. RES. 82

At the request of Mr. HAGEL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 82, a resolution designating August 16, 2007 as ''National Airborne Day''.

S. RES. 231

At the request of Mr. DURBIN, the name of the Senator from Mississippi

(Mr. COCHRAN) was added as a cosponsor of S. Res. 231, a resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future.

S. RES. 253

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Res. 253, a resolution expressing the sense of the Senate that the establishment of a Museum of the History of American Diplomacy through private donations is a worthy endeavor.

AMENDMENT NO. 1930

At the request of Mr. COBURN, the names of the Senator from Texas (Mr. CORNYN), the Senator from Wyoming (Mr. ENZI) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of amendment No. 1930 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. ROBERTS (for himself, Mr. KENNEDY, Ms. COLLINS, and Mr. LIEBERMAN):

S. 1702. A bill to promote employment of individuals with severe disabilities through Federal Government contracting and procurement processes, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. ROBERTS. Mr. President, today I rise for the purpose of introducing important legislation for the moral and fiscal posture of our great Nation: the Employer Work Incentive Act for Individuals with Severe Disabilities of 2007.

While there are obvious differences of opinion on the state of the U.S. economy, the U.S. workforce is experiencing relatively low unemployment rates. The average hourly wage and payroll employment levels are at an all-time high. As our economy has experienced a slow and steady rise, there is one sector of the population who has been left behind.

The unemployment rate for the severely disabled is higher than it has ever been. Despite previous efforts to increase employment opportunities for this population, the rate of unemployment has risen to 70 percent, that means increasing the amount of citizens relying on Social Security disability insurance.

In 1982, the amount of payments distributed through Social Security disability insurance was $15.8 billion. In 2004, that number climbed to $80.6 billion. According to a forecast by the Social Security trustees, the old age and survivors insurance trust fund will last until 2044, while the disability trust fund will be exhausted in 2029.

The Americans with Disabilities Act was enacted in 1990 as a means of leveling the playing field for citizens with disabilities. And while it has provided necessary reforms in employment practices, this legislation has had little to no effect on the rate of unemployment experienced by individuals with severe disabilities.

Even government-run programs such as the Javits-Wagner-O'Day Act or Randolph Shepard Act, have done little to improve this high unemployment rate. As our brave men and women serving in uniform in Iraq and Afghanistan return, this problem will be compounded. Many of our troops have been disabled in the cause of protecting this country, and it is incumbent upon us to ensure that there are opportunities for them in the workforce so that they can regain a semblance of their lives back.

It is time for a change in the way we think about employing individuals with severe disabilities. The goal should be to create job opportunities for the severely disabled in the national workforce, not just in government operated programs.

The Employer Work Incentive Act for Individuals with Severe Disabilities, a bipartisan bill authored by Senator KENNEDY and myself, creates these opportunities while reducing dependence on Social Security disability insurance. This legislation gives government contract procurement advantages to those companies who employ significant percentages of individuals with disabilities in their workforce.

Our goal is to employ at least 1 percent of individuals with severe disabilities, or 94,000 people. In doing this, we have the opportunity to save approximately $45 billion in Social Security disability insurance over the next 10 years.

I know firsthand how important individuals with severe disabilities are to our workforce. In my home State of Kansas, persons like my good friend, Pat Terick, play an important role in local business. His agency, the Cerebral Palsy Research Foundation of Kansas, has long advocated the importance of creating job opportunities for the severely disabled. This advocacy group, located in Wichita, is dedicated to showing companies the advantages of hiring individuals with disabilities. Our bill will be a powerful incentive for businesses to enhance their workforce.

I would like to thank Senator KENNEDY for his leadership in helping to craft this bipartisan legislation. Special thanks to my longtime friend and to a great Kansan and American, Senator Bob Dole, cochair of the One Percent Coalition. With Bob's remarkable devotion to disability advocacy, it comes as no surprise that he is leading the effort to increase job opportunities for those individuals with severe disabilities.

It is time for a change in the way we think about employing individuals with severe disabilities. We must create job opportunities for the severely disabled in the national workforce, not just in government-operated programs. With the support of my colleagues, this legislation will do just that.

Mr. KENNEDY. Mr. President, today we take one more giant step to open the workplace doors wider for people with disabilities. The joining of businesses, consumers, and the Congress is powerful—and we will pass this bill. I thank Senator ROBERTS for his vision and leadership on this legislation.

In the winter of 1999, President Clinton signed the last bill of the millennium into law at the FDR Memorial—it was the ''Ticket to Work'' Act.

Hundreds of disabled people managed through the snow to get to the memorial that day, in hopes of finally being of part of our Nation's great economy.

That law has made a big difference in giving disabled workers access to health care by allowing them to work and buy Medicaid—but securing actual employment has been a much harder challenge.

Many of the nation's ''return to work'' programs are outdated and do not engage employers to hire disabled workers to the fullest extent possible.

This legislation will expand opportunities for disabled workers and reward employers who are willing to do the right thing: by paying disabled workers a decent salary; by providing and contributing to the cost of their health care insurance; and by placing workers in an environment where they can work alongside their non-disabled friends and neighbors.

ADA has led to enormous societal change. It has fundamentally altered how our society views disability, and that change will be its most lasting and significant contribution.

But the ADA was also intended to address the very real barriers to people with disabilities looking for a job, a house, an education, and even a bus ride—and we still have a lot of work to do to meet that promise.

This legislation is one positive step forward as we continue to fight for more opportunities for disabled people to go to work and contribute to their communities.

By Mr. BIDEN (for himself, Mr. SPECTER, Mr. ALEXANDER, Mr. CARPER, Mr. CARDIN, Mr. COCHRAN, Mr. KENNEDY, Mr. KERRY, Mr. LEVIN, and Mr. OBAMA):

S. 1709. A bill to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BIDEN. Mr. President, I rise today to introduce, with my good friend and colleague from Pennsylvania, Senator SPECTER, the Underground Railroad Network Reauthorization Act of 2007. The original act, signed into law in 1998, has increased public awareness of the Underground Railroad, a cornerstone in African-American heritage and history, with sites and programs in 28 States and the

District of Columbia. This is the only national program dedicated to the preservation, interpretation and dissemination of underground railroad history. I am pleased that we are joined in this effort by Senators ALEXANDER, CARPER, CARDIN, COCHRAN, KENNEDY, KERRY, LEVIN and OBAMA.

Throughout this Nation there are sites in the underground railroad network that, while still standing, have suffered structural damage. There are also many sites that no longer house a physical structure, but still are important to recognize. A good example is the Thomas Garrett House, located in Wilmington in my home State of Delaware. The Garrett House was the last station on the Underground Railroad before the slaves reached freedom in Pennsylvania. It has been estimated that Garrett, a well known Quaker, helped more than 2,000 runaway slaves escape from the Southern States. The legislation being introduced today will not only help pay to repair damaged structures, but also to educate the general public about those sites that are no longer in existence, like the Thomas Garrett House.

The underground railroad network is a special part of American history that we cannot afford to let slip away. This legislation will preserve these invaluable memorials and educational resources by raising the authorization level from $500,000 to $2.5 million. We must move now to ensure that the brave acts of these individuals are preserved for future generations to observe and honor.

A companion bill has already been introduced in the House by Representatives, H.R. 1239, by Representative ALCEE L. HASTINGS and my friend and colleague from Delaware, Representative MIKE CASTLE. I hope both Chambers move quickly to preserve this precious history.

It is my honor to ask my colleagues here in the Senate to join me today in supporting this bill so that this part of our Nation's past will not be forgotten.

By Mr. BIDEN:

S. 1711. A bill to target cocaine kingpins and address sentencing disparity between crack and powder cocaine; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, 20 years ago, I helped write the law that established the current Federal cocaine sentencing scheme. Under this law, it takes 100 times more powder cocaine than crack cocaine to trigger the 5- and 10-year mandatory minimum sentences. And mere possession of five grams of crack, the weight of about two sugar cubes, gets you the same 5-year mandatory minimum penalty as trafficking 500 grams of the powder form of cocaine, which is equivalent to about a 1 pound bag of sugar.

The facts that informed our decision at the time have proved to be wrong, making the underlying cocaine sentencing structure we created unfounded and unfair. It is time to change the law to reflect this new understanding. That is why, today, I am introducing the Drug Sentencing Reform & Cocaine Kingpin Trafficking Act of 2007, which eliminates this unjustified disparity in Federal cocaine sentencing policy.

Back in 1986, when we wrote the law that established the current sentencing structure, crack was hitting our streets and communities like a storm. I remember one headline that I think summed it up. It read ''New York City Being Swamped by 'Crack'; Authorities Say They Are Almost Powerless to Halt Cocaine.'' That summer was called ''the summer of crack,'' and we were inundated with horror stories about how this new form of smokeable cocaine was ravaging communities. We were told that crack was instantly addictive, prompting the expression, ''Once on crack, you never go back.'' We heard that it caused users to go on violent rampages, was more harmful to babies than powder cocaine when used by mothers during pregnancy, and would lead to the disintegration of inner-city communities.

And in Congress, there was a feeling of desperation that summer, a sense that we had to give law enforcement the power they needed to save neighborhoods being ravaged by this drug.

More than a dozen bills were introduced to increase the penalties for this form of cocaine, but because we knew so little about it, the proposals were all over the map. They ranged from the Reagan administration's proposal of a 20-to-1 sentencing disparity between crack and powder cocaine to a 1000-to-1 disparity proposed by Senator Lawton Chiles. I joined Senators BYRD and Dole in leading the effort to enact the Anti-Drug Abuse Act of 1986, which established the current 100-to-1 disparity.

Our intentions were good, but as further scientific and sociological study has shown, we got it wrong.

We now know that these initial assumptions about crack and powder cocaine, which are just two forms of the same drug, simply were not true. Scientific evidence shows that crack does not have unique, inherent properties that make it instantly addictive. According to the Journal of the American Medical Association, ''cocaine in any form produces the same physiological and subjective effects.'' We also have learned that the dire predictions about a generation of ''crack babies'' whose mothers used crack during pregnancy have not proven true. The negative effects of prenatal exposure to crack cocaine and powder cocaine are identical. Furthermore, data that the U.S. Sentencing Commission has collected show that crack users rarely commit acts of violence. Almost all crack-related violence is associated with trafficking, not with someone on a so-called crack-induced rampage.

Looking back over more than 20 years, it is also clear that the harsh crack penalties have had a disproportionate impact on the African American community. Eighty-two percent of those convicted of crack offenses at the Federal level are African American, fueling the notion that the Federal cocaine sentencing scheme is unfair.

There is widespread recognition that the current cocaine sentencing scheme is out of date and out of touch with reality. There are others here in the Senate, on both sides of the aisle, who feel the current cocaine sentencing policy is unfounded. Like me, Senators SESSIONS and HATCH have introduced legislation to reduce the disparity and I want to congratulate them for their hard work and dedication to this issue.

As a matter of fact, when President Bush was asked about the longer sentences for crack cocaine, he said that the disparity, and I am quoting the President here, ''ought to be addressed by making sure the powder cocaine and crack cocaine penalties are the same. I don't believe we ought to be discriminatory.''

A slew of commentators, Federal judges, Federal prosecutors, doctors, academics, social scientists, civil rights leaders, clergy, and others have spoken out about the unwarranted disparity between crack and powder cocaine sentences.

And just last month, the U.S. Sentencing Commission, a bipartisan panel comprised in large part of Federal judges who preside over cocaine cases, issued a report stating that the current Federal cocaine sentencing scheme ''continues to come under almost universal criticism from representatives of the Judiciary, criminal justice practitioners, academics, and community interest groups.''

This is not the first time the Sentencing Commission has urged reform. In 1995, the Commission recommended eliminating the crack/powder sentencing disparity. Congress rejected this proposal. As scientific understanding of cocaine evolved, the Commisson urged Congress three more times to address this problem. Yet Congress did not act. We are long overdue in heeding the call for reform.

The Sentencing Cmission has provided us with a roadmap. In its most recent report, the Commission ''unanimously and strongly urge[d]'' Congress to: 1. Act swiftly to increase the threshold quantities of crack necessary to trigger the 5- and 10-year mandatory minimum sentences, so that Federal resources are focused on major drug traffickers as intended in the original 1986 legislation; and 2. repeal the mandatory minimum penalty sentence for simple possession of crack, the only controlled substance for which there is a mandatory minimum for a first time offense of simple possession. The Sentencing Commission also unanimously rejected any effort to increase the penalties for powder since there is no evidence to justify any such upward adjustment.

My bill implements all of these recommendations.

Specifically, my bill will eliminate the current 100-to-1 disparity by increasing the 5-year mandatory minimum threshold quantity for crack cocaine to 500 grams, from 5 grams, and the 10-year threshold quantity to 5,000 grams, from 50 grams, while maintaining the current statutory mandatory minimum threshold quantities for powder cocaine. It will also eliminate the current 5-year mandatory minimum penalty for simple possession of crack cocaine, the only mandatory minimum sentence for simple possession of a drug by a first time offender.

It also increases penalties for major drug traffickers and provides additional resources for the Federal agencies that investigate and prosecute drug offenses. Furthermore, because I have always believed that the best approach to fighting crime is a holistic one that incorporates enforcement, prevention, and treatment, my bill authorizes funds for prison- and jail-based drug treatment programs.

My bill both remedies the historic injustice in the current cocaine sentencing laws and focuses Federal resources on, and increases penalties for, the big fish, the major drug traffickers and kingpins who drive the drug trade. Unlike Federal powder cocaine offenders, over half of Federal crack offenders are low-level street dealers who could and should be prosecuted at the State level. States are better equipped to handle these small-time dealers and users, and under my bill, these offenders would still be punished, without expending precious Federal resources.

Drug use is a serious problem, and I have long supported strong antidrug legislation. But in addition to being tough, our drug laws should be rational and fair. My bill achieves the right balance. We have talked about the need to address this cocaine sentencing disparity for long enough. It is time to act. I hope that my colleagues will join with me to support this legislation.

By Mrs. CLINTON:

S. 1712. A bill to amend the Public Health Service Act to improve newborn screening activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today I am pleased to introduce the Screening for Health of Infants and Newborns Act, also known as the SHINE Act. This legislation is critical for the health of newborns and children because we know that public education and early detection are two of the greatest weapons we have in the battle against early childhood disorders.

Each year in our Nation, at least 4 million newborns are screened for severe disorders, with 5,000 newborns diagnosed as a result. Although these numbers may seem small, these disorders are often life threatening and can cause serious mental and physical disabilities if left untreated. Early detection by newborn screening can lessen these illnesses, or completely prevent progression of many of these disorders if medical intervention can be started early enough.

I am proud to say that New York has been a leader in newborn screening since 1960 when Dr. Robert Guthrie developed the first newborn screening test. Since then, more than 10 million babies have been tested. In 2004, New York expanded their newborn screening program from 11 conditions to encompass 44 conditions. These improvements were the result of a concerted effort by State officials and parent advocacy groups like the Save Babies through Screening Foundation and Hunter's Hope Foundation. They share a common goal, that every child born with a treatable disease should receive early diagnosis and lifesaving treatment so that they can grow up as healthy as possible. Today, we want to ensure that the great strides made by New York can be a model for all States and that New York can continue to make advancements that will benefit the children of New York and around the Nation.

Newborn screening experts suggest States should test for minimum of 29 treatable core conditions. However, as of today, some States only screen for seven conditions. Every child should have access to tests that may prevent them from a life threatening disease. This bill establishes grant programs so that States can increase their capacity to screen for all the core conditions. Grant funds are also available for States like New York to expand newborn screening panels above and beyond the core conditions by developing additional newborn screening tests.

We should expect equity within newborn screening so that it does not matter where your baby is born. This legislation will establish recommended guidelines for States for newborn screening tests, reporting, and data standards. By tracking the prevalence of diseases identified by newborn screening within States, we will be able to meet these goals and improve the long-term health of our children.

I hear from many parents how frightening it is to have a sick child and to not have a diagnosis. Many parents spend years trying to find out what is wrong with their child and feel helpless. This legislation will insure that current information on newborn screening is available and accessible to health providers and parents. The SHINE Act will provide interactive formats through the Maternal Child Health Bureau of the Health Services and Resources Administration so that parents and providers can ask questions and receive answers about newborn screening test, diagnosis, follow-up and treatment.

Early treatment can prevent negative and irreversible health outcomes for affected newborns. We should be doing all we can to give every child born in our country the opportunity for a happy and healthy life.

I ask unanimous consent to have printed in the RECORD letters of support.

There being no objection, the material was ordered to be printed in the RECORD as follows:

HUNTER'S HOPE,
Orchard Park, NY, June 25, 2007.

Hon. HILLARY CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: on behalf of the Hunter's Hope Foundation, I respectively submit this letter as our full and complete support for the bill titled ''Screening for the Health of Infants and Newborns (SHINE Act)''.

The Hunter's Hope Foundation was established in 1997 by Pro Football Hall of Fame member and former Buffalo Bills Quarterback, Jim Kelly, and his wife, Jill, after their infant son, Hunter, was diagnosed with Krabbe (Crab ã) Leukodystrophy, an inherited, fatal, nervous system disease.

The Foundation's mission is to: increase public awareness of Krabbe disease and other leukodystrophies, support those afflicted and their families, identify new treatments, and ultimately find a cure.

Since 1997, Cord Blood Transplant (CBT) has become a viable treatment for Krabbe disease as well as a few other leukodystrophies. But, CBT is only effective if the child is treated before the disease inflicts irreversible damage to the brain and nervous system. There are many other treatable diseases that if not treated early will cause irreversible damage. And, the number of such diseases continues to increase with advancements in science and technology. We must establish an infrastructure in our country that not only addresses the immediate need, but also creates a system for expansion. The SHINE Act will accomplish this.

Hunter passed away August 5, 2005. Like thousands of other children, if he had been screened at birth, he may be living a healthy life today. Please help these children and their families and pass this bill. We implore you to expedite the passing and implementing of this bill. With each day that passes, children are suffering and dying needlessly.

Thank you from the bottom of our hearts.

Sincerely,

JACQUE WAGGONER,
Board of Directors, Chair.

SAVE BABIES THROUGH SCREENING,
FOUNDATION, INC.,
Scarsdale, NY, June 25, 2007.

Hon. HILLARY CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: I am writing on behalf of the Save Babies Through Screening Foundation to show our support for the Screening for Health of Infants and NEwborns (SHINE Act). As you know, our organization's mission is to improve the lives of babies by working to prevent disabilities and early death resulting from disorders detectable through newborn screening. Our organization was founded in 1998 and is the only organization solely dedicated to raising awareness in regard to newborn screening.

We believe that this bill will greatly enhance the expansion of newborn screening throughout the United States and will save the lives of thousands of babies—our tiniest citizens. Additionally, this will spare Parents the agonizing pain of watching their children suffer as I can attest to firsthand. With the great expansion of newborn screening, children will be able to live healthy and productive lives.

We thank you for your vision and hard work. Nobody should suffer the loss or impairment of a child when there are tests and treatment available and this bill will put an end to future suffering. Please feel free to contact me if we can be of any assistance.

Regards,

JILL LEVY-FISCH,
President.

FOD FAMILY SUPPORT GROUP,
Okemos, MI, June 26, 2007.

TO WHOM IT MAY CONCERN: As Founder and Director of an international Family Support Group for rare metabolic disorders called Fatty Oxidation Disorders (many of which can be screened for at birth, as well as many other metabolic disorders), I strongly endorse the Screening for Health of Infants and Newborns Act (SHINE Act of 2007) that Senator Clinton originally introduced on February 15, 2007. It would greatly enhance the lives of many families in our country.

My family, and many others in our Group, has experienced the tragedy of not having the awareness/education of, screening for, and short- and long-term followup treatment for an FOD. Our daughter, Kristen, died suddenly at the age of 21 months. Fortunately, by the time our 2nd child was born, we had become aware of these rare disorders and had Kevin tested at birth—he is now a healthy, active, and soon-to-be college graduate. If it wasn't for the newborn screening and follow-up treatment for MCAD, Kevin would have died when he had his 1st illness at 6 months of age.

I wholeheartedly endorse all parts of the bill that will help educate and create awareness of these many disorders (and more in the future) for families and professionals across our country. Many aspects of the bill mirror our Group's foundation and mission—to create awareness about FODs, to educate the public, to network and support FOD families and professionals around the world, to provide ongoing education and information about metabolic disorders, to inform families and the public of new developments in screening, diagnosis, research and treatment (I also endorse assisting in covering formulas, drugs, supplements etc), and to advocate expanded universal and comprehensive newborn screening and long-term follow-up treatment for FODs and other related metabolic disorders.

Please pass this bill for the benefit of many infants and families!

Take Care,

DEB LEE GOULD,
Director.

JUNE 25, 2007.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: We are pleased to write this letter of support for the Screening for Health of Infants and Newborns Act of 2007. We commend you for your leadership in calling for a uniform and comprehensive national approach to screening newborns for the full panel of core conditions recommended by the American College of Medical Genetics and endorsed by the American Academy of Pediatrics. If diagnosed early, these disorders, including metabolic and hearing deficiency, can be managed or treated to prevent severe consequences.

As a hospital which provides a wide array of services to children with special health care needs, we know how important early detection and treatment of conditions can be. We were particularly pleased to see the provisions of this legislation which provide for a Central Clearinghouse of current educational and family support information, critical to assuring a national standard of care.

According to the latest March of Dimes Newborn Screening Report Card, nearly two-thirds of all babies born in the United States this year will be screened for more than 20 life-threatening disorders. However, disparities in state newborn screening programs mean some babies will die or develop brain damage or other severe complications from these disorders because they are not identified in time for effective treatment.

At present, the United States lacks consistent national guidelines for newborn screening, and each state decides how many and which screening tests are required for every baby. As a result, only 9 percent of all babies are screened for all of the 29 recommended conditions. Clearly it is a wise investment to take full advantage of the information available to detect treatable conditions in children.

We commend you for your leadership on this most important issue and look forward to working with you and your colleagues to secure passage of this legislation.

Sincerely,

LARRY LEVINE,
President.
JUDITH WIENER GOODHUE,
Vice Chair, Board of Trustees, Chair, Government Relations Committee.

MARCH OF DIMES,
Washington, DC, March 5, 2007.

Hon. HILLARY CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of more than 3 million volunteers and 1400 staff members of the March of Dimes, I am writing to thank you for introducing the ''Screening for Health of Infants and Newborns Act'' or the ''SHINE Act.'' We understand the purpose of this legislation would be to authorize grant programs to support state efforts to expand the number of conditions for which newborns are screened and to improve dissemination of educational resources to healthcare professionals and the public.

As you may know, the March of Dimes president served on the steering committee that developed the American College of Medical Genetics recommendation that every baby born in the United States be screened for a 'core' set of twenty-nine treatable disorders, including certain metabolic conditions and hearing deficiency. The March of Dimes has endorsed this recommendation because early detection and treatment of these disorders can avert lifelong disabilities (including mental retardation), other serious illnesses and even death. Parents are often unaware that the number and quality of newborn screening varies from state to state and while newborns are regularly screened and treated for debilitating conditions in some states, in others, screening may not be required and conditions may go undiagnosed and untreated.

Federal guidance and incentives for states to improve their newborn screening programs are sorely needed and the ''SHINE Act'' will go a long way to enhancing the capacity of states to expand their programs and to provide much needed educational materials to families via the internet.

We at the March of Dimes are sincerely grateful for your leadership on this issue and we look forward to working with you and others Members of Congress to expand federal support for newborn screening.

Sincerely,

MARINA L. WEISS,
Senior Vice President, Public Policy & Government Affairs.

AMERICAN COLLEGE OF MEDICAL GENETICS,
Bethesda, MD, June 27, 2007.

Re Screening for Health of Infants and Newborns (SHINE) Act.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: I am writing in reference to the SHINE Act, a bill that your office will introduce into the Senate imminently to ensure the health and quality of life of all newborns in the United States by providing resources to further improve the capacity and quality of newborn screening programs. The American College of Medical Genetics (ACMG), which represents approximately 1400 medical geneticists who comprise the workforce that cares for these patients and their families, as well as houses the National Coordinating Center for the Regional Genetic and Newborn Screening Services Collaboratives, appreciates that you have acknowledged our ongoing roles in the development of newborn screening programs in the United States. ACMG is fully supportive of the bill and recognizes the importance of each of the areas it addresses. Newborn screening programs have always represented a unique partnership between public health and private healthcare and as such, they require a high degree of coordination, collaboration and communication, as recognized by this bill. Likewise, surveillance and data collection are pivotal to harnessing new developments in the areas of diagnostics and therapeutics.

We are pleased that you have recognized this important public health program and have sought positive activities to improve it. If there is anything we can do to further the goals of this legislation, please feel free to contact us.

Sincerely,

MICHAEL S. WATSON,
Executive Director.
JUDITH L. BENKENDORF,
Project Manager.

Mr. KERRY (for himself and Ms. SNOWE):

S. 1714. A bill to establish a multi-agency nationwide campaign to educate small business concerns about health insurance options available to children; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, in the coming weeks, the Finance Committee will meet to consider legislation to reauthorize the vitally important State Children's Health Insurance Program, S–CHIP. The legislation that comes through committee will represent this Congress's first opportunity to make a loud and clear statement regarding the importance of children's health as a national priority.

As a member of the Finance Committee, I am focused on one goal: to insure each and everyone of the 11 million kids under the age of 21 who are uninsured today, while making sure that no other kids slip through the cracks. The first bill I introduced in this Congress, S. 95, the Kids Come First Act, would accomplish just that.

Because the Bush administration and previous Republican Congresses have played fast and loose with our Nation's finances, today we face an enormous budget deficit. The unfortunate reality is that we may not be able to accomplish all of the goals set forth in Kids

Come First. But the Democratic Congress is committed to doing everything in our power to expand health coverage to children this year.

Much of our efforts will be focused on S–CHIP reauthorization. But there are additional steps we can take to begin to address this problem. The Small Business Children's Health Education Act, which I am introducing today with Senator SNOWE, represents one of those steps.

In February of 2007, the Urban Institute reported that among those eligible for the State Children's Health Insurance Program, children whose families are self-employed or who work for small business concerns are far less likely to be enrolled. Specifically, one out of every four eligible children with parents who work for a small business or who are self-employed are not enrolled. This statistic compares with just 1 out of every 10 eligible children whose parents work for a large firm.

We need to do a better job of informing and educating America's small business owners and employees of the options that may be available for covering uninsured children. To that effect, the Small Business Children's Health Education Act creates an intergovernmental task force, consisting of the Administrator of the Small Business Administration, the Secretary of Health and Human Services, the Secretary of Labor and the Secretary of Treasury, to conduct a campaign to enroll kids of small business employees who are eligible for S–CHIP and Medicaid but are not currently enrolled. To educate America's small businesses on the availability of S–CHIP and Medicaid, the task force is authorized to make use of the Small Business Administration's business partners, including the Service Corps of Retired Executives, the Small Business Development Centers, Certified Development Companies, and Women's Business Centers, and is authorized to enter into memoranda of understanding with chambers of commerce across the country.

Additionally, the Small Business Administration is directed to post S–CHIP and Medicaid eligibility criteria and enrollment information on its website, and to report back to the Senate and House Committees on Small Business regarding the status and successes of the task force's efforts to enroll eligible kids.

If you believe that we should be doing everything in our power to get every kid in this country insured, then this proposal is a no-brainer. It is estimated that 6 million of the 9 million uninsured children living in the United States are currently eligible for S–CHIP and Medicaid. These are kids who already meet the criteria for coverage, we just need to get the word to their parents and to their parents' employers that they are eligible. Ultimately, this is about priorities. I believe that the richest country on earth should not rest until all of our children are as safe and as healthy as they can possibly be.

I thank Senator SNOWE for our longstanding partnership on issues critical to America's small business owners, and for her work on this legislation. I urge my colleagues to support this bill.

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. 1714

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 ''Small Business Children's Health Education Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1) nearly 2,000,000 of the 9,000,000 uninsured children in the United States are currently eligible for the State Children's Health Insurance Program based on their family income, but are not enrolled;

(2) nearly 4,000,000 uninsured children appear to be eligible for Medicaid, but remain uninsured;

(3) the State Children's Health Insurance Program appears to reach only 69 percent of its target population;

(4) according to a study conducted by the Urban Institute in February, 2007, among those eligible for the State Children's Health Insurance Program, children whose families are self-employed or who work for small business concerns are far less likely to be enrolled in that program, specifically that 1 out of every 4 eligible children with parents who work for a small business concern or are self employed are not enrolled, compared with 1 out of 10 eligible children whose parents work for a large firm who are not enrolled; and

(5) the Federal Government can improve the lives of uninsured families eligible for the State Children's Health Insurance Program through increasing awareness of the availability, eligibility, and enrollment process for the State Children's Health Insurance Program (and other private options for health insurance) among owners of small business concerns.

SEC. 3. DEFINITIONS.

In this Act—

(1) the terms ''Administration'' and ''Administrator'' means the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''certified development company'' means a development company participating in the program under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

(3) the term ''Medicaid program'' means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(4) the term ''Service Corps of Retired Executives'' means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(5) the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(6) the term ''small business development center'' means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(7) the term ''State'' has the meaning given that term for purposes of title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

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

(9) the term ''task force'' means the task force established under section 4(a); and

(10) the term ''women's business center'' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

SEC. 4. ESTABLISHMENT OF TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force to conduct a nationwide campaign of education and outreach for small business concerns regarding the availability of coverage for children through private insurance options, the Medicaid program, and the State Children's Health Insurance Program.

(b) MEMBERSHIP.—The task force shall consist of the Administrator, the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury.

(c) RESPONSIBILITIES.—The campaign conducted under this section shall include—

(1) efforts to educate the owners of small business concerns about the value of health coverage for children;

(2) information regarding options available to the owners and employees of small business concerns to make insurance more affordable, including Federal and State tax deductions and credits for health care-related expenses and health insurance expenses and Federal tax exclusion for health insurance options available under employer-sponsored cafeteria plans under section 125 of the Internal Revenue Code of 1986;

(3) efforts to educate the owners of small business concerns about assistance available through public programs; and

(4) efforts to educate the owners and employees of small business concerns regarding the availability of the hotline operated as part of the Insure Kids Now program of the Department of Health and Human Services.

(d) IMPLEMENTATION.—In carrying out this section, the task force may—

(1) use any business partner of the Administration, including—

(A) a small business development center;

(B) a certified development company;

(C) a women's business center; and

(D) the Service Corps of Retired Executives;

(2) enter into—

(A) a memorandum of understanding with a chamber of commerce; and

(B) a partnership with any appropriate small business concern or health advocacy group; and

(3) designate outreach programs at regional offices of the Department of Health and Human Services to work with district offices of the Administration.

(e) WEBSITE.—The Administrator shall ensure that links to information on the eligibility and enrollment requirements for the Medicaid program and State Children's Health Insurance Program of each State are prominently displayed on the website of the Administration.

(f) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the status of the nationwide campaign conducted under subsection (a).

(2) CONTENTS.—Each report submitted under paragraph (1) shall include a status update on all efforts made to educate owners and employees of small business concerns on options for providing health insurance for children through public and private alternatives.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. SMITH, Mr. BIDEN, Ms. COLLINS, and Mr. REED):

S. 1715. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare program; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise to introduce the Medicare Mental Health Copayment Equity Act of 2007. I am pleased to be joined again this year by my colleague from Massachusetts, Senator KERRY. Since the 107th Congress, Senator KERRY has worked tirelessly with me to address the problem of mental health care parity. Today, we unite yet again to achieve equality between mental and physical health services under Medicare.

Mental illness ranks as the second leading reason that Americans lose healthy years of life to premature death or disability. The occurrence of mental illness among older adults is widespread, with nearly one in five Americans aged 55 and older experiencing specific disorders that are not a part of normal aging. In fact, older Americans have the highest rate of suicide in the country, and their risk increases with age, and is further exacerbated by impediments to treatment.

It is critical to note that while Medicare is often viewed as health insurance for people over age 65, it also provides care for those with severe disabilities. In fact, mental disorders are the single most frequent cause of disability, affecting more than one out of four Medicare beneficiaries. So the problem of access to mental health treatment is a pressing one for Medicare.

The good news is that, today, there are increasingly effective treatments for mental illness. The majority of people with mental disorders who receive proper treatment can lead productive lives.

Yet Medicare pays far less for critical mental health services needed by these beneficiaries than it does for medical treatment for physical disabilities. Medicare beneficiaries typically pay 20 percent of the cost of covered outpatient services, including doctor's visits, and Medicare pays the remaining 80 percent. However, this does not apply to outpatient mental health services; here Medicare law imposes a special limitation, which requires patients to pay a much higher copayment of 50 percent.

Let me give an example of the current disparity in copayments. If a Medicare patient sees a doctor in an office for treatment of cancer, heart disease, or the flu, the patient must pay 20 percent of the fee for the visit. Yet if a Medicare patient sees a psychiatrist, psychologist, social worker, or other professional in an office for treatment of depression, schizophrenia, or any other type of mental illness, the patient must pay 50 percent of the fee. That impedes critically-needed treatment, creating disability and resulting in lives needlessly lost.

Our bill will eliminate the barrier to access which the present discriminatory copayment imposes, by phasing out the disparate payment policy over a 6-year period. This will lower the copayment rate for mental health services from the current 50 percent to the standard 20 percent. This means that, in 2013, patients seeking outpatient treatment for mental illness will pay the same 20 percent copayment that is required of Medicare patients today who receive outpatient treatment for other illnesses. Our bill creates ''copayment equity'' for Medicare mental health services. It is time to end the distinction between physical and mental disorders under Medicare.

I urge my colleagues to join with Senator KERRY and myself in supporting the Medicare Mental Health Copayment Equity Act of 2007 for equal treatment of mental health services under Medicare.

Mr. KERRY. Mr. President, I am pleased to join my colleague Senator SNOWE in once again introducing the Medicare Mental Health Copayment Equity Act of 2007. This legislation will establish mental health care parity in the Medicare Program.

Medicare currently requires patients to pay a 20 percent copayment for all Part B services except mental health care services, for which patients are assessed a 50 percent copayment. Thus, under the current system, if a Medicare patient sees an endocrinologist for diabetes treatment, an oncologist for cancer treatment, a cardiologist for heart disease treatment or an internist for treatment of the flu, the copayment is 20 percent of the cost of the visit. If, however, a Medicare patient visits a psychiatrist for treatment of mental illness, the copayment is 50 percent of the cost of the visit. This disparity in outpatient copayment represents blatant discrimination against Medicare beneficiaries with mental illness.

The prevalence of mental illness in older adults is considerable. According to the U.S. Surgeon General, 20 percent of older adults in the community and 40 percent of older adults in primary care settings experience symptoms of depression, while as many as one out of every two residents in nursing homes are at risk of depression. The elderly have the highest rate of suicide in the U.S., and there is a clear correlation between major depression and suicide: 60 to 75 percent of suicides among patients 75 and older have diagnosable depression. In addition to our seniors, hundreds of thousands of nonelderly disabled Medicare beneficiaries become Medicare-eligible by virtue of severe and persistent mental disorders. To subject the mentally disabled to discriminatory costs in coverage for the very conditions for which they became Medicare eligible is illogical and unfair.

There is ample evidence that mental illness can be treated. Unfortunately, among the general population, those in need for treatment often do not seek it because they are ashamed of their condition. Among our Medicare population, the mentally ill face a double burden: not only must they overcome the stigma about their illness, but once they seek treatment they must pay one-half of the cost of care out of their own pocket. The Medicare Mental Health Copayment Equity Act will provide for the reduction of the coinsurance rate for outpatient mental health services over a 6-year period. By applying the same 20 percent copayment rate to mental health services to which all other outpatient services are subjected, the Medicare Mental Health Copayment Equity Act will bring parity to the Medicare Program and improve access to care for our senior and disabled beneficiaries who are living with mental illness.

By Mr. THUNE:

S. 1716. A bill to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. THUNE. Mr. President, I rise today to introduce a bill that seeks to fix a potentially devastating mistake in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007, Public Law No. 110–28.

In May 2007, Congress passed H.R. 2206, which included much-needed disaster assistance for our Nation's farmers and ranchers. After much delay, it is critical that those producers impacted by natural disasters receive the assistance they need and deserve.

Over the past few years, drought conditions and other natural disasters have financially strained tens of thousands of agriculture producers across the country. Congress has responded to the needs of America's producers by enacting emergency disaster assistance for our farm and ranch families.

However, it has been brought to my attention that many livestock producers will likely be ineligible for assistance due to an unintended technicality. Congress clearly intended disaster assistance to be available to those producers most impacted by years of devastating weather conditions. This assistance includes livestock producer eligibility for Livestock Indemnity Payments and Livestock Compensation Program without participation in the Non-Insured Crop Disaster Assistance program, NAP, or Federal crop insurance pilot program as a prerequisite.

However, it is my understanding that the Department of Agriculture will interpret section 9012 of Public Law 110–28 as Congress intending that all livestock producers must have NAP or pilot crop insurance coverage in order to be eligible for disaster payments. If disaster benefits are limited to only

those livestock producers with NAP or crop insurance coverage, the vast majority of livestock producers in drought-stricken regions will be ineligible for disaster assistance.

Only a small percentage of producers participated in the NAP program, which only paid $1 to $2 per acre. As a result, few grazing producers bought policies. It is not good policy to exclude producers from disaster assistance who chose not to participate in what many consider an ineffective program.

My legislation would strike section 9012 of Public Law 110–28, and ensure that those producers in need of assistance receive assistance in a timely manner.

It is my belief that both the Senate and the House of Representatives should pass my bill to ensure that livestock producers are able to qualify for the disaster assistance that President Bush signed into law earlier this year.

By Mr. DURBIN (for himself, Mr. LUGAR, Mr. OBAMA, Mr. BROWN, Mr. CARDIN, Mr. LEVIN, and Ms. STABENOW):

S. 1717. A bill to reqire the Secretary of Agriculture, acting through the Deputy Chief of State and Private Forestry organization, to provide loans to eligible units of local government to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located on land under the jurisdiction of the eligible units of local government and within the borders of quarantine areas infested by the emerald ash borer, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, I rise today to introduce the bipartisan Emerald Ash Borer Municipality Assistance Act of 2007, a bill designed to help local units of government manage the costs of combating this pernicious invasive pest species.

Although some of my colleagues in the Senate may not have heard of the Emerald Ash Borer, it is a destructive pest that poses a significant threat to our forests and urban and residential landscapes.

Some of my colleagues are all too familiar with the destructive power of EAB because of the speed with which it can move from State to State and the extensive damage it can cause to a State's ash tree population. Before this species was discovered in Illinois, I had been following its deadly march across the Midwest and had discussed the dangers of EAB with my colleagues from Michigan and Indiana.

The emerald-green beetle was most likely brought to North America in solid wood packing material from Asia about 10 years ago. Our new flat world means that in addition to improved global communications and more foreign trade and foreign travel, we are also witnessing the international movement of bugs like this beetle.

The beetle was first discovered in Michigan in 2002. Since then, the beetle has killed 20 million of the State's more than 700 million ash trees. Since then, the beetle has been found in Indiana, Ohio, and Maryland. The tiny beetle kills with astonishing speed. During the mating season, the ash borer lays its larva under the bark of the ash trees. When they hatch, hundreds of these beetles feed on the inner bark of the ash tree, disrupting the tree's ability to transport water and nutrients through the tree.

Within 2 to 3 years of introduction, the beetles will destroy a host ash tree and spread. Each beetle has a half mile flying range, widening the beetle's infestation every year in expanding concentric circles. The beetle is also spread artificially and often unknowingly by campers and others who transport ash firewood and thus introduce the beetle to new environments.

Managing this deadly beetle is a significant challenge. At an average cost of $500 per tree removal and a couple of hundred dollars to replant a tree to maintain forest and urban canopies, this bug presents a serious economic impact on our communities. Additional costs are incurred for equipment, marshalling yards, and survey activities.

While the Federal Government administers a national EAB program through USDA-APHIS, many of the costs of managing EAB are borne by municipalities and homeowners. For example, the city of Woodridge, IL, a town of 30,000, is home to 8,000 public trees, 25 percent of which are ash. If the Emerald Ash Borer were to infest the public-owned ash trees of Woodridge, the cost of removing and replanting Woodridge's trees would be about $1.8 million.

One of the missing pieces in the Federal Emerald Ash Borer, EAB, Program is a mechanism to help municipalities defray the costs of performing EAB prevention duties normally performed by the Federal Government. These costs include managing the EAB population by surveying trees, removing infested trees, and replacing removed trees. The expenses associated with these activities include purchasing bucket trucks, tub grinders, and replacement trees and renting or leasing space for marshalling yards.

The legislation would create a low-interest revolving loan fund for communities for the purchase of capital equipment and replacement trees within quarantine areas. Communities would have a 20-year window to repay the loan. In addition, the bill would allow states to contract with local units of government to perform EAB duties.

Ash trees are among the most commonly found trees in our forests and urban canopies. Wisconsin is home to more than 700 million of them. They make up 20 percent of the tree population of beautiful Madison, WI. The beetle threatens billions of ash trees in North America. Losing our ash trees would incur costs that are difficult to measure. Homeowners deeply love their trees and value the shade and aesthetic beauty they add. Ash trees are a part of our wildlife habitat and diverse environment.

In my State of Illinois, the beetle has been found in multiple locations, in several parts of both Kane County and Cook County. Experts say that unchecked, this beetle could threaten ash trees nationwide on a scale equal to the Dutch Elm Disease, which destroyed more than half of the elm trees in the northern United States.

It is a problem of significant magnitude and I hope my colleagues will join me in this effort to control and eradicate the Emerald Ash Borer.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1717

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 ''Emerald Ash Borer Municipality Assistance Act of 2007''.

SEC. 2. EMERALD ASH BORER REVOLVING LOAN FUND.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED EQUIPMENT.—

(A) IN GENERAL.—The term ''authorized equipment'' means any equipment necessary for the management of forest land.

(B) INCLUSIONS.—The term ''authorized equipment''includes—

(i) cherry pickers;

(ii) equipment necessary for—

(I) the construction of staging and marshalling areas;

(II) the planting of trees; and

(III) the surveying of forest land;

(iii) vehicles capable of transporting harvested trees;

(iv) wood chippers; and

(v) any other appropriate equipment, as determined by the Secretary.

(2) FUND.—The term ''Fund'' means the Emerald Ash Borer Revolving Loan Fund established by subsection (b).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Deputy Chief of the State and Private Forestry organization.

(b) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a revolving fund, to be known as the ''Emerald Ash Borer Revolving Loan Fund'', consisting of such amounts as are appropriated to the Fund under subsection (f).

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under subsection (e).

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this section.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) USES OF FUND.—

(1) LOANS.—

(A) IN GENERAL.—The Secretary shall use amounts in the Fund to provide loans to eligible units of local government to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located—

(i) on land under the jurisdiction of the eligible units of local government; and

(ii) within the borders of quarantine areas infested by the emerald ash borer.

(B) MAXIMUM AMOUNT.—The maximum amount of a loan that may be provided by the Secretary to an eligible unit of local government under this subsection shall be the lesser of—

(i) the amount that the eligible unit of local government has appropriated to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located—

(I) on land under the jurisdiction of the eligible unit of local government; and

(II) within the borders of a quarantine area infested by the emerald ash borer; or

(ii) $5,000,000.

(C) INTEREST RATE.—The interest rate on any loan made by the Secretary under this paragraph shall be a rate equal to 2 percent.

(D) REPORT.—Not later than 180 days after the date on which an eligible unit of local government receives a loan provided by the Secretary under subparagraph (A), the eligible unit of local government shall submit to the Secretary a report that describes each purchase made by the eligible unit of local government using assistance provided through the loan.

(2) LOAN REPAYMENT SCHEDULE.—

(A) IN GENERAL.—To be eligible to receive a loan from the Secretary under paragraph (1), in accordance with each requirement described in subparagraph (B), an eligible unit of local government shall enter into an agreement with the Secretary to establish a loan repayment schedule relating to the repayment of the loan.

(B) REQUIREMENTS RELATING TO LOAN REPAYMENT SCHEDULE.—A loan repayment schedule established under subparagraph (A) shall require the eligible unit of local government—

(i) to repay to the Secretary of the Treasury, not later than 1 year after the date on which the eligible unit of local government receives a loan under paragraph (1), and semiannually thereafter, an amount equal to the quotient obtained by dividing—

(I) the principal amount of the loan (including interest); by

(II) the total quantity of payments that the eligible unit of local government is required to make during the repayment period of the loan; and

(ii) not later than 20 years after the date on which the eligible unit of local government receives a loan under paragraph (1), to complete repayment to the Secretary of the Treasury of the loan made under this section (including interest).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this section.

SEC. 3. COOPERATIVE AGREEMENTS RELATING TO EMERALD ASH BORER PREVENTION ACTIVITIES.

Any cooperative agreement entered into after the date of enactment of this Act between the Secretary of Agriculture and a State relating to the prevention of emerald ash borer infestation shall allow the State to provide any cost-sharing assistance or financing mechanism provided to the State under the cooperative agreement to a unit of local government of the State that—

(1) is engaged in any activity relating to the prevention of emerald ash borer infestation; and

(2) is capable of documenting each emerald ash borer infestation prevention activity generally carried out by—

(A) the Department of Agriculture; or

(B) the State department of agriculture that has jurisdiction over the unit of local government.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 1722. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to determine the price of all milk used for manufactured purposes, which shall be classified as Class II milk, by using the national average cost of production, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SPECTER. Mr. President, agriculture is Pennsylvania's No. 1 industry. According to 2004 U.S. Department of Agriculture, USDA, statistics, the market value of all agriculture production in PA was approximately $7,026,739,000. Further, dairy is the number one sector of our agriculture industry. In 2005, Pennsylvania dairy farmers produced 10.5 billion pounds of milk from 558,000 cows on approximately 9,000 dairy farms. In 2004, milk production in PA contributed about $1,770,912,000 to the economy.

I have consistently fought for Pennsylvania's dairy producers since taking office in 1981. Last year, I fought to ensure the viability of the dairy industry by ensuring that the Senate Budget Committee opposed the administration's fiscal year 2007 proposals that would have been detrimental to our Nation's dairy farmers. I, along with 16 other Senators, wrote a letter on March 8, 2006, to the Senate Budget Committee urging rejection of the proposed budget cuts and tax increases on America's dairy farmers that included: 1. reducing the value of the price support program; 2. cutting Milk Income Loss Contract, MILC, payments by 5 percent; and 3. taxing every dairy farmer in America 3 cents per hundredweight, cwt., on all production. We were successful in this fight to protect Pennsylvania's, and the Nation's, dairy producers.

Also, I, along with five other Senators, requested that the Government Accountability Office, GAO, review the Chicago Mercantile Exchange, CME, cash cheese market because the price of cheese is strongly correlated to the price of milk. The GAO is expected to have a final report in the near future. This report will help us set legislative priorities by giving us a better understanding of the CME cheese market and its relation to the price of milk.

Even though milk production in Pennsylvania had a market value of $1,770,912,000 in 2004, dairy farmers across PA and the Nation experienced decreased prices of milk from November of 2005 until early this year. Our dairy producers should not be receiving decreased milk prices, especially with the increased costs of production, such as fuel, feed, and fertilizer.

These unpredictable fluctuations in the price of milk paid to our dairy farmers place an undue financial burden on our producers, which in turn negatively impact our rural communities. As a result, I worked hard with Senators SANTORUM, CHAMBLISS, KOHL, and LEAHY to extend the Milk Income Loss Contract, MILC, program until September of 2007. The MILC program was created as part of the 2002 farm bill to provide supplemental payments to dairy farmers when the market price falls below a statutory trigger. This program has provided timely and crucial payments to producers, particularly when prices were low in 2002, 2003, and 2006. Although milk prices are expected to be above the statutory trigger price of $16.94 through 2007, we need to ensure a more stable milk pricing system.

The 2007 farm bill creates an opportunity to address the current volatile milk pricing system. While many legislative measures have been proposed, it is essential that any program address costs of production, ensure market and price transparency, and provide a safety-net for our producers. Additionally, we need to provide dairy producers with tools to help them should milk prices fall below sustainable levels, such as a voluntary revenue insurance program.

I, along with Senator BOB CASEY, have worked with our constituents to propose two dairy legislative proposals to ensure that we continue to discuss America's milk pricing system and the need for change in the 2007 farm bill. I have met with dairy producers from across the Commonwealth and there is a broad consensus that the unpredictable milk pricing system needs to be addressed. The hard part is coming to a consensus on how to reform the system. Although these two legislative proposals may not be perfect, they provide ideas on assuring an equitable milk price for our dairy producers.

The first bill that we are introducing is the Federal Milk Marketing Improvement Act of 2007. This legislation would reduce the number of classes of milk from four to two with the intent of simplifying the pricing of milk. The bill would require the Secretary of Agriculture to determine the price of all milk used for manufacturing purposes, which will be classified as Class II milk, by using the national average cost of production. This price would then be the basis formula for calculating the price of Class I milk, which is fluid milk. Although costs of production can vary drastically farm by farm, this legislation would ensure that dairy farmers receive a fair price for their milk based on a national average cost of production figure.

Costs of production for dairy farmers all across America have increased, not

just in one region. Fuel, feed, and fertilizer costs have more than doubled. Only recently has the price of milk paid to farmers reached higher than the MILC program trigger price of $16.94 per cwt. With the price of milk above this target price, no payments to farmers will be made, even though input costs have more than doubled. Addressing costs of production is necessary to ensure that our family dairy farmers survive.

The second bill that we have introduced aims to promote growth and opportunity for the dairy industry. This bill would change the current MILC program to a Milk Target Price Program and would link payments to dairy farmers on Class III milk. The program would pay farmers when the price of Class III falls below $12.00 per hundredweight. This trigger price would be adjusted by a feed adjustment factor to reflect the feed cost of producing 100 pounds of milk. The USDA would determine this factor based on a feed price index using a baseline period of calendar years 2001 through 2005.

Further, the second bill would require the mandatory reporting of dairy commodities by requiring that dairy prices be reported on a daily and weekly basis. The current system is not mandatory and it is estimated that dairy farmers lost $6.4 million due to a Federal reporting error by the USDA over the past nine months. Along with 10 other Senators, I sent a letter to USDA Secretary Mike Johanns on May 9, 2007, requesting an explanation on how this misreporting occurred. This bill aims to close any loops in current law and assure proper auditing, data verification, and enforcement of reporting in order to ensure a transparent dairy market.

Finally, the second bill would provide authorization for a Federal dairy education loan forgiveness program. This would allow students at higher education institutions across America who focus on agriculture for a 2- or 4-year degree and become a full-time owner of a farm to become eligible to have their Federal student loans forgiven. This is aimed to ensure that there is a younger generation of farmers to work the lands across the fields in America.

Both of these bills aim to help our family dairy farms who deserve a fair price for their milk. I am committed to Pennsylvania's dairy farmers and will continue to work with my Pennsylvania colleague, Senator CASEY, and all my colleagues in the U.S. Senate to ensure our dairy farmers are not left behind. As more ideas and solutions are proposed, I will consider each and every one. Debate is important to finding a solution to any problem.

Farmers and rural America are the backbone of our great country. Every day, they work the fields, milk the cows, herd the cattle, and pick the produce. I myself grew up in rural Kansas and at the age of 14, I worked for Clyde Mills, father of my close friend and high school classmate Steve, driving a tractor in the wheat fields, providing lessons on the difficulties of working on a farm.

Agriculture is crucial to Pennsylvania and to the entire nation. We need to ensure that the next farm bill provides all our fanners with the assistance they need to overcome hardships, as well as providing our rural communities the financial and technical assistance they need to assure a vibrant and stable rural economy. Even though I voted against final passage of the 2002 farm bill because it disproportionately provided more Federal funds to other states and regions in the U.S., I look forward to working with the Senate Committee on Agriculture and my colleagues in the full Senate to ensure farmers across America are equitably treated when it comes to Federal agricultural programs and assistance.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 258—RECOGNIZING THE HISTORICAL AND EDUCATIONAL SIGNIFICANCE OF THE ATLANTIC FREEDOM TOUR OF THE FREEDOM SCHOONER AMISTAD, AND EXPRESSING THE SENSE OF THE SENATE THAT PRESERVING THE LEGACY OF THE AMISTAD STORY IS IMPORTANT IN PROMOTING MULTICULTURAL DIALOGUE, EDUCATION AND COOPERATION

Mr. DODD (for himself and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 258

Whereas the Slave Trade Act of the British Parliament in 1807 was the first major legislation to abolish the slave trade and began the march to end slavery;

Whereas, in 1839, 53 Africans were illegally kidnapped from Sierra Leone and sold into the transatlantic slave trade;

Whereas the captives were brought to Havana, Cuba, aboard the Portuguese vessel Tecora, where they were fraudulently classified as native-born Cuban slaves;

Whereas the captives were sold to José Ruiz and Pedro Montez of Spain, who transferred them onto the coastal cargo schooner La Amistad;

Whereas, on the evening of the rebellion, La Amistad was secretly directed to return west up the coast of North America, where after two months the Africans were seized and arrested in New London, Connecticut;

Whereas the captives were jailed and awaited trial in New Haven, Connecticut;

Whereas the trial of the captives became historic when former President John Quincy Adams argued on behalf of the enslaved before the United States Supreme Court and won their freedom;

Whereas, in 2007, the Freedom Schooner Amistad will embark on its first transatlantic voyage to celebrate the 200th anniversary of the abolition of the transatlantic slave trade; and

Whereas the Amistad case represents an opportunity to call to public attention the evils of slavery and the struggle for freedom and the restoration of human dignity: Now, therefore, be it

Resolved, That—

(1) the Senate recognizes the historical and educational significance of the Atlantic Freedom Tour of the Freedom Schooner Amistad;

(2) the Senate encourages the people of the United States to learn about the history of the United States and better understand the experiences that have shaped this Nation; and

(3) it is the sense of the Senate that preserving the legacy of the Amistad should be regarded as a means in fostering multicultural dialogue, education, and cooperation.

SENATE RESOLUTION 259—COMMENDING THE OREGON STATE UNIVERSITY BASEBALL TEAM FOR WINNING THE 2007 COLLEGE WORLD SERIES

Mr. WYDEN (for himself and Mr. SMITH) submitted the following resolution; which was considered and agreed to:

S. RES. 259

Whereas on June 24, 2007, the Oregon State University baseball team won the 2007 College World Series in Omaha, Nebraska after defeating California State University, Fullerton by a score of 3 to 2; Arizona State University by a score of 12 to 6; University of California, Irvine by a score of 7 to 1; and the University of North Carolina at Chapel Hill in the championship by scores of 11 to 4 and 9 to 3;

Whereas this is the second consecutive College World Series championship Oregon State University has won, making the University the first repeat College World Series champion in a decade;

Whereas the success of the team was a direct result of the skill, intensity, and resolve of every player on the Oregon State University baseball team, including 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;

Whereas freshman pitcher Jorge Reyes was recognized as the Most Outstanding Player of the 2007 College World Series tournament;

Whereas Darwin Barney, Mitch Canham, Mike Lissman, Jorge Reyes, Scott Santschi, and Joey Wong were named to the 2007 All-College World Series tournament team; and

Whereas the 2007 College World Series victory of the Oregon State University baseball team ended a terrific season in which the team compiled a record of 49 wins to 18 losses: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Oregon State University baseball team, Head Coach Pat Casey and his coaching staff, Athletic Director Bob DeCarolis, and Oregon State University President Edward John Ray on their tremendous accomplishment in defending their 2007 College World Series championship title; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the President of Oregon State University.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1948. Mr. BINGAMAN 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 1949. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1950. 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 1951. Mr. INHOFE (for himself 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 1952. Mr. INHOFE (for himself 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 1953. Mr. SCHUMER (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1954. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1955. 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 1956. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1957. Mrs. FEINSTEIN proposed an amendment to amendment SA 1934 (Division I) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra.

SA 1958. Mr. SPECTER proposed an amendment to amendment SA 1934 (Division II) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra.

SA 1959. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1960. 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 1961. 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 1962. 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 1963. Mr. COLEMAN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1964. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1965. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1966. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1967. Mr. SANDERS (for himself 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 1968. Mr. SANDERS (for himself 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 1969. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1970. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1971. Mr. NELSON of Florida (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1972. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1973. Mr. DODD (for himself, Mr. MENENDEZ, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1974. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1975. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1976. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1906 submitted by Mr. CHAMBLISS and intended to be proposed to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1977. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1934 (Division XI) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1978. Mr. KENNEDY proposed an amendment to amendment SA 1934 (Division VII) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra.

TEXT OF AMENDMENTS

SA 1948. Mr. BINGAMAN 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 452, strike line 11 and all that follows through page 454, line 16, and insert the following:

''(D) under section 101(a)(15)(Y)(ii), may not exceed—

''(i) 100,000 for the first fiscal year in which the program is implemented;

''(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) 300,000 for any fiscal year.'';

(2) by redesignating paragraphs (2) through (11) as paragraphs (3) through (12), respectively;

(3) by inserting after paragraph (1) the following:

''(2) MARKET-BASED ADJUSTMENT.—With respect to the numerical limitation set in subparagraph (A)(ii) and (D)(ii) of paragraph (1)—

''(A) if the total number of visas allocated for that fiscal year are issued during the first 6 months that fiscal year, an additional 15 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year;

''(B) if the total number of visas allocated for that fiscal year are issued before the end of that fiscal year, the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year; and

''(C) with the exception of the first subsequent fiscal year to the fiscal year in which the program is implemented, if fewer visas were allotted the previous fiscal year than the number of visas allocated for that year and the reason was not due to processing delays or delays in promulgating regulations, then the allocated amount for the following fiscal year shall decrease by 10 percent of the allocated amount in the prior fiscal year.'';

(4) in paragraph (10), as redesignated by paragraph (2) of this section, by amending subparagraph (A) to read as follows:

''(A) Subject to subparagraphs (B) and (C), an alien who has already been counted toward the numerical limitation under paragraph (1)(D) during any 1 of the 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 the limitations under clauses (i) and (ii) of paragraph (1)(D) for the fiscal year in which the petition is approved. Such alien shall be considered a returning worker.''; and

(5) in paragraph (11), as redesignated by paragraph (2) of this section—

(A) by inserting ''(A)'' after ''(11)''; and

(B) 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.''.

SA 1949. Mr. BINGAMAN 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(f)(2), strike ''12 months'' and insert ''2 years''.

SA 1950. 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 6, between lines 11 and 12, insert the following:

(e) AGREEMENT OF BORDER GOVERNORS.—The programs described in subsection (a) shall not become effective until at least 3 of the 4 governors of the States that share a land border with Mexico agree that the border security and other measures described in subsection (a) are established, funded, and operational.

(f) 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 1951. Mr. INHOFE (for himself 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 580 between lines 7 and 8, insert the following:

(6) ENGLISH AND CIVICS.—An alien who is 18 years of age or older shall meet the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

SA 1952. Mr. INHOFE (for himself 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 582, strike line 11 and all that follows through page 584, line 4, and insert the following:

(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 shall meet the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

(II) EXCEPTION.—The requirement under subclause (I) 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 to comply because of physical or developmental disability or mental impairment to comply with such requirement; or

(bb) is older than 65 years of age and has been living in the United States for periods totaling not less than 20 years.

SA 1953. Mr. SCHUMER (for himself and Mr. GRAHAM) 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 685, after line 17, insert the following:

SEC. 716. 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.

SA 1954. Mr. CONRAD 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. ___. PEACE GARDEN PASS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary, in consultation with the Director of the Bureau of Citizenship and Immigration Services, shall develop a travel document (referred to in this section as the ''Peace Garden Pass'') to allow citizens of the United States described in subsection (b) to travel to the International Peace Garden on the borders of the State of North Dakota and Manitoba, Canada (and to be readmitted into the United States).

(2) MAINTAINING BORDER SECURITY.—The Secretary shall take any appropriate measures to ensure that the Peace Garden Pass does not weaken border security or otherwise pose a threat to national security, including—

(A) including biographic data on the Peace Garden Pass; and

(B) using databases to verify the identity and other relevant information of holders of the Peace Garden Pass upon re-entry into the United States.

(b) ADMITTANCE.—The Peace Garden Pass shall be issued for the sole purpose of traveling to the International Peace Garden from the United States and returning from the International Peace Garden to the United States without having been granted entry into Canada.

(c) CHARACTERISTICS OF THE PEACE GARDEN PASS.—The Peace Garden Pass shall be—

(1) machine-readable;

(2) tamper-proof; and

(3) not valid for certification of citizenship for any other purpose other than admission into the United States from the Peace Garden.

(d) IDENTIFICATION.—The Secretary shall—

(1) determine what form of identification (other than a passport or passport card) will

be required to be presented by individuals applying for the Peace Garden Pass; and

(2) ensure that cards are only issued to—

(A) individuals providing the identification required under paragraph (1); or

(B) individuals under 18 years of age who are accompanied by an individual described in subparagraph (A).

(e) LIMITATION.—The Peace Garden Pass shall not grant entry into Canada.

(f) DURATION.—Each Peace Garden Pass shall be valid for a period not to exceed 14 days. The actual period of validity shall be determined by the issuer depending on the individual circumstances of the applicant and shall be clearly indicated on the pass.

(g) COST.—The Secretary may not charge a fee for the issuance of a Peace Garden Pass.

SA 1955. 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 529, strike line 13 and all that follows through line 22, and insert the following:

''(2) redesignating paragraph (4) as paragraph (2);

''(3) redesignating paragraph (5) as paragraph (3);

''(4) redesignating paragraph (6) as paragraph (4).

SA 1956. Mr. HATCH 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, strike lines 19 through 23 and insert the following:

(B) ADJUSTMENT OF STATUS; PREFERENTIAL TREATMENT PROHIBITED.—The status of any Z–1 nonimmigrant may be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence if the Z–1 nonimmigrant meets the requirements under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255). Nothing in this Act may be construed to provide aliens who were unlawfully present in the United States before the date of the enactment of this Act with any preferential treatment over other aliens who are seeking to obtain legal permanent residence or United States citizenship.

SA 1958. Mrs. FEINSTEIN proposed an amendment to amendment SA 1934 (Division I) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1958. Mr. SPECTER proposed an amendment to amendment SA 1934 (Division II) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1959. Mr. VITTER 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 5, between lines 11 and 12, insert the following:

(7) US–VISIT SYSTEM.—The integrated entry and exit data system required under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), which was required to be implemented not later than December 21, 2005, has been fully implemented and is functioning at every land, sea, and air port of entry into the United States.

SA 1960. 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:

On page 617, strike line 1 and all that follows through page 618, line 22, and insert the following:

SEC. 607. 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 by adding at the end, the following new subsections:

''(d)(1) Except as provided in paragraph (2)—

''(A) 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; and

''(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, 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 (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(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).

''(e) Not later than 180 days after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, 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 limitations on crediting quarters of coverage under subsection (d). Nothing in this subsection may be construed as establishing an effective date for purposes of this section.''.

(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).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

SA 1961. 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:

At the appropriate place in Title VI, insert the following:

(a) ELIGIBILITY TO ENLIST IN THE UNITED STATES ARMED FORCES.—Notwithstanding section 504(b) of title 10, United States Code, an alien who receives Z nonimmigrant status shall be eligible to enlist in the United States Armed Forces.

SA 1962. 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, line 13, strike ''.'', and insert ''and''

''requires, as a condition of conducting, continuing, or expanding a business, that, 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.''.

SA 1963. Mr. COLEMAN (for himself and Mr. CARPER) 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. ___. LANGUAGE TRAINING PROGRAMS.

(a) ACCREDITATION REQUIREMENT.—Section 101(a)(15)(F)(i) (8 U.S.C. 1101(a)(15)(F)(i) is amended by striking ''a language'' and inserting ''an accredited language''.

(b) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall issue regulations that—

(1) except as provided under paragraphs (3) and (4), require that an accredited language training program described in section 101(a)(15)(F)(i) of the Immigration and Nationality Act, as amended by subsection (a), be accredited by the Commission on English Language Program Accreditation, the Accrediting Council for Continuing Education

and Training, or under the governance of an institution accredited by 1 of the 6 regional accrediting agencies;

(2) require that if such an accredited language training program provides intensive language training, the head of such program provide the Secretary of Education with documentation regarding the specific subject matter for which the program is accredited;

(3) permit an alien admitted as a nonimmigrant under such section 101(a)(15)(F)(i) to participate in a language training program, during the 3-year period beginning on the date of the enactment of this Act, if such program is not accredited under paragraph (1); and

(4) permit a language training program established after the date of the enactment of this Act, which is not accredited under paragraph (1), to qualify as an accredited language training program under such section 101(a)(15)(F)(i) during the 3-year period beginning on the date on which such program is established.

SA 1964. Mr. COLEMAN 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 title VII, add the following:

SEC. 711. WESTERN HEMISPHERE TRAVEL INITIATIVE IMPROVEMENT.

(a) CERTIFICATIONS.—Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended—

(1) in subparagraph (B)—

(A) in clause (v)—

(i) by striking ''process'' and inserting ''read''; and

(ii) inserting ''at all ports of entry'' after ''installed'';

(B) in clause (vi), by striking ''and'' at the end;

(C) in clause (vii), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(viii) a pilot program in which not fewer than 1 State has been initiated and evaluated to determine if an enhanced driver's license, which is machine-readable and tamper-proof, not valid for certification of citizenship for any purpose other than admission into the United States from Canada, and issued by such State to an individual, may permit the individual to use the individual's driver's license to meet the documentation requirements under subparagraph (A) for entry into the United States from Canada at the land and sea ports of entry;

''(ix) the report described in subparagraph (C) has been submitted to the appropriate congressional committees;

''(x) a study has been conducted to determine the number of passports and passport cards that will be issued as a consequence of the documentation requirements under subparagraph (A); and

''(xi) sufficient passport adjudication personnel have been hired or contracted—

''(I) to accommodate—

''(aa) increased demand for passports as a consequence of the documentation requirements under subparagraph (A); and

''(bb) a surge in such demand during seasonal peak travel times; and

''(II) to ensure that the time required to issue a passport or passport card is not anticipated to exceed 8 weeks.''; and

(2) by adding at the end the following:

''(C) REPORT.—Not later than 180 days after the initiation of the pilot program described in subparagraph (B)(viii), the Secretary of Homeland Security and the Secretary of State shall submit to the appropriate congressional committees a report, which includes—

''(i) an analysis of the impact of the pilot program on national security;

''(ii) recommendations on how to expand the pilot program to other States;

''(iii) any appropriate statutory changes to facilitate the expansion of the pilot program to additional States and to citizens of Canada;

''(iv) a plan to scan individuals participating in the pilot program against United States terrorist watch lists;

''(v) an evaluation of and recommendations for the type of machine-readable technology that should be used in enhanced driver's licenses, based on individual privacy considerations and the costs and feasibility of incorporating any new technology into existing driver's licenses;

''(vi) recommendations for improving the pilot program; and

''(vii) an analysis of any cost savings for a citizen of the United States participating in an enhanced driver's license program as compared with participating in an alternative program.''.

(b) SPECIAL RULE FOR MINORS.—Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR MINORS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall permit an individual to enter the United States without providing any evidence of citizenship if the individual—

''(A)(i) is less than 16 years old;

''(ii) is accompanied by the individual's legal guardian;

''(iii) is entering the United States from Canada or Mexico;

''(iv) is a citizen of the United States or Canada; and

''(v) provides a birth certificate; or

''(B)(i) is less than 18 years old;

''(ii) is traveling under adult supervision with a public or private school group, religious group, social or cultural organization, or team associated with a youth athletics organization; and

''(iii) provides a birth certificate.''.

(c) TRAVEL FACILITATION INITIATIVES.—Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by adding at the end the following new subsections:

''(e) STATE DRIVER'S LICENSE AND IDENTIFICATION CARD ENROLLMENT PROGRAM.—

''(1) IN GENERAL.—Notwithstanding any other provision of law and not later than 180 days after the submission of the report described in subsection (b)(1)(C), the Secretary of State and the Secretary of Homeland Security shall issue regulations to establish a State Driver's License and Identity Card Enrollment Program as described in this subsection (hereinafter in this subsection referred to as the 'Program') and which allows the Secretary of Homeland Security to enter into a memorandum of understanding with an appropriate official of each State that elects to participate in the Program.

''(2) PURPOSE.—The purpose of the Program is to permit a citizen of the United States who produces a driver's license or identity card that meets the requirements of paragraph (3) or a citizen of Canada who produces a document described in paragraph (4) to enter the United States from Canada by land or sea without providing any other documentation or evidence of citizenship.

''(3) ADMISSION OF CITIZENS OF THE UNITED STATES.—A driver's license or identity card meets the requirements of this paragraph if—

''(A) the license or card—

''(i) was issued by a State that is participating in the Program; and

''(ii) is tamper-proof and machine readable; and

''(B) the State that issued the license or card—

''(i) has a mechanism to verify the United States citizenship status of an applicant for such a license or card;

''(ii) does not require an individual to include the individual's citizenship status on such a license or card; and

''(iii) manages all information regarding an applicant's United States citizenship status in the same manner as such information collected through the United States passport application process and prohibits any other use or distribution of such information.

''(4) ADMISSION OF CITIZENS OF CANADA.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, if the Secretary of State and the Secretary of Homeland Security determine that an identity document issued by the Government of Canada or by the Government of a Province or Territory of Canada meets security and information requirements comparable to the requirements for a driver's license or identity card described in paragraph (3), the Secretary of Homeland Security shall permit a citizen of Canada to enter the United States from Canada using such a document without providing any other documentation or evidence of Canadian citizenship.

''(B) TECHNOLOGY STANDARDS.—The Secretary of Homeland Security shall work, to the maximum extent possible, to ensure that an identification document issued by Canada that permits entry into the United States under subparagraph (A) utilizes technology similar to the technology utilized by identification documents issued by the United States or any State.

''(5) AUTHORITY TO EXPAND.—Notwithstanding any other provision of law, the Secretary of State and the Secretary of Homeland Security may expand the Program to permit an individual to enter the United States—

''(A) from a country other than Canada; or

''(B) using evidence of citizenship other than a driver's license or identity card described in paragraph (3) or a document described in paragraph (4).

''(6) RELATIONSHIP TO OTHER REQUIREMENTS.—Nothing in this subsection shall have the effect of creating a national identity card or a certification of citizenship for any purpose other than admission into the United States as described in this subsection.

''(7) STATE DEFINED.—In this subsection, the term 'State' means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

''(f) WAIVER FOR INTRASTATE TRAVEL.—The Secretary of Homeland Security shall accept a birth certificate as proof of citizenship for any United States citizen who is traveling directly from one part of a State to a noncontiguous part of that State through Canada, if such citizen cannot travel by land to such part of the State without traveling through Canada, and such travel in Canada is limited to no more than 2 hours.

''(g) WAIVER OF PASS CARD AND PASSPORT EXECUTION FEES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, during the 2-year period beginning on the date on which the Secretary of Homeland Security publishes a

final rule in the Federal Register to carry out subsection (b), the Secretary of State shall—

''(A) designate 1 facility in each city or port of entry designated under paragraph (2), including a State Department of Motor Vehicles facility located in such city or port of entry if the Secretary determines appropriate, in which a passport or passport card may be procured without an execution fee during such period; and

''(B) develop not fewer than 6 mobile enrollment teams that—

''(i) are able to issue passports or other identity documents issued by the Secretary of State without an execution fee during such period;

''(ii) are operated along the northern and southern borders of the United States; and

''(iii) focus on providing passports and other such documents to citizens of the United States who live in areas of the United States that are near such an international border and that have relatively low population density.

''(2) DESIGNATION OF CITIES AND PORTS OF ENTRY.—The Secretary of State shall designate cities and ports of entry for purposes of paragraph (1)(A) as follows:

''(A) The Secretary shall designate not fewer than 3 cities or ports of entry that are 100 miles or less from the northern border of the United States.

''(B) The Secretary shall designate not fewer than 3 cities or ports of entry that are 100 miles or less from the southern border of the United States.

''(h) COST-BENEFIT ANALYSIS.—Prior to publishing a final rule in the Federal Register to carry out subsection (b), the Secretary of Homeland Security shall conduct a complete cost-benefit analysis of carrying out this section. Such analysis shall include analysis of—

''(1) any potential costs of carrying out this section on trade, travel, and the tourism industry; and

''(2) any potential savings that would result from the implementation of the State Driver's License and Identity Card Enrollment Program established under subsection (e) as an alternative to passports and passport cards.

''(i) REPORT.—During the 2-year period beginning on the date that is the 3 months after the date on which the Secretary of Homeland Security begins implementation of subsection (b)(1)—

''(1) the Secretary of Homeland Security shall submit to the appropriate congressional committees a report not less than once every 3 months on—

''(A) the average delay at border crossings; and

''(B) the average processing time for a NEXUS card, FAST card, or SENTRI card; and

''(2) the Secretary of State shall submit to the appropriate congressional committees a report not less than once every 3 months on the average processing time for a passport or passport card.

''(j) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

''(2) the Committee on Appropriations, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.''.

(d) SENSE OF CONGRESS REGARDING IMPLEMENTATION OF THE WESTERN HEMISPHERE TRAVEL INITIATIVE.—The intent of Congress in enacting section 546 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1386) was to prevent the Secretary of Homeland Security from implementing the plan described in section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) before the earlier of June 1, 2009, or the date on which the Secretary certifies to Congress that an alternative travel document, known as a passport card, has been developed and widely distributed to eligible citizens of the United States.

(e) PASSPORT PROCESSING STAFF AUTHORITIES.—

(1) REEMPLOYMENT OF CIVIL SERVICE ANNUITANTS.—Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) is amended—

(A) in paragraph (1), by striking ''To facilitate'' and all that follows through '', the Secretary'' and inserting ''The Secretary''; and

(B) in paragraph (2), by striking ''2008'' and inserting ''2010''.

(2) REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.—Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(A) in paragraph (1)(B), by striking ''to facilitate'' and all that follows through ''Afghanistan,''; and

(B) in paragraph (2), by striking ''2008'' and inserting ''2010''.

(f) REPORT ON BORDER INFRASTRUCTURE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall submit to the appropriate congressional committees a report on the adequacy of the infrastructure of the United States to manage cross-border travel associated with the NEXUS, FAST, and SENTRI programs. Such report shall include consideration of—

(A) the ability of frequent travelers to access dedicated lanes for such travel;

(B) the total time required for border crossing, including time spent prior to ports of entry;

(C) the frequency, adequacy of facilities and any additional delays associated with secondary inspections; and

(D) the adequacy of readers to rapidly read identity documents of such individuals.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Appropriations, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.

SA 1965. Mr. STEVENS 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. ___. ACCESS TO IMMIGRATION SERVICES IN AREAS THAT ARE NOT ACCESSIBLE BY ROAD.

Notwithstanding any other provision of this Act, the Secretary shall permit an employee of United States Customs and Border Protection or United States Immigration and Customs Enforcement who carries out a function of such agencies in a geographic area that is not accessible by road to carry out any function that was performed by an employee of the Immigration and Naturalization Service in such area before the date of the enactment of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

SA 1966. Mr. STEVENS 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. ___. ESTABLISHMENT OF A CITIZENSHIP AND IMMIGRATION SERVICES OFFICE IN FAIRBANKS, ALASKA.

(a) IN GENERAL.—The Secretary, 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 such sums as may be necessary to carry out this section.

SA 1967. Mr. SANDERS (for himself 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 685, between lines 17 and 18, insert the following:

SEC. 716. H–1B VISA EMPLOYER FEE.

(a) IN GENERAL.—Section 214(c)(15) of the Immigration and Nationality Act, as added by section 715 of this Act, is amended—

(1) in subparagraph (A), by striking ''In each instance where'' and inserting ''Except as provided under subparagraph (D), if'';

(2) by amending subparagraph (C) to read as follows:

''(C) Of the amounts collected under this paragraph—

''(i) 85.72 percent shall be deposited in the Treasury in accordance with section 286(aa); and

''(ii) 14.28 percent shall be deposited in the Treasury in accordance with section 286(bb).''; and

(3) by adding at the end the following:

''(D) Public hospitals, which are owned and operated by a State or a political subdivision of a State shall not be subject to the supplemental fee imposed under this paragraph.''.

(b) USE OF ADDITIONAL FEE.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended—

(1) by redesignating subsection (x), as added by section 714 of this Act, as subsection (aa) and moving the redesignated subsection to the end of section 286; and

(2) by inserting after subsection (aa), as redesignated by paragraph (1), the following:

''(bb) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. There shall be deposited as offsetting receipts into the account 14.28 percent of the fees collected under section 214(c)(15).

''(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).''.

SA 1968. Mr. SANDERS (for himself 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 685, between lines 17 and 18, insert the following:

SEC. 716. H–1B VISA EMPLOYER FEE.

(a) IN GENERAL.—Section 214(c)(15) of the Immigration and Nationality Act, as added by section 715 of this Act, is amended—

(1) in subparagraph (A), by striking ''In each instance where'' and inserting ''Except as provided under subparagraph (D), if an employer seeks to hire a merit-based, employer-sponsored immigrant described in section 203(b)(5), or if'';

(2) by amending subparagraph (C) to read as follows:

''(C) Of the amounts collected under this paragraph—

''(i) 85.72 percent shall be deposited in the Treasury in accordance with section 286(aa); and

''(ii) 14.28 percent shall be deposited in the Treasury in accordance with section 286(bb).''; and

(3) by adding at the end the following:

''(D) Public hospitals, which are owned and operated by a State or a political subdivision of a State shall not be subject to the supplemental fee imposed under this paragraph.''.

(b) USE OF ADDITIONAL FEE.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended—

(1) by redesignating subsection (x), as added by section 714 of this Act, as subsection (aa) and moving the redesignated subsection to the end of section 286; and

(2) by inserting after subsection (aa), as redesignated by paragraph (1), the following:

''(bb) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. There shall be deposited as offsetting receipts into the account 14.28 percent of the fees collected under section 214(c)(15).

''(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).''.

SA 1969. Mr. NELSON of Florida 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:

SEC._____. DEPLOYMENT OF TECHNOLOGY TO IMPROVE VISA PROCESSING [NELSON].

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.''.

SA 1970. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) 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 section 602, add the following:

(b) SPECIAL RULE FOR HAITIAN CHILDREN.—

(1) ADJUSTMENT OF STATUS.—The status of an alien described in paragraph (2) shall be adjusted by the Secretary of Homeland Security under this subsection, if the alien—

(A) applies for such adjustment prior to the date that is the later of—

(i) 2 years after the date of the enactment of this Act; or

(ii) 1 year after the date on which final regulations implementing this section are promulgated; and

(B) is otherwise admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (6)(C)(i), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4), (5), (6)(A), (6)(C)(i), (7)(A), and (9)(B)) shall not apply.

(2) ELIGIBLE ALIENS.—An alien described in this paragraph is an alien—

(A) who is a national of Haiti;

(B) who—

(i) was on October 21, 1998 the child of an alien who—

(I) was a national of Haiti;

(II) was present in the United States on December 31, 1995;

(III) filed for asylum before December 31, 1995; and

(IV) was paroled into the United States prior to December 31, 1995, after having been identified as having a credible fear of persecution, or paroled for emergent reasons or reasons deemed strictly in the public interest; or

(ii) was a child (as defined in the text above subparagraph (A) of section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) at the time of arrival in the United States and on December 31, 1995, and who—

(I) arrived in the United States without parents in the United States and has remained without parents in the United States since such arrival;

(II) became orphaned subsequent to arrival in the United States; or

(III) was abandoned by parents or guardians prior to April 1, 1998 and has remained abandoned since such abandonment; and

(IV) has been physically present in the United States for a continuous period beginning not later than December 31, 1995, and ending not earlier than the date the application for such adjustment is filed, except that an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days; and

(C) applies for such adjustment and is physically present in the United States on the date the application is filed.

(3) APPLICATION SUBMISSION BY PARENT.—Notwithstanding paragraphs (1) and (2), an application under such paragraph filed based on status as a child may be filed for the benefit of such child by a parent or guardian of the child, if the child is physically present in the United States on such filing date.

SA 1971. Mr. NELSON of Florida (for himself and Mr. GREGG) 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 table on page 526, after line 5, strike ''Employment'' and all that follows through ''Worker's age: 25–39—3 pts'' and insert the following:

Employment		**47**
Occupation	U.S. employment in Specialty Occupation (DoL definition) or professional nurse—**20 pts**	
	U.S. employment in High Demand Occupation (BLS largest 10-yr job growth, top 30)	
National interest/ critical infrastructure	**16 pts.**	
	U.S. employment in STEM or health occupation, current for at least 1 year—**8 pts** (extraordinary or ordinary)	
Employer endorsement	A U.S. employer willing to pay 50% of LPR application fee either 1) offers a job, or 2) attests for a current employee—**6 pts**	
Experience	Years of work for U.S. firm or as a licensed professional nurse for any employer—**2 pts/year (max 10 points)**	
Age of worker	Worker's age: 25–39—**3 pts**	

SA 1972. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, and Mrs. CLINTON) 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 570, between lines 3 and 4, insert the following new subsection:

(f) ADJUSTMENT OF STATUS FOR CERTAIN VICTIMS OF TERRORISM.—

(1) SPECIFIED TERRORIST ACTIVITY.—In this subsection, the term ''specified terrorist activity'' means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

(2) ADJUSTMENT OF STATUS.—

(A) IN GENERAL.—The Secretary of Homeland Security shall adjust the status of any alien described in paragraph (3) to that of an alien lawfully admitted for permanent residence, if the alien—

(i) applies for such adjustment not later than 2 years after the date on which the Secretary establishes procedures to implement this subsection; and

(ii) is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) RULES IN APPLYING CERTAIN PROVISIONS.—

(i) IN GENERAL.—In the case of an alien described in paragraph (3) who is applying for adjustment of status under this subsection—

(I) the provisions of section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) shall not apply; and

(II) the Secretary may grant the alien a waiver of the grounds of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(ii) STANDARDS.—In granting waivers under clause (i)(II), the Secretary shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).

(C) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(i) APPLICATION PERMITTED.—An alien who is present in the United States and has been ordered excluded, deported, removed, or granted voluntary departure from the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may, notwithstanding such order or grant of voluntary departure, apply for adjustment of status under subparagraph (A).

(ii) MOTION NOT REQUIRED.—An alien described in clause (i) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order.

(iii) EFFECT OF DECISION.—If the Secretary grants an application under clause (i), the Secretary shall cancel the order. If the Secretary renders a final administrative decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(3) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—Subject to paragraph (7), the benefits under paragraph (2) shall apply to any alien who—

(A) was lawfully present in the United States as a nonimmigrant alien under the immigration laws of the United States on September 10, 2001;

(B) was, on such date, the spouse, child, dependent son, or dependent daughter of an alien who—

(i) was lawfully present in the United States as a nonimmigrant under the immigration laws of the United States on such date; and

(ii) died as a direct result of a specified terrorist activity; and

(C) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(4) STAY OF REMOVAL; WORK AUTHORIZATION.—

(A) IN GENERAL.—The Secretary shall establish a process by which an alien subject to a final order of removal may seek a stay of such order based on the filing of an application under paragraph (2).

(B) DURING CERTAIN PROCEEDINGS.—The Attorney General may not order any alien to be removed from the United States, if the alien is in removal proceedings under any provision of such Act and has applied for adjustment of status under paragraph (2), unless the Secretary or Attorney General has rendered a final administrative determination to deny the application.

(C) WORK AUTHORIZATION.—The Secretary shall authorize an alien who was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note), and who has applied for adjustment of status under paragraph (2) to engage in employment in the United States during the pendency of such application.

(5) AVAILABILITY OF ADMINISTRATIVE REVIEW.—Applicants for adjustment of status under paragraph (2) shall have the same right to, and procedures for, administrative review as are provided to—

(A) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); or

(B) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

(6) CANCELLATION OF REMOVAL FOR CERTAIN IMMIGRANT VICTIMS OF TERRORISM.—

(A) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) (other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (8 U.S.C. 1229b)) and paragraph (7) of this subsection, the Attorney General shall, under such section 240A, cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien described in subparagraph (B), if the alien applies for such relief.

(B) ALIENS ELIGIBLE FOR CANCELLATION OF REMOVAL.—The benefits provided by subparagraph (A) shall apply to any alien who—

(i) was, on September 10, 2001, the spouse, child, dependent son, or dependent daughter of an alien who died as a direct result of a specified terrorist activity; and

(ii) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(C) STAY OF REMOVAL; WORK AUTHORIZATION.—

(i) IN GENERAL.—The Secretary shall establish a process to provide for an alien subject to a final order of removal to seek a stay of such order based on the filing of an application under subparagraph (A).

(ii) WORK AUTHORIZATION.—The Secretary shall authorize an alien who was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note), and who has applied for cancellation of removal under subparagraph (A) to engage in employment in the United States during the pendency of such application.

(D) MOTIONS TO REOPEN REMOVAL PROCEEDINGS.—

(i) IN GENERAL.—On motions to reopen removal proceedings, any alien who has become eligible for cancellation of removal as a result of the enactment of this section may file 1 motion to reopen removal proceedings to apply for such relief.

(ii) FILING PERIOD.—The Attorney General shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of the enactment of this Act and shall extend for a period not to exceed 240 days.

(7) EXCEPTIONS.—Notwithstanding any other provision of this subsection, an alien may not be provided relief under this subsection if the alien is—

(A) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or deportable under paragraph (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)), including any individual culpable for a specified terrorist activity; or

(B) a family member of an alien described in subparagraph (A).

(8) EVIDENCE OF DEATH.—For purposes of this subsection, the Secretary shall use the standards established under section 426 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) Act of 2001 (115 Stat. 362) in determining whether death occurred as a direct result of a specified terrorist activity.

(9) PROCESS FOR IMPLEMENTATION.—The Secretary and the Attorney General—

(A) shall carry out this subsection as expeditiously as possible;

(B) are not required to promulgate regulations before implementing this subsection; and

(C) shall promulgate procedures to implement this subsection not later than 180 days after the date of the enactment of this Act.

(10) IMPLEMENTATION.—No provision of this subsection shall be subject to section 1 of this Act.

SA 1973. Mr. DODD (for himself, Mr. MENENDEZ, and Mr. REID) 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 537, lines 23 and 24, strike ''not to exceed 40,000'' and all that follows through ''terminated.'' on page 555, line 21, and insert the following: ''not to exceed 90,000, plus any visas not required for the classes specified in paragraph (3), or''.

(2) By striking paragraph (2) and inserting the following:

''(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) of this Act who is resident in the United States shall be allocated visas in a number not to exceed 87,000, plus any visas not required for the class specified in paragraph (1)''

(3) By striking paragraph (3) and inserting the following:

''(3) FAMILY-BASED VISA PETITIONS FILED BEFORE JANUARY 1, 2007, FOR WHICH VISAS WILL BE AVAILABLE BEFORE JANUARY 1, 2027.—

''(A) IN GENERAL.—The allocation of immigrant visas described in paragraph (4) shall apply to an alien for whom—

''(i) a family-based visa petition was filed on or before January 1, 2007; and

''(ii) as of January 1, 2007, the Secretary of Homeland Security calculates under subparagraph (B) that a visa can reasonably be expected to become available before January 1, 2027.

''(B) REASONABLE EXPECTATION OF AVAILABILITY OF VISAS.—In calculating the date on which a family-based visa can reasonably be

expected to become available for an alien described in subparagraph (A), the Secretary of Homeland Security shall take into account—

''(i) the number of visas allocated annually for the family preference class under which the alien's petition was filed;

''(ii) the effect of any per country ceilings applicable to the alien's petition;

''(iii) the number of petitions filed before the alien's petition was filed that were filed under the same family preference class; and

''(iv) the rate at which visas made available in the family preference class under which the alien's petition was filed were unclaimed in previous years.

''(4) ALLOCATION OF FAMILY-BASED IMMIGRANT VISAS.—Immigrant visas totaling 440,000 shall be allotted visas as follows:

''(A) Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas totaling 70,400 immigrant visas, plus any visas not required for the class specified in (D).

''(B) Qualified immigrants who are the unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence, shall be allocated visas totaling 110,000 immigrant visas, plus any visas not required for the class specified in (A).

''(C) Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas totaling 70,400 immigrant visas, plus any visas not required for the class specified in (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 totaling 189,200 immigrant visas, plus any visas not required for the class specified in (A), (B), and (C).''.

(4) By striking paragraph (4).

(d) PETITION.—Section 204(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(i)) is amended by striking '', (3), or (4)'' after ''paragraph (1)''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the fiscal year subsequent to the fiscal year of enactment.

(2) PENDING AND APPROVED PETITIONS.—Petitions for a family-sponsored visa filed for classification under section 203(a)(1), (2)(B), (3), or (4) of the Immigration and Nationality Act (as such provisions existed prior to the enactment of this section) which were filed before May 1, 2005, regardless of whether the petitions have been approved before May 1, 2005, shall be treated as if such provision remained in effect, and an approved petition may be the basis of an immigrant visa pursuant to section 203(a)(3).

(f) DETERMINATIONS OF NUMBER OF INTENDING LAWFUL PERMANENT RESIDENTS.—

(1) SURVEY OF PENDING AND APPROVED FAMILY-BASED PETITIONS.—The Secretary of Homeland Security may require a submission from petitioners with approved or pending family-based petitions filed for classification under section 203(a)(1), (2)(B), (3), or (4) of the Immigration and Nationality Act (as such provisions existed prior to the enactment of this section) filed on or before May 1, 2005 to determine that the petitioner and the beneficiary have a continuing commitment to the petition for the alien relative under the classification. In the event the Secretary requires a submission pursuant to this section, the Secretary shall take reasonable steps to provide notice of such a requirement. In the event that the petitioner or beneficiary is no longer committed to the beneficiary obtaining an immigrant visa under this classification or if the petitioner does not respond to the request for a submission, the Secretary of Homeland Security may deny the petition if the petition has not been adjudicated or revoke the petition without additional notice pursuant to section 205 if it has been approved.

(2) FIRST SURVEY OF Z NONIMMIGRANTS INTENDING TO ADJUST STATUS.—The Secretary shall establish procedures by which nonimmigrants described in section 101(a)(15)(Z) who seek to become aliens lawfully admitted for permanent residence under the merit-based immigrant system shall establish their eligibility, pay any applicable fees and penalties, and file their petitions. No later than the conclusion of the eighth fiscal year after the effective date of section 218D of the Immigration and Nationality Act, the Secretary will determine the total number of qualified applicants who have followed the procedures set forth in this section. The number calculated pursuant to this paragraph shall be 20 percent of the total number of qualified applicants. The Secretary will calculate the number of visas needed per year.

(3) SECOND SURVEY OF Z NONIMMIGRANTS INTENDING TO ADJUST STATUS.—No later than the conclusion of the thirteenth fiscal year after the effective date of section 218D of the Immigration and Nationality Act, the Secretary will determine the total number of qualified applicants not described in paragraph (2) who have followed the procedures set forth in this section. The number calculated pursuant to this paragraph shall be the lesser of:

(A) the number of qualified applicants, as determined by the Secretary pursuant to this paragraph; and

(B) the number calculated pursuant to paragraph (2).

(g) CONFORMING AMENDMENTS.—

(1) Section 212(d)(12)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(12)(B)) is amended by striking ''201(b)(2)(A)'' and inserting ''201(b)(2)'';

(2) Section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)) is amended by striking ''201(b)(2)(A)(i)'' and inserting ''201(b)(2)'';

(3) Section 204(a) of the Immigration and Nationality Act (8 U.S.C. 1154(a)) is amended by striking ''201(b)(2)(A)(i)'' each place it appears and inserting ''201(b)(2)'';

(4) Section 214(r)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(r)(3)(A)) is amended by striking ''201(b)(2)(A)(i)'' and inserting ''201(b)(2)''.

SEC. 504. CREATION OF PROCESS FOR IMMIGRATION OF FAMILY MEMBERS IN HARDSHIP CASES.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by adding a new section 203A reading:

''SEC. 203A. IMMIGRANT VISAS FOR HARDSHIP CASES.

''(a) IN GENERAL.—Immigrant visas under this section may not exceed 5,000 per fiscal year.

''(b) DETERMINATION OF ELIGIBILITY.—The Secretary of Homeland Security may grant an immigrant visa to an applicant who satisfies the following qualifications:

''(1) FAMILY RELATIONSHIP.—Visas under this section will be given to aliens who are:

''(A) the unmarried sons or daughters of citizens of the United States;

''(B) the unmarried sons or the unmarried daughters of aliens lawfully admitted for permanent residence;

''(C) the married sons or married daughters of citizens of the United States; or

''(D) the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age,

''(2) NECESSARY HARDSHIP.—The petitioner must demonstrate to the satisfaction of the Secretary of Homeland Security that the lack of an immigrant visa under this clause would result in extreme hardship to the petitioner or the beneficiary that cannot be relieved by temporary visits as a nonimmigrant.

''(3) INELIGIBILITY TO IMMIGRATE THROUGH OTHER MEANS.—The alien described in clause (1) must be ineligible to immigrate or adjust status through other means, including but not limited to obtaining an immigrant visa filed for classification under section 201(b)(2)(A) or section 203(a) or (b) of this Act, and obtaining cancellation of removal under section 240A(b) of this Act. A determination under this section that an alien is eligible to immigrate through other means does not foreclose or restrict any later determination on the question of eligibility by the Secretary of Homeland Security or the Attorney General.

''(c) PROCESSING OF APPLICATIONS.—

''(1) An alien selected for an immigrant visa pursuant to this section shall remain eligible to receive such visa only if the alien files an application for an immigrant visa or an application for adjustment of status within the fiscal year in which the visa becomes available, or at such reasonable time as the Secretary may specify after the end of the fiscal year for petitions approved in the last quarter of the fiscal year.

''(2) All petitions for an immigrant visa under this section shall automatically terminate if not granted within the fiscal year in which they were filed. The Secretary may in his discretion establish such reasonable application period or other procedures for filing petitions as he may deem necessary in order to ensure their orderly processing within the fiscal year of filing.

''(3) The secretary may reserve up to 2,500 of the immigrant visas under this section for approval in the period between March 31 and September 30 of a fiscal year.

''(d) Decisions whether an alien qualifies for an immigrant visa under this section are in the unreviewable discretion of the Secretary.''.

SEC. 505. ELIMINATION OF DIVERSITY VISA PROGRAM.

(a) Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (a)—

(A) by inserting ''and'' at the end of paragraph (1);

(B) by striking ''; and'' at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3); and

(2) by striking subsection (e).

(b) Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended—

(1) by striking subsection (c);

(2) in subsection (d), by striking ''(a), (b), or (c),'' and inserting ''(a) or (b),'';

(3) in subsection (e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(4) in subsection (f), by striking ''(a), (b), or (c)'' and inserting ''(a) or (b)''; and

(5) in subsection (g), by striking ''(a), (b), and (c)'' and inserting ''(a) and (b)''.

(c) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended—

(1) by striking subsection (a)(1)(I);

(2) by redesignating subparagraphs (J), (K), and (L) of subsection (a)(1) as subparagraphs (I), (J), and (K), respectively; and

(3) in subsection (e), by striking ''(a), (b), or (c)'' and inserting ''(a) or (b)''.

(d) REPEAL OF TEMPORARY REDUCTION IN VISAS FOR OTHER WORKERS.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act, as amended (Public Law 105–100; 8 U.S.C. 1153 note), is repealed.

(e) EFFECTIVE DATE.—

(1) The amendments made by this section shall take effect on October 1, 2008;

(2) No alien may receive lawful permanent resident status based on the diversity visa

program on or after the effective date of this section.

(f) CONFORMING AMENDMENTS.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended by redesignating paragraphs (d), (e), (f), (g), and (h) as paragraphs (c), (d), (e), (f), and (g), respectively.

SEC. 506. FAMILY VISITOR VISAS.

(a) Section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)) is amended to read as follows:

''(B) an alien (other than one coming for the purpose of study or of performing skilled or unskilled labor or as a representative of foreign press, radio, film, or other foreign information media coming to engage in such vocation) having a residence in a foreign country which he or she has no intention of abandoning and who is visiting the United States temporarily for business or temporarily for pleasure. The requirement that the alien have a residence in a foreign country which the alien has no intention of abandoning shall not apply to an alien described in section 214(s) who is seeking to enter as a temporary visitor for pleasure;''.

(b) Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(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 forfeit 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) must, 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) CERTIFICATION.—No later than January 1 of each year, the Secretary of Homeland Security shall submit a written report to Congress estimating the percentage of aliens admitted to the United States during the preceding fiscal year as visitors for pleasure under the terms and conditions of this subsection who have remained in the United States beyond their authorized period of admission (except as provided in subparagraph (5)(B)). When preparing this report, the Secretary shall determine which countries, if any, have a disproportionately high rate of nationals overstaying their period of authorized admission under this subsection.

''(5) 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.

''(6) 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.

SA 1974. Mr. THUNE 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, line 10, strike ''All documentary evidence'' and all that follows through line 13.

SA 1975. Mr. COLEMAN 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. ____. SOUTHWEST BORDER EASEMENT FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General and the Commissioner of the United States Section, International Boundary and Water Commission, shall conduct a study of the desirability of, and need for, border enforcement easements between the ports of entry along the international border between the United States and Mexico to facilitate the patrolling of such border to deter and detect illegal entry into the United States.

(b) IDENTIFICATION OF SPECIFIC LOCATIONS.—The study conducted under this section shall identify—

(1) the specific locations where agents of the United States Border Patrol lack immediate access to or control of the border, including any location where authorization by a third party is required to patrol the border or carry out the activities described in subsection (c); and

(2) for each such location—

(A) the actions required to create a border enforcement easement;

(B) the optimal distance from the border to which such easement should extend and the geographic size of the easement;

(C) the estimated costs of acquiring the easement and making the improvements described in subsection (c); and

(D) the changes to existing law that would be required to carry out such acquisitions and improvements.

(c) SCOPE AND USE OF EASEMENT.—Easements studied under this section shall be considered to provide the United States Border Patrol with access to and control of land immediately adjacent to the border described in subsection (a) for—

(1) installing detection equipment;

(2) constructing or improving roads;

(3) controlling vegetation;

(4) installing fences or other obstacles; and

(5) carrying out such other activities as may be required to patrol the border and deter or detect illegal entry.

(d) REPORT.—Not later than December 1, 2008, the Secretary shall submit a report containing the results of the study conducted under this section to—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the Senate;

(4) the Committee on Homeland Security of the House of Representatives;

(5) the Committee on the Judiciary of the House of Representatives; and

(6) the Committee on Appropriations of the House of Representatives.

SEC. ____. REGISTRATION OF ALIENS; NOTICES OF CHANGE OF ADDRESS.

(a) REGISTRATION REQUIRED FOR WORK AUTHORIZATION.—Section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) is amended by adding at the end the following:

''(d) The Secretary of Homeland Security shall verify that each alien applying for work authorization under this Act has registered under this section and has complied with the requirements under subsections (a)(1), (a)(2), and (b) of section 265 before approving such application.''.

(b) ANNUAL NOTIFICATION.—Section 265(a) of such Act (8 U.S.C. 1305(a)) is amended by striking ''(a) Each alien'' and inserting the following:

''(a) IN GENERAL.—

''(1) ANNUAL NOTIFICATION.—Each alien required to be registered under this title who is within the United States on the first day of January of any year shall, not later than 30 days following such date, notify the Secretary of Homeland Security in writing of the current address of the alien and furnish such additional information as the Secretary may prescribe by regulation. Failure to comply with this paragraph shall disqualify an alien from being approved for work authorization under this Act.

''(2) NOTIFICATION IF ABSENT ON JANUARY 1.—Each alien required to be registered under this title who is temporarily absent from the United States on the first day of January of any year shall, not later than 10 days after date on which the alien returns to the United States, provide the Secretary of Homeland

Security with the information described in paragraph (1).

''(3) NEW ADDRESS.—Each alien''.

(c) TREATMENT OF CHANGE OF ADDRESS FORM AS REGISTRATION DOCUMENT.—Section 265 of such Act (8 U.S.C. 1305), as amended by subsection (b), is further amended by adding at the end the following:

''(d) TREATMENT AS REGISTRATION DOCUMENT.—For purposes of this chapter, any notice of change of address submitted by an alien under this section shall be treated as a registration document under section 262.''.

(d) TECHNICAL AMENDMENTS.—Section 266 of such Act (8 U.S.C. 1306) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) by striking subsection (b); and

(3) by redesignating subsection (c) and (d) as subsections (b) and (c), respectively.

SEC. ___. ADDITIONAL TECHNOLOGICAL ASSETS.

There are authorized to be appropriated such sums as may be necessary to lease 6 additional aircraft and 12 busses for the purpose of achieving operational control of the borders of the United States.

SA 1973. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1906 submitted by Mr. CHAMBLISS and intended to be proposed 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 amendment No. 1906, insert the following:

SEC. 711. 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.

SA 1977. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1934 (Division XI) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) 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 division 11, add the following:

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) REPEAL.—Section 607 of this Act is repealed and the amendments made by such section are null and void.

(b) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following:

''(d)(1) Except as provided in paragraph (2)—

''(A) 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; and

''(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, 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 (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(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).

''(e) Not later than 180 days after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, 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 limitations on crediting quarters of coverage under subsection (d). Nothing in this subsection may be construed as establishing an effective date for purposes of this section.''.

(c) 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:

''(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).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

SA 1978. Mr. KENNEDY proposed an amendment to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

NOTICES OF INTENT

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1865, as follows:

At the end of section 1, insert the following:

(e) SECURE FENCE ACT OF 2007.—Notwithstanding subsection (a) or any other provision of law, this Act and the amendments made by this Act shall not take effect until the President certifies to the Congress that the Secretary of Homeland Security has taken all actions necessary to comply with the provisions of, and the amendments made by, the Secure Fence Act of 2006 (Public Law 109-367; 120 Stat. 2638), including completing the installation of all fencing and barriers required by such provisions and amendments.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1886, as follows:

On page 595, between lines 12 and 13, insert the following:

(s) DEFINITION OF AGGRAVATED FELONY AND ADDITIONAL GROUNDS FOR INELIGIBILITY FOR Z NONIMMIGRANT STATUS.—

(1) AGGRAVATED FELONY.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(A) by striking ''and'' at the end of subparagraph (T);

(B) by striking the period at the end of subparagraph (U) and inserting ''; and'' and

(C) by adding at the end the following:

''(V) a second conviction for driving while under the influence of alcohol or drugs, regardless of the State in which the conviction occurred or whether the offense is classified as a misdemeanor or a felony under the law of that State.''.

(2) GROUNDS FOR INELIGIBILITY.—In addition to the grounds of ineligibility described in subsection (d)(1)(F), an alien shall be ineligible for Z nonimmigrant status if the alien has been convicted of driving while under the influence of alcohol or drugs, regardless of the State in which the conviction occurred or whether the offense is classified as a misdemeanor or a felony under the law of that State.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1890, as follows:

Strike section 603, and insert the following:

SEC. 603. 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.—Notwithstanding any other provision of this Act, any amendment made by this Act, or 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, a denial, termination, or recession of benefits or status under this title may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a denial, termination, or recession.

(b) REMOVAL OF ALIENS WHO HAVE BEEN DENIED STATUS UNDER THIS TITLE.—

(1) IN GENERAL.—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 shall be placed immediately in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(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 section 601(d)(1)(F)(ii) because the alien has been convicted of an aggravated felony, as defined in paragraph 101(a)(43) of the Immigration and Nationality Act, shall be placed immediately in removal 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 clause (i), (iii), or (iv) of section 601(d)(1)(F) shall 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 section 242(h)(3)(C) of the Immigration and Nationality Act and shall represent the exhaustion of all review procedures for purposes of sections 601(h) and 601(o).

(3) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—During the removal process under this subsection, an alien may file not more than 1 motion to reopen or to reconsider. The Secretary's or the Attorney General's decision whether to consider any such motion is in the discretion of the Secretary or the Attorney General.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1891, as follows:

On page 184, line 12, strike ''(b)'' and insert the following:

(b) FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.—

(1) 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.

(2) CONSTRUCTION.—Nothing in this subsection 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.

(c) LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—

(1) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(A) IN GENERAL.—Except as provided under subparagraph (C), 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—

(i) against whom a final order of removal has been issued;

(ii) 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;

(iii) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(iv) whose visa has been revoked.

(B) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under subparagraph (A) related to an alien who is lawfully admitted to enter or remain in the United States.

(C) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—

(i) 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 subparagraph (A) related to such alien.

(ii) EFFECT OF FAILURE TO RECEIVE NOTICE.—Under procedures developed under clause (i), 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 subparagraph (A) related to such alien, unless such information is erroneous.

(iii) INTERIM PROVISION OF INFORMATION.—Notwithstanding the 180-day period set forth in subparagraph (A), the Secretary may not provide the information required under subparagraph (A) until the procedures required under this paragraph have been developed and implemented.

(2) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(A) in paragraph (3), by striking ''and'' at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) 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''.

(d)

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1892, as follows:

On page 559, strike line 17 and all that follows through ''January 1, 2007'' on page 561, line 9, and insert the following:

''(Z) subject to title VI 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 7, 2004, 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 7, 2004, 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 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, is physically present in the United States, has maintained continuous physical presence in the United States since January 7, 2004, and was born to or legally adopted by at least 1 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 lawfully present in the United States on January 7, 2004

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1904, 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.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1927, 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)''.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1929, as follows:

On page 7, line 21, strike ''(v) Implementation of programs authorized in titles IV and VI''.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1930, 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.'',

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1959, as follows:

On page 5, between lines 11 and 12, insert the following:

(7) US-VISIT SYSTEM.—The integrated entry and exit data system required under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), which was required to be implemented not later than December 21, 2005, has been fully implemented and is functioning at every land, sea, and air port of entry into the United States.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday, June 27, 2007, at 2 p.m. in SR–328A, Russell Senate Office Building. This hearing will consider the nominations of Mr. 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, and Ms. 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.

PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a business meeting during the session of the Senate on Wednesday, June 27, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The purpose of this meeting will be to consider and approve the following bills: S. 950, S. 704, S. 1650, S. 1661, and to consider nominations for promotion in the United States Coast Guard (PN 581 and PN 582).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SPECTER. 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 Wednesday, June 27,2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1171, a bill 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; and to resolve the Navajo Nation's water rights claims in the San Juan River basin in New Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, June 27, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''The Stealth Tax that's no longer a Wealth Tax: How to stop the AMT from Sneaking up on unsuspecting taxpayers.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 27, 2007, at 11:15 a.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, June 27, 2007 at 10 a.m. in SD–628. We will be considering the following:

Agenda

1. S. 1695, Biologics Price Competition and Innovation Act.

2. S. 1693, Wired for Health Care Quality Act.

3. S. 793, The Reauthorization of the Traumatic Brain Injury Act.

4. S. 1011, Recognizing Addiction as a Disease Act of 2007.

11. Any nominations ready for action.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, June 27, 2007, at 11:30 a.m. in order to conduct a hearing entitled ''Violent Islamist Extremism: The European Experience.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on the Constitution be authorized to meet to conduct a hearing on ''Oversight of the Federal Death Penalty'' on Wednesday, June 27, 2007, at 9:30 a.m. in Dirksen Senate Office Building, room 226.

Witness List

Panel I: Barry Sabin, Deputy Assistant Attorney General, U.S. Department of Justice, Washington, DC; David I. Bruck, Esq., Federal Death Penalty, Lexington, VA; The Honorable Roberto J. Sanchez Ramos, Secretary of Justice, Commonwealth of Puerto Rico, San Juan, Puerto Rico; David B. Mulhausen, Ph.D., Senior Policy Analyst, Center for Data Analysis, The Heritage Foundation, Washington, DC; and William G. Otis, Falls Church, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, June 27, 2007 in order to conduct a mark up on pending legislation before the Committee. The markup will begin at 9:30 a.m. in room 562 of the Dirksen Building.

Immediately after the conclusion of our mark up, the Committee will hold a hearing on the nomination of Charles L. Hopkins, of Massachusetts, to be an

Assistant Secretary of Veterans Affairs (Operations, Preparedness, Security and Law Enforcement).

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. SPECTER. I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing entitled, ''Investing in Young Children Pays Dividends: The Economic Case for Early Care and Education'', in room 216 of the Hart Senate Office Building, on Wednesday, June 27, 2007, from 11 a.m. to 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. SPECTER. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Wednesday, June 27, 2007 from 10:30 a.m.–12:30 p.m. in Dirksen 106 for the purpose of conducting a hearing on the relationship between doctors and the drug industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION SAFETY, INFRASTRUCTURE SECURITY, AND WATER QUALITY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality be authorized to meet during the session of the Senate on Wednesday, June 27, 2007 at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, ''Protecting Water Quality at America's Beaches.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that two members of my staff, Jared Najvar and Crystal Y'Barbo, be given the privilege of the floor through July 1, 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. I ask unanimous consent that my staffers, Neal Higgins and Matt Nosanchuk, be allowed to stay on the floor of the Senate throughout the duration of the debate over S. 1639, the immigration bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENDING TRANSITIONAL MEDICAL ASSISTANCE AND THE ABSTINENCE EDUCATION PROGRAM

Mr. REID. I ask unanimous consent the Senate proceed to S. 1701.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1701) to provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1701) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1701

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

SECTION 1. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM THROUGH THE END OF FISCAL YEAR 2007.

Section 401 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432) is amended—

(1) by striking ''June 30'' and inserting ''September 30''; and

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

SEC. 2. SUNSET OF THE LIMITED CONTINUOUS ENROLLMENT PROVISION FOR CERTAIN BENEFICIARIES UNDER THE MEDICARE ADVANTAGE PROGRAM.

Section 1851(e)(2)(E) of the Social Security Act (42 U.S.C. 1395w–21(e)(2)(E)), as added by section 206(a) of division B of the Tax Relief and Health Care Act of 2006, is amended—

(1) in clause (i), by striking ''2007 or 2008'' and inserting ''the period beginning on January 1, 2007, and ending on July 31, 2007,''; and

(2) in clause (iii)—

(A) in the heading, by striking ''YEAR'' and inserting ''THE APPLICABLE PERIOD''; and

(B) by striking ''the year'' and inserting ''the period described in such clause''.

SEC. 3. OFFSETTING ADJUSTMENT IN MEDICARE ADVANTAGE STABILIZATION FUND.

Section 1858(e)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w–27a(e)(2)(A)(i)), as amended by 301 of division B of the Tax Relief and Health Care Act of 2006, is amended by striking ''the Fund during the period'' and all that follows and inserting ''the Fund—

''(I) during 2012, $1,600,000,000; and

''(II) during 2013, 1,790,000,000.''.

Mr. REID. I compliment Senators BAUCUS and GRASSLEY for getting this done. We were running out of time.

COMMENDING THE OREGON STATE UNIVERSITY BASEBALL TEAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 259, 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. 259) commending the Oregon State University baseball team for winning the 2007 College World Series.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WYDEN. Mr. President, just about a year ago, Senator SMITH and I came down to the floor of the Senate to take a few moments to talk about the Oregon State University baseball team, which had just won its first College World Series national championship out in Omaha, NE.

I can't tell you how happy I am to be standing here on the floor of the Senate 1 year later to applaud the team's defense of that title.

This is a tough, determined baseball team. When most folks counted them out, they didn't give up. After finishing 6th in the Pac–10, they squeaked their way into the post-season and never looked back.

On the road and at home, the Oregon State squad was virtually unstoppable, winning their last 10 games. In fact, the team trailed in just one of the 45 innings it played in Omaha and it was the first team to ever win 4 College World Series games by 6 or more runs.

The Beavers are the first back-to-back champions since Louisiana State University accomplished the feat back in 1996–97 and the first ''cold-weather'' state repeat champions ever.

It is a proud day for the players and coaches on the Oregon State team. It is a proud day for the University. And it is a proud day for all Oregonians.

Today, with Senator SMITH as my cosponsor, I have therefore submitted a resolution commending the Oregon State University baseball team for winning the 2007 College World Series.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 259) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 259

Whereas on June 24, 2007, the Oregon State University baseball team won the 2007 College World Series in Omaha, Nebraska after defeating California State University, Fullerton by a score of 3 to 2; Arizona State University by a score of 12 to 6; University of California, Irvine by a score of 7 to 1; and the University of North Carolina at Chapel Hill in the championship by scores of 11 to 4 and 9 to 3;

Whereas this is the second consecutive College World Series championship Oregon State University has won, making the University the first repeat College World Series champion in a decade;

Whereas the success of the team was a direct result of the skill, intensity, and resolve of every player on the Oregon State University baseball team, including 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;

Whereas freshman pitcher Jorge Reyes was recognized as the Most Outstanding Player of the 2007 College World Series tournament;

Whereas Darwin Barney, Mitch Canham, Mike Lissman, Jorge Reyes, Scott Santschi, and Joey Wong were named to the 2007 All-College World Series tournament team; and

Whereas the 2007 College World Series victory of the Oregon State University baseball team ended a terrific season in which the team compiled a record of 49 wins to 18 losses: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Oregon State University baseball team, Head Coach Pat Casey and his coaching staff, Athletic Director Bob DeCarolis, and Oregon State University President Edward John Ray on their tremendous accomplishment in defending their 2007 College World Series championship title; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the President of Oregon State University.

REQUEST FOR THE RETURN OF PAPERS—S. 1612

Mr. REID. Mr. President, I ask unanimous consent the Senate request the return of papers on the bill S. 1612 from the House of Representatives. I further ask consent that upon compliance with this request, the Secretary of the Senate be authorized to make corrections in the engrossment of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, I ask unanimous consent the Senate stand adjourned following the remarks, for 28 minutes or thereabouts, or however much time the distinguished Senator from Alabama has left under the order before this body. When he finishes, we would adjourn.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, reserving the right to object, what is the plan for debate time in the morning prior to the cloture vote? I have been involved in the debate and would like to be involved in having some opportunity to speak in the morning prior to the vote, if that would be appropriate.

Mr. REID. I would say through the Chair, the time is equally divided between Senator KENNEDY and Senator SPECTER. Whatever time the Senator would request, I am sure one of those Senators might yield him time.

Mr. SESSIONS. How does that happen when they both agree on this bill?

Mr. REID. As I understand it, it is automatic, an hour before cloture.

Mr. SESSIONS. They both agreed. That is the problem. Is there any time set aside for the opposition?

Mr. REID. I think the Senator raises a valid point there. It is for the proponents of the resolution.

Mr. SESSIONS. I ask for 10 minutes.

Mr. REID. I ask unanimous consent out of Senator SPECTER's time and Senator KENNEDY's time, you have 10 minutes. How is that?

Mr. SESSIONS. That will be fine.

Mr. REID. Mr. President, if we wait, we are going to check to see if time has been allocated yet.

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.

Mr. REID. Mr. President, what I had requested is that the Senator from Alabama would be recognized for 10 minutes; five minutes would come from the time of Senator KENNEDY, 5 minutes from that of Senator SPECTER, and I would further say the last 20 minutes of the debate wouldn't count against any of this time. The first 10 minutes would be for Senator MCCONNELL, if he so chooses and, if I so choose, I would have the last 10 minutes, right before the vote. That is additional time. That doesn't count against the time we have allocated here earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, is it now appropriate that I utilize a few of the minutes I have remaining—I am not going to use them all—before we adjourn? Is that what we agreed to?

The PRESIDING OFFICER. The Senator has 28 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 28 minutes.

Mr. SESSIONS. Mr. President, this has been a very important day, a day that was pretty contentious. The procedural mechanism that the Majority Leader had invoked to control the debate in the Senate had its wheels come off today. The plan by the group, the grand bargainers and the leadership, was to push through a controlled series of 27 or so amendments today. The plan was to vote on this controlled group of hand picked amendments, mostly by motions to table, today. Had they voted on all of these amendments today we would have heard claims about the full and fair amendment process that had taken place this week—even though it was all just a show—no amendment would have gotten a vote unless the Majority Leader had approved it. My amendments, Senator CORNYN's amendments, and amendments by Senators DOLE, VITTER, COBURN, and DEMINT would not have gotten votes.

Well, the Baucus amendment was part of their plan but a surprise happened, it was not tabled. As a result, that amendment remained alive and the majority leader had the plan that had been so carefully constructed, almost to the degree of the Normandy invasion, come to a halt. So we are now no longer voting and debating tonight. But we will be getting ready for a key vote in the morning. So I would say to anyone who might be listening, tomorrow morning is a very important vote. I believe a number of Senators who voted yesterday to move forward on this bill, some of the 64 who did, may not be for the legislation tomorrow.

I firmly believe that as the legislation and debate has gone along this week, more people have seen the fatal flaws that are in the legislation. I think we are going to see an erosion of the support tomorrow. I would say to my colleagues, let's end this tomorrow. Let's have this bill come down tomorrow. Let's not invoke cloture. Let's not continue to move forward on this bill because the legislation cannot be fixed in its present form.

I have had some people ask me, JEFF, why can't you compromise on this legislation? Why can't a compromise be reached? Well, I would just say that if you are trying to fix a leaky bucket, you can't compromise to fix the bucket by fixing four holes in the bucket and leaving six more holes in the bucket. Under that compromise, all of the water is still going to leak out.

The problem with the immigration bill currently before the Senate, and I have seen this problem repeatedly in the immigration realm, is that when we come up with provisions and concepts that would actually work, ones that would restore lawfulness to the immigration system, we pull back, we compromise too much. In my own mind, it has been like trying to jump across a 10-foot cavern, but only jumping 9 feet. You still fall to the bottom. You do not get across, you do not achieve your goal.

Until we complete some of the currently inadequate enforcement provisions, until we draft a bill that will create a legal system that will actually work, compromising about this or that matter is not going to amount to much.

The bill, I do believe, as I have indicated before, is only going to reduce illegal immigration by a net 13 percent over the next 20 years. That number comes straight from the Congressional Budget Office Cost Estimate on this bill, which they released June 4th, I did not make it up. Our own Congressional Budget Office, has told the Senate that we can expect to have an additional 8.7 million people illegally in our country after this bill becomes law.

That is not what we had been promised by the grand bargainers that brought this bill back to the floor. That is not what they are claiming will happen. They have promised us that this bill will secure the border. I assume that they mean they believe this bill will end illegal immigration. Well, it just simply will not secure the border and end or even substantially reduce illegal immigration. The Congressional Budget Office has told us it will not. In the beginning, I analyzed the bill and my staff worked on it, and we did not believe it would be an effective enforcement mechanism. The Congressional Budget Office has now also concluded that the bill will not fulfil the

enforcement promises being made on the floor of this Senate.

I will note again that the Association of Retired Border Patrol Agents roundly criticized the legislation. Two former chiefs of the Border Patrol of the United States, one of them under President Bush, one under President Reagan, have strongly and totally condemned the legislation.

The current Association of Border Patrol Officers opposes the legislation. The former Assistant Attorney General, Kris Kobach, who served in the as counsel to Attorney General Ashcroft on issues dealing with immigration and national security says this bill will not make us safer but will make us less safe. So does Mr. Cutler, a former INS agent of many years of experience. He is worried that we will be issuing U.S. government identities to people who we have no idea who they really are.

So, bottom line, the bill is not going to do what supporters are promising it will do. Those of us who were not in the little group of grand bargainers certainly have no responsibility to affirm the deal they may have reached, especially if we know that it is not going to work.

If the bill before us was a good piece of legislation and it solved the problems it claims to solve, then maybe we would just have to hold our noses and live with this sort of secret pressure that our good friends, the masters of the universe, have put on us by meeting and writing up a bill and telling us we have to take it or leave it. They tell us they will only allow a few little amendments, but anything that goes to the core of the legislation we will not allow you to change. They tell us they are all going to stick together and vote against it amendments that offer any real changes to the deal.

I have had members of the group say to me, and I find this very disturbing: Well, JEFF, that is a pretty good amendment you have, but it changes what we agreed on. I might agree with your amendment, but I cannot support your amendment. That is a rather unusual way to do business on the floor of the Senate, it is not a way of doing business that should make us proud, not one that is worthy of a matter of this importance.

Constituents all across the country are opposed to this legislation. I think I earlier said 20 percent support it. I think more accurately it is 22 percent that support this legislation. According to the latest Rasmussen poll, there has been a continual drop in support for the last 3 consecutive weeks in the tracking they have been doing.

Twice as many said they prefer no legislation at all to the bill that is before us today. We have been told by our colleagues promoting this legislation, that the only way to get the enforcement we want, is to vote for this legislation. Well, I don't think that all enforcement items should be held hostage to amnesty, and I have just explained why the enforcement they promise is not going to work.

The bill does have some concepts that are fairly significant. For example, the idea that people get legal status in the form of the probationary benefits visa a mere 24 hours after filing an amnesty application is very significant. These are legal documents we will be giving them, a certification that a person is in our country legally. It can then be utilized to get a state driver's license, a Social Security card, and those kind of things.

So the only thing that is going to be done before people are given this document just 24 hours after filing an application is a cursory background check. I submit to my colleagues that a full background check can not possibly be performed within 24 hours. The only way an amnesty application will not get legal status in 24 hours is if they had been arrested and fingerprinted somewhere in the country, and their fingerprints have been put into the national fingerprint index. That is really the only thing that will disqualify them within that 24 hour period.

But I wish my colleagues would think back to 9/11. Several of the 9/11 hijackers were stopped by state and local police at various times prior to 9/11 for speeding or such and each time they were let go by local law enforcement. Local law enforcement was now aware that some of them were here illegally. In the future, all of these 12 million would be given an identification document that would give them legal status, so, in fact, their position would be enhanced to an even greater status than the 9/11 hijackers. They would have U.S. government issued identification and a driver's license. They could travel the whole country with freedom under these documents.

So Mr. Kris Kobach and Mr. Mike Cutler and others have written op-eds and editorials that point out that this could be a tremendous advantage for terrorists, not a disadvantage.

These are complex issues. I think it would be better if our wise colleagues had invited somebody like Mr. Kobach, who is a professor of law now, a former Assistant Attorney General, to speak on these issues. Maybe they should have sought his opinion instead of the special interests they were listening to when they cobbled together this political deal.

Maybe they would have been better off if they asked some of experts, such as the former chairmen of the Border Patrol, what they thought, or the present head of the Border Patrol Association.

SO, the question is, what do we need to do now? The first thing we need to do is take this bill off the agenda tomorrow by defeating the cloture motion. Let's just end this agony, please. Let's not continue down this path. Let's say: No, it is time to pay a decent respect to the opinions of our constituents. They do not like this. Let's respect them. Let's acknowledge that independent experts say this bill will not work. This is not just the opinions of some radio talk show hosts, as I have heard my colleagues talking about this week, but we have independent experts saying it will not work. I will just observe that the radio talk show hosts know more about the bill than most of the Senators do, if you want to know the truth.

But at any rate, this is where we are. I think we ought to come down with it. We should probably follow what the people have suggested in the polling data that I saw. The American people would favor incremental steps emphasizing enforcement. There are some things that we could do to achieve what the American people want. I suggest that if we can come up with a credible enforcement mechanism—and we can—then we need to enact it. Then we can begin to talk about the future flow in immigration levels. I don't think most people know—I am not sure most Senators have fully understood—this bill over the next 20 years will double the number of people given green cards, legal permanent residence in America. It will double the current numbers. It has only a 13-percent reduction in the 500,000 or so who come illegally every year. Remember, it was last year when we arrested 1 million people coming into our country illegally. What kind of system is this when our Border Patrol agents are out there working their hearts out and risking their lives to arrest a million people and we want to give immigration benefits for those that snuck past our agents?

That type of immigration system does not work. The way to make it work is for this Nation to state with crystal clarity that our border is not open anymore. Don't bother to try to illegally cross our border. People are coming from all over the world, not just Mexico, to sneak across the Mexican border, because it is wide open in their thoughts and it has been easier to get into the United States that way. It is not that difficult to create the reality that it is not open, and people will not spend their money trying to go through deserts and so forth to get into this country if the word gets out that it is no longer possible to be successful at it. That is what we need to do, reach that tipping point. We could see a big drop in the flow of illegal immigrants into our country. Then we could focus on a compassionate solution to those who have been here for a long time, who have children and families and have jobs and solid ties to our country. But the legislation before us today moved the date by which you could make claim for legal status from January of 2004 to January of 2007. Basically, no illegal alien is left behind; everybody is going to be a participant in this deal. I was stunned at that. Senator WEBB offered an excellent amendment today on that point to say it ought to go back 4 years. Why would we do that? The reason that is important is because we made an announcement that we were going to close the

border down. The President said so. He looked the American people in the eye and said we were going to do this. He called out the National Guard last year, and the National Guard has been at the border, I guess, now over a year.

This bill would say, if you got past the National Guard before last December 31, then you are in the pot. And the argument that I have heard is that we need to do something about the people who have been here for a long time. They have children. They are deeply embedded in the communities. We can't ask them to leave. But what about a person who ran past the National Guard last December? How can that person be deeply embedded in our society after sneaking in after we have said that the border is no longer open? What do you tell our Border Patrol officers when they are out there trying to enforce the law and somebody just got past them last November and now they are free and on the path to receiving some type of permanent status? Congress just says: Forget it, those who snuck past the border six months ago are going to be given a legal status and a path to citizenship.

These concerns should not be lightly dealt with. Politicians can meet and plot and think, but you have to remember what we are doing here. This is a great nation. A great nation creates laws. That nation should see that those laws are enforced and followed through effectively. If the laws are not enforced then that nation loses respect. Its law officers lose respect. Instead, people who are inclined to violate laws are encouraged. Clearly, the nation will have more violations if that nation doesn't enforce the laws it passed. The bottom line is that this bill evidences a lack of commitment to make sure that the system that is getting established will work any better than the old one. So if we are not able to establish with confidence and clarity and conviction a new system of immigration that we intend to enforce, what is the point of legislating another immigration bill that won't achieve those goals?

But the American people aren't ready to quit. If any Senator doubts that, I suggest they sit at their front desk a while and answer the phone. That is the deal. We need as a nation to make a decision, are we going to create a lawful system of immigration or not? That is the question. This bill answers it in the negative. This bill is not going to create a legal system. To pass it is one more indication of our lack of will and commitment. It will breed cynicism and unhappiness among our constituents.

I thank the Chair for its patience allowing me to wrap up. I do believe the last vote on the Baucus amendment that did not table the amendment sent a signal that Senators are frustrated and uneasy about this process. I do believe more and more Senators, some of whom voted for cloture just yesterday, may not vote for cloture tomorrow.

I urge my colleagues not to worry. The issue is not going away. We have had it going since 1986. Just because this grand compromise by the grand compromisers didn't work does not mean we don't have a problem that needs to be fixed. But next time let's make sure we do it right for our country.

I thank the Chair and yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER (Mr. SALAZAR). Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 8:10 p.m., adjourned until Thursday, June 28, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 27, 2007:

DEPARTMENT OF STATE

GEORGE A. KROL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TURKMENISTAN.

FEDERAL EMERGENCY MANAGEMENT AGENCY

W. ROSS ASHLEY, III, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION)

EXECUTIVE OFFICE OF THE PRESIDENT

SCOTT M. BURNS, OF UTAH, TO BE DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY, VICE MARY ANN SOLBERG, RESIGNED.

THE JUDICIARY

REED CHARLES O'CONNOR, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS, VICE A. JOE FISH, RETIRING.

EXTENSIONS OF REMARKS

RECOGNIZING JOHN NICOLAS TREMPER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize John Nicholas Tremper, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 447, and in earning the most prestigious award of Eagle Scout.

John has been very active with his troop, participating in many Scout activities. Over the years John has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending John Nicholas Tremper for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RETIREMENT OF PERRY HIGH SCHOOL TEACHER DALE SCHUMACHER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Mr. Dale Schumacher, a wood working, automotive, and metal working teacher at Perry High School in Perry, Iowa, and to express my appreciation for his dedication and commitment to the youth of Iowa.

For the last 42 years, Dale has contributed his time and his talents to the betterment of so many young adults and for this I offer him my utmost congratulations and thanks. Dale has had a large impact on shaping the lives of his students.

One of Dale's favorite things about teaching at Perry High School was serving as a sponsor to the TSA Skills program. In the 42 years since its inception, the Perry High School TSA team has never failed to qualify for nationals, thanks in large part to the guidance of Dale Schumacher. He especially enjoyed the program because it gave students a chance to show off the skills they learned in the classroom.

Dale has made a significant impact on students throughout his illustrious career and for that I express my most sincere gratitude, His leadership will be missed, but the footprint he leaves will inspire many to dream big, reach high, and achieve great things.

I consider it an honor to represent Dale Schumacher in Congress, and I wish him and his wife Alice a long, happy and healthy retirement.

PERSONAL EXPLANATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. SIMPSON. Madam Speaker, on rollcall No. 549, passage of H. Res. 189, expressing the sense of the House of Representatives that a "Welcome Home Vietnam Veterans Day" should be established, I was unavoidably detained and unable to vote. Had I been present, I would have voted "yea."

INTRODUCTION OF APHASIA AWARENESS RESOLUTION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. MARKEY. Madam Speaker, I rise to introduce legislation to support the goals of National Aphasia Awareness Month

Aphasia is a disease that causes the loss of the ability to produce and/or comprehend language it can also impair a person's ability to read and write. Each case is different depending on the severity of the stroke or brain trauma and definitely does not affect everyone is the same way. This condition is a result of damage to the left hemisphere of the brain. The main cause of aphasia is stroke. Strokes are the third leading cause of death and disability in the United States today and their affects are felt not only by the victim but also by the victim's family and friends. Other causes of aphasia include blows to the head, gun shot wounds, and brain tumors.

Currently there is research being done on how to help people with Aphasia enjoy a better quality of life. Aphasia does not cause any kind of disability in thinking or learning but in the comprehension of things that are said and how to respond to people. People who suffer from aphasia are able to function in every day life, but they need assistance and attention. Moreover, further research is needed to improve our understanding of how to identify the risk factors that cause aphasia, prevent the occurrence of aphasia and improve the ability to function of those with the disease.

There are currently about one million cases of aphasia in the United States, and about 80,000 people are afflicted with the disease every year. By working with vocational specialists, speech-language pathologists and family and friends, many of those with aphasia may be able to obtain some sense of normalcy and regain some of their skills. I am introducing this resolution to support the goals of National Aphasia Awareness Month with the hope that it will bring more attention to this disease and give a voice to those who suffer from Aphasia who often cannot speak for themselves. This resolution recognizes June 2007 as National Aphasia Awareness Month in hopes of giving more attention to this illness and in hopes that more recognition will highlight the importance of research and compassion to the daily struggle faced by those affected by Aphasia.

RECOGNIZING CORBIN ALEXANDER GAUERT FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Corbin Alexander Gauert, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 447, and in earning the most prestigious award of Eagle Scout.

Corbin has been very active with his troop, participating in many Scout activities. Over the years Corbin has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Corbin Alexander Gauert for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

ACKNOWLEDGEMENT OF RAYMOND ROPER AND EDITH SMITH

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. LATHAM. Madam Speaker, I rise to recognize the city of Churdan, located in Greene County, in Iowa's 4th Congressional District, which will celebrate its 125th birthday with a celebration and parade from June 29th through July 1st. I also rise to recognize two of my constituents, Raymond Roper and Edith Smith, who were recently announced king and queen of the Churdan quasquicentennial.

Mr. Roper received a Purple Heart for his service to the Nation in World War II. He is also a lifelong farmer whose dedication and commitment to his community inspires all of Churdan. In 1981, Raymond started the Avenue of Flags, which fly in both the Highland Township and St. Patrick cemeteries on Memorial Day and has been the supervisor of that project ever since. In 2003, Raymond received the Iowa High School Athletic Association's service award for 45 years of public address announcing four sports at Paton-Churdan High School.

Ms. Smith has been active in community activities throughout her life and is a longtime member of the Twentieth Century Club. Edith dedicated 32 years of her life to the Churdan

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Post Office where she helped countless people. After she retired, she managed a dress shop for many years. Most recently, Edith was runner-up in the 2007 Greene County bridge marathon at age 91.

Both Raymond Roper and Edith Smith have helped make Churdan and Greene County a better place through their selfless dedication to community service. Many people owe their success in life to the inspiration they both embody.

I consider it an honor to represent Raymond Roper and Edith Smith in Congress, and again I congratulate the city of Churdan on its 125th birthday celebration.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 28, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 9

2:30 p.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To continue hearings to examine excessive speculation in the natural gas market.

SD–342

JULY 10

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine community services and support, focusing on planning across the generation.

SD–106

JULY 11

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine United States weather and environmental satellites, focusing on their readiness for the 21st century.

SR–253

Judiciary

To continue hearings to examine the Department of Justice politicizing the hiring and firing of United States Attorneys, focusing on preserving prosecutorial independence (Part VI).

SD–226

JULY 17

2:30 p.m.

Veterans' Affairs

To hold an oversight hearing to examine Department of Veterans Affairs and Department of Defense education issues.

SD–562

JULY 18

10 a.m.

Judiciary

To continue oversight hearings to examine the Department of Justice.

SH–216

JULY 25

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine Department of Veterans Affairs health care funding.

SD–562

Daily Digest

HIGHLIGHTS

The House passed H.R. 2643, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008.

Senate

Chamber Action

Routine Proceedings, pages S8523–S8640

Measures Introduced: Twenty-two bills and two resolutions were introduced, as follows: S. 1701–1722, and S. Res. 258–259. **Pages S8610–11**

Measures Reported:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2007". (S. Rept. No. 110–108)

S. 1710, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008. (S. Rept. No. 110–107)

S. 966, to enable the Department of State to respond to a critical shortage of passport processing personnel, with an amendment in the nature of a substitute. (S. Rept. No. 110–109) **Page S8607**

Measures Passed:

First Higher Education Extension Act of 1965: Senate passed S. 1704, to temporarily extend the programs under the Higher Education Act of 1965. **Page S8573**

Transitional Medical Assistance and Abstinence Education Program Extension: Senate passed S. 1701, to provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007. **Page S8637**

Commending Oregon State University Baseball Team: Senate agreed to S. Res. 259, commending the Oregon State University baseball team for winning the 2007 College World Series. **Pages S8637–38**

Comprehensive Immigration Reform: Senate continued consideration of S. 1639, to provide for comprehensive immigration reform, taking action on the following amendment proposed thereto: **Pages S8526, S8532–73, S8579–99**

Rejected:

Division I of Reid (for Kennedy/Specter) Modified Amendment No. 1934, (By 53 yeas to 45 nays (Vote No. 229), Senate tabled the amendment.) **Page S8571**

Division II of Reid (for Kennedy/Specter) Modified Amendment No. 1934, (By 79 yeas to 18 nays (Vote No. 230), Senate tabled the amendment.) **Pages S8572–73**

Division III of Reid (for Kennedy/Specter) Modified Amendment No. 1934, (By 56 yeas to 41 nays (Vote No. 231), Senate tabled the amendment.) **Pages S8579–85**

Division IV of Reid (for Kennedy/Specter) Modified Amendment No. 1934, (By 56 yeas to 41 nays (Vote No. 232), Senate tabled the amendment.) **Pages S8585–87**

Division VI of Reid (for Kennedy/Specter) Modified Amendment No. 1934, (By 55 yeas to 40 nays (Vote No. 233), Senate tabled the amendment.) **Pages S8587–88**

Withdrawn:

Division V of Reid (for Kennedy/Specter) Modified Amendment No. 1934. **Page S8587**

Pending:

Reid (for Kennedy/Specter) Modified Amendment No. 1934, of a perfecting nature. **Pages S8526, S8534–70**

Division VII of Reid (for Kennedy/Specter) Modified Amendment No. 1934, (By 45 yeas to 52 nays (Vote No. 234), Senate earlier failed to table the amendment.) **Pages S8588–96**

Division VIII of Reid (for Kennedy/Specter) Modified Amendment No. 1934.

Division IX of Reid (for Kennedy/Specter) Modified Amendment No. 1934.

Division X of Reid (for Kennedy/Specter) Modified Amendment No. 1934.

Division XI of Reid (for Kennedy/Specter) Modified Amendment No. 1934.

Division XII of Reid (for Kennedy/Specter) Modified Amendment No. 1934.

Division XIII of Reid (for Kennedy/Specter) Modified Amendment No. 1934.

Division XIV of Reid (for Kennedy/Specter) Modified Amendment No. 1934.

Division XV of Reid (for Kennedy/Specter) Modified Amendment No. 1934.

Division XVI of Reid (for Kennedy/Specter) Modified Amendment No. 1934.

Division XVII of Reid (for Kennedy/Specter) Modified Amendment No. 1934.

Division XVIII of Reid (for Kennedy/Specter) Modified Amendment No. 1934.

Division XIX of Reid (for Kennedy/Specter) Modified Amendment No. 1934.

Division XX of Reid (for Kennedy/Specter) Modified Amendment No. 1934.

Division XXI of Reid (for Kennedy/Specter) Modified Amendment No. 1934.

Division XXII of Reid (for Kennedy/Specter) Modified Amendment No. 1934.

Division XXIII of Reid (for Kennedy/Specter) Modified Amendment No. 1934.

Division XXIV of Reid (for Kennedy/Specter) Modified Amendment No. 1934.

Division XXV of Reid (for Kennedy/Specter) Modified Amendment No. 1934.

Division XXVI of Reid (for Kennedy/Specter) Modified Amendment No. 1934.

Division XXVII of Reid (for Kennedy/Specter) Modified Amendment No. 1934.

Kennedy Amendment No. 1978 (to Division VII of Reid (for Kennedy/Specter) Modified Amendment No. 1934), to change the enactment date.

Pages S8597–99

During consideration of this measure today, the Senate also took the following action:

The following amendments fell when their respective Divisions were tabled:

Feinstein Amendment No. 1957 (to Division I of Reid (for Kennedy/Specter) Modified Amendment No. 1934), to change the enactment date.

Pages S8570–71

Specter Amendment No. 1958 (to Division II of Reid (for Kennedy/Specter) Modified Amendment No. 1934), to change the enactment date.

Pages S8571–72

A unanimous-consent-time agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Thursday, June 28, 2007; that there be one hour, equally divided and controlled for debate only between Senator Kennedy and Senator Specter, or their designees; that Senate vote on the motion to invoke on the bill; provided further, that Senators be authorized to file germane second-degree amendments until 10 a.m. **Page S8599**

National Defense Authorization Act—Cloture: Senate began consideration of the motion to proceed to consideration of H.R. 1585, 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. **Pages S8601–02**

A motion was entered to close further debate on the motion to proceed to consideration of 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 Friday, June 29, 2007. **Page S8602**

Subsequently, the motion to proceed was withdrawn.

International Emergency Economic Powers Enhancement Act—Agreement: A unanimous-consent agreement was reached providing that the Senate request the return of the papers on S. 1612, to amend the penalty provisions in the International Emergency Economic Powers Act, from the House of Representatives; provided further, that upon the compliance of the request, the Secretary of the Senate be authorized to make corrections in the engrossment of the bill. **Page S8638**

Nominations Received: Senate received the following nominations:

George A. Krol, of New Jersey, to be Ambassador to Turkmenistan.

W. Ross Ashley, III, of Virginia, to be an Assistant Administrator of the Federal Emergency Management Agency, Department of Homeland Security.

Scott M. Burns, of Utah, to be Deputy Director of National Drug Control Policy.

Reed Charles O'Connor, of Texas, to be United States District Judge for the Northern District of Texas. **Page S8640**

Executive Reports of Committees: **Pages S8607–10**

Additional Cosponsors: **Pages S8611–13**

Statements on Introduced Bills/Resolutions: **Pages S8613–21**

Additional Statements: **Pages S8604–07**

Amendments Submitted: **Pages S8622–31**

Notices of Intent: **Pages S8631–36**

Authorities for Committees to Meet: **Pages S8636–37**

Privileges of the Floor: **Page S8637**

Record Votes: Six record votes were taken today. (Total—234) **Pages S8571, S8573, S8584–85, S8587, S8588, S8596**

Adjournment: Senate convened at 10 a.m. and adjourned at 8:10 p.m., until 9:30 a.m. on Thursday, June 28, 2007. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8599.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the nominations of Jill E. Sommers, of Kansas, who was introduced by Senator Roberts, and Bartholomew H. Chilton, of Delaware, each to be a Commissioner of the Commodity Futures Trading Commission, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following:

S. 704, to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, with an amendment in the nature of a substitute;

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 Nino events, and other natural hazards, to enhance homeland security, to support maritime operations, to improve management of coastal and marine resources; with an amendment in the nature of a substitute;

S. 1650, to establish a digital and wireless network technology program, with amendments;

S. 1661, to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad, with amendments; and

Certain promotion lists in the United States Coast Guard.

NORTHWESTERN NEW MEXICO RURAL WATER PROJECTS ACT

Committee on Energy and Natural Resources: Committee concluded a hearing 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, after receiving testimony from Robert Johnson, Commissioner, Bureau of Reclamation, and Carl Artman, Assistant Secretary for Indian Affairs, both of the Department of the Interior; New Mexico State Representative Patricia A. Lundstrom, Gallup, on behalf of Northwest New Mexico Council of Governments; John R. D'Antonio, Jr., New Mexico State Engineer, Santa Fe; Herbert R. Guenther, Arizona Department of Water Resources, Phoenix; Mark Sanchez, Albuquerque Bernalillo County Water Utility Authority, Albuquerque, New Mexico; and Joe Shirley, Jr., Navajo Nation, Window Rock, Arizona.

WATER QUALITY

Committee on Environment and Public Works: Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality to examine protecting water quality at America's beaches, focusing on the implementation of the BEACH Act (Public Law 106–284), including the extent to which EPA has implemented the Act's provisions, EPA's BEACH Act grant allocation formula, and the experiences of the Great Lakes states in developing and implementing beach monitoring and notification programs using their grant funds, after receiving testimony from Representatives Pallone and Bilbray; Benjamin H. Grumbles, Assistant Administrator for Water, Environmental Protection Agency; Anu K. Mittal, Director, Natural Resources and Environment, Government Accountability Office; Cindy Zipf, Clean Ocean Action, Sandy Hook, New Jersey; Carlton Dufrechou, Lake Pontchartrain Basin Foundation, Metairie, Louisiana; and Mara Dias, Surfrider Foundation, East Hampton, New York.

STEALTH TAX

Committee on Finance: Committee concluded a hearing to examine the Alternative Minimum TAX (AMT), focusing on middle-class taxpayers and possible reforms of the AMT, after receiving testimony from Frank Degen, National Association of Enrolled Agents, Setauket, New York; Leonard E. Burman, Urban Institute Tax Policy Center, and Kevin A. Hassett, American Enterprise Institute, both of Washington, D.C.; and Michael J. Graetz, Yale Law School, New Haven, Connecticut.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following:

S. 392, to ensure payment of United States assessments for United Nations peacekeeping operations for the 2005 through 2008 time period;

S. 966, to enable the Department of State to respond to a critical shortage of passport processing personnel, with an amendment in the nature of a substitute;

S. 1138, to enhance nuclear safeguards and to provide assurances of nuclear fuel supply to countries that forgo certain fuel cycle activities;

S. 1500, to support democracy and human rights in Zimbabwe;

S. 1565, to provide for the transfer of naval vessels to certain foreign recipients;

S. 1687, to provide for global pathogen surveillance and response;

S. 1698, 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, with an amendment;

S. Res. 203, 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, with an amendment in the nature of a substitute;

S. Res. 253, expressing the sense of the Senate that the establishment of a Museum of the History of American Diplomacy through private donations is a worthy endeavor;

H. Con. Res. 7, calling on the League of Arab States to acknowledge the genocide in the Darfur region of Sudan and to step up their efforts to stop the genocide in Darfur, with an amendment; and

The nominations of Reuben Jeffery III, of the District of Columbia, to be United States Alternate Governor of the International Bank for Reconstruction and Development, James R. Kunder, of Virginia, to be Deputy Administrator of the United States Agency for International Development, June Carter Perry, of the District of Columbia, to be Ambassador to the Republic of Sierra Leone, Wanda L. Nesbitt, of Pennsylvania, to be Ambassador to the Republic of Cote D'Ivoire, Frederick B. Cook, of Florida, to be Ambassador to the Central African Republic, Robert B. Nolan, of Virginia, to be Ambassador to the Kingdom of Lesotho, Maurice S. Parker, of California, to be Ambassador to the Kingdom of Swaziland, William John Garvelink, of Michigan, to be Ambassador to the Democratic Republic of the Congo, William R. Brownfield, of Texas, to be Ambassador to the Republic of Colombia, Peter Michael McKinley, of Virginia, to be Ambassador to the Republic of Peru, Patrick Dennis Duddy, of Maine, to be Ambassador to the Bolivarian Republic of Venezuela, Anne Woods Patterson, of Virginia, to be Ambassador to the Islamic Republic of Pakistan, Nancy J. Powell, of Iowa, to be Ambassador to Nepal, Joseph Adam Ereli, of the District of Columbia, to be Ambassador to the Kingdom of Bahrain, Richard Boyce Norland, of Iowa, to be Ambassador to the Republic of Uzbekistan, Stephen A. Seche, of Virginia, to be Ambassador to the Republic of Yemen, John L. Withers II, of Maryland, to be Ambassador to the Republic of Albania, Charles Lewis English, of New York, to be Ambassador to Bosnia and Herzegovina, Cameron Munter, of California, to be Ambassador to the Republic of Serbia, Roderick W. Moore, of Rhode Island, to be Ambassador to the Republic of Montenegro, J. Christian Kennedy, of Indiana, for the rank of Ambassador during his tenure of service as Special Envoy for Holocaust Issues, Hector E. Morales, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2010, and promotion lists in the Foreign Service dated May 7, 2007, and May 22, 2007.

VIOLENT ISLAMIST EXTREMISM

Committee on Homeland Security and Governmental Affairs: Committee concluded hearings to examine violent Islamist extremism, focusing on the European experience, after receiving testimony from Jean-Louis Bruguiere, Investigating Magistrate, Paris, France; Lidewijde Ongering, Deputy National Coordinator for Counterterrorism, The Hague, Netherlands; Marc Sageman, Sageman Consulting, LLC, Rockville, Maryland; and Lynn M. Martin, former Secretary of Labor, and Farooq Kathwari, Ethan Allen Interiors Inc., both of Chicago, Illinois, both on behalf of the Chicago Council on Global Affairs.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following:

S. 1695, 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, with an amendment in the nature of a substitute;

S. 1693, 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, with an amendment in the nature of a substitute;

S. 793, to provide for the expansion and improvement of traumatic brain injury programs;

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, with an amendment; and

The nominations of Stan Z. Soloway, of the District of Columbia, and Richard Allan Hill , of Montana, and James Palmer, of California, each to be a

Member of the Board of Directors of the Corporation for National and Community Service.

OVERSIGHT OF THE FEDERAL DEATH PENALTY

Committee on the Judiciary: Subcommittee on the Constitution concluded an oversight hearing to examine the Department of Justice's implementation of federal death penalty statutes, after receiving testimony from Barry M. Sabin, Deputy Assistant Attorney General, Criminal Division, Department of Justice; Roberto J. Sanchez Ramos, Secretary of Justice of the Commonwealth of Puerto Rico, San Juan; Paul K. Charlton, former United States Attorney, Phoenix, Arizona; William Otis, former Chief of the Appellate Division, United States Attorney's Office, Falls Church, Virginia; David I. Bruck, Washington and Lee School of Law, Lexington, Virginia; and David B. Muhlhausen, Heritage Foundation Center for Data Analysis, and Hilary O. Shelton, National Association for the Advancement of Colored People, both of Washington, D.C.

BUSINESS MEETING

Committee on Veterans' Affairs: Committee ordered favorably reported the following:

S. 423, to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans;

S. 1163, to amend title 38, United States Code, to improve compensation and specially adapted housing for veterans in certain cases of impairment of vision involving both eyes, and to provide for the use of the National Directory of New Hires for income verification purposes;

S. 479, to reduce the incidence of suicide among veterans;

S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, with amendments;

S. 1233, to provide and enhance intervention, rehabilitative treatment, and services to veterans with traumatic brain injury, with amendments; and

The nomination of Charles L. Hopkins, of Massachusetts, to be an Assistant Secretary of Veterans Affairs (Operations, Preparedness, Security and Law Enforcement).

DOCTORS AND THE DRUG INDUSTRY

Special Committee on Aging: Committee concluded a hearing to examine the relationship between medical doctors and the drug industry, after receiving testimony from Maine State Representative Sharon Anglin Treat, Hallowell, on behalf of the National Legislative Association on Prescription Drug Prices; Jerome P. Kassirer, Tufts University School of Medicine, Boston, Massachusetts; J. Gregory Rosenthal, Retinal Service of Vision Associates, Toledo, Ohio; and Peter Lurie, Public Citizen's Health Research Group, Robert M. Sade, American Medical Association, and Marjorie E. Powell, Pharmaceutical Research and Manufacturers of America, all of Washington, D.C.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 20 public bills, H.R. 2874–2893; 7 resolutions, H. Con. Res. 176–177; and H. Res. 520–524 were introduced. **Pages H7338–40**

Additional Cosponsors: **Pages H7340–41**

Report Filed: A report was filed today as follows:

H.R. 2776, to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation, with an amendment (H. Rept. 110–214). **Page H7338**

Chaplain: The prayer was offered by the guest Chaplain, Rev. Wade A. Hyslop, Jr., Trinity Missionary Baptist Church, New London, Connecticut. **Page H7207**

Committee Election: The House agreed to H. Res. 520, electing Representative Sullivan to the Committee on Energy and Commerce, to rank after Representative Myrick. **Page H7212**

Supporting the goals and ideals of National Clean Beaches Week: Agreed by unanimous consent to discharge from committee and agree to H. Res. 186, supporting the goals and ideals of National Clean Beaches Week and recognizing the considerable value of American beaches and their role in American culture. **Page H7212**

Grand Teton National Park Extension Act of 2007: Agreed by unanimous consent to discharge from committee and pass S. 277, to modify the boundaries of Grand Teton National Park to include

certain land within the GT Park Subdivision—clearing the measure for the President. **Pages H7212–13**

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008: The House passed H.R. 2643, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, by a yea-and-nay vote of 272 yeas to 155 nays, Roll No. 579. **Pages H7213–70**

Rejected the Lewis (CA) motion to recommit the bill to the Committee on Appropriations with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 186 yeas to 233 nays, Roll No. 578.

Pages H7269–70

On a demand for a separate vote on a certain amendment agreed to in the Committee of the Whole:

By a yea-and-nay vote of 216 yeas to 210 nays, Roll No. 577, agreed to the Udall (CO) amendment (No. 2 printed in the Congressional Record of June 12, 2007) that prohibits funds from being used to prepare or publish final regulations regarding a commercial leasing program for oil shale resources on public lands or to conduct an oil shale lease sale (agreed to in the Committee of the Whole by a recorded vote of 219 ayes to 215 noes, Roll No. 574).

Pages H7243–45, H7257–58, H7259–60

Agreed to:

Stupak amendment that prohibits the use of funds for the EPA Administrator's security detail and

Pages H7221–22

Jackson-Lee (TX) amendment that re-directs $1 million in funding for the Historic Preservation Fund. **Pages H7238–39**

Rejected:

Flake amendment that sought to prohibit the use of funds for the Philadelphia Art Museum Exterior Façade in Philadephia, PA; **Pages H7216–17**

Flake amendment that sought to prohibit the use of funds for the Payne Gallery at Moravian College in Pennsylvania; **Pages H7217–19**

Ginny Brown-Waite (FL) amendment (that was debated on June 26th) that sought to reduce funds for the National Endowment for the Arts by $32 million (by a recorded vote of 137 ayes to 285 noes, Roll. No. 564); **Pages H7250–51**

Campbell (CA) amendment (#51 printed in the Congressional Record of June 25, 2007 and debated on June 26th) that sought to prohibit funds from being used for the Wetzel County Courthouse, New Martinsville, West Virginia (by a recorded vote of 104 ayes to 323 noes, Roll No. 565); **Page H7251**

Campbell (CA) amendment (that was debated on June 26th) that sought to prohibit funds from being used for the Conte Anadromous Fish Laboratory (by a recorded vote of 97 ayes to 330 noes, Roll No. 566); **Pages H7251–52**

Flake amendment that sought to prohibit funds from being used for the W.A. Young & Sons Foundry, Greene County, Pennsylvania (by a recorded vote of 104 ayes to 328 noes, Roll No. 567);

Pages H7213–14, H7253

Flake amendment that sought to prohibit funds from being used for the Columbus Fire Fighters Union in Columbus, Ohio (by a recorded vote of 66 ayes to 364 noes, Roll No. 568);

Pages H7214–16, H7253–54

Flake amendment that sought to prohibit funds from being used for the Southwestern Pennsylvania Heritage Preservation Commission in Hollidaysburg, Pennsylvania; the Westsylvania Heritage Corporation in Hollidaysburg, Pennsylvania; and the Progress Fund in Greensburg, Pennsylvania (by a recorded vote of 86 ayes to 343 noes, Roll No. 569);

Pages H7219–21, H7254

Jordan amendment (No. 22 printed in the Congressional Record of June 25, 2007) that sought to provide that each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is reduced by 4.3 percent (by a recorded vote of 150 ayes to 281 noes, Roll No. 570);

Pages H7222–26, H7255

Price (GA) amendment (No. 29 printed in the Congressional Record of June 25, 2007) that sought to reduce appropriations in the bill by $276,330,000 (or 1 percent) (by a recorded vote of 178 ayes to 254 noes, Roll No. 571); **Pages H7226–31, H7255–56**

Musgrave amendment (No. 27 printed in the Congressional Record of June 25, 2007) that sought to reduce each amount appropriated or otherwise made available in the bill, that is not required to be appropriated or otherwise made available by a provision of law, by 0.5 percent (by a recorded vote of 193 ayes to 238 noes, Roll No. 572);

Pages H7231–35, H7256

Inslee amendment (No. 17 printed in the Congressional Record of June 25, 2007) that sought to prohibit funds from being used to issue any permit for, or otherwise approve or allow, importation of any polar bear or polar bear part (by a recorded vote of 188 ayes to 242 noes, Roll No. 573);

Pages H7239–43, H7257

Lamborn amendment that sought to eliminate funding for the National Endowment for the Arts (by a recorded vote of 97 ayes to 335 noes, Roll No. 575); and **Pages H7247–49, H7258–59**

Cannon amendment that sought to prohibit the use of funds relating to oil-shale leasing in the States of Utah or Wyoming (by a recorded vote of 204 ayes to 223 noes, Roll No. 576). **Pages H7249–50, H7259**

Withdrawn:

Udall (CO) amendment (No. 3 printed in the Congressional Record of June 12, 2007) that was offered and subsequently withdrawn that sought to prohibit funds from being used to implement BLM regulations on Recordable Disclaimers of Interest in Land with respect to a claimed Revised Statue (R.S.) 2477 right-of-way or to issue a non-binding determination. **Pages H7245–46**

Point of Order sustained against:

Peterson (PA) amendment that sought to increase funding, by offset, for the Secure Rural Schools and Community Self-Determination Act and **Pages H7235–38**

DeFazio amendment (No. 12 printed in the Congressional Record of June 25, 2007) relating to duties assigned to a resource advisory committee established under section 205 of the Secure Rural Schools and Community Self-Determination Act. **Pages H7246–47**

H. Res. 514, the rule providing for consideration of the bill, was agreed to on Tuesday, June 26th.

Moment of Silence: The House observed a moment of silence in honor of Jack Flynt, former Member of Congress. **Page H7252**

Suspension: The House agreed to suspend the rules and pass the following measures:

Extending the authorities of the Andean Trade Preference Act until September 30, 2009: H.R. 1830, amended, to extend the authorities of the Andean Trade Preference Act until September 30, 2009, by a 2/3 yea-and-nay vote of 365 yeas to 59 nays, Roll No. 583. **Pages H7271–77, H7284–85**

Agreed to amend the title so as to read: ''To extend the authorities of the Andean Trade Preference Act until February 29, 2008.''. **Page H7285**

Honoring the life of each of the 9 fallen City of Charleston firefighters who lost their lives in Charleston, South Carolina, on June 18, 2007: Agreed by unanimous consent to discharge from committee and agree to H. Con. Res. 172, honoring the life of each of the 9 fallen City of Charleston firefighters who lost their lives in Charleston, South Carolina, on June 18, 2007. **Page H7285**

Making appropriations for financial services and general government for the fiscal year ending September 30, 2008: The House began consideration of H.R. 2829, making appropriations for financial services and general government for the fiscal year ending September 30, 2008. Further consideration is expected to resume tomorrow, June 28th. **Pages H7286–H7331**

Agreed by unanimous consent that during further consideration of H.R. 2829 in the Committee of the Whole pursuant to the provisions of H. Res. 517, no further amendment to the bill will be in order except those provided on a list at the desk. **Page H7296**

Agreed to:

Miller (NC) amendment that prohibits funds from being used to implement Executive Order 13422 and **Pages H7322–23**

Inglis (SC) amendment 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 H7323**

Withdrawn:

Cuellar amendment (No. 35 printed in the Congressional Record of June 26, 2007) that was offered and subsequently withdrawn that sought to increase funding, by offset, for Courts of Appeals, District Courts, and Other Judicial Services by $10 million; **Pages H7303–04**

Cardoza amendment (No. 4 printed in the Congressional Record of June 26, 2007) that was offered and subsequently withdrawn that sought to reduce funding for General Activities under the General Services Administration by $14,295,000; and **Pages H7307–08**

Conaway amendment (No. 6 printed in the Congressional Record of June 26, 2007) 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. **Page H7327**

Point of Order sustained against:

Boozman amendment relating to regulations for the designation of high intensity drug trafficking areas and **Page H7302**

Souder amendment that sought to prohibit funds from being used by the District of Columbia for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug. **Pages H7327–28**

Proceedings Postponed:

Cardoza amendment that seeks to reduce funding for General Activities under the General Services Administration by $8 million and increase funding for the Office of Inspector General under the General Services Administration by $6 million; **Pages H7308–10**

DeFazio amendment that seeks to increase funding, by offset, for the Small Business Administration by $10 million; **Pages H7310–16**

Price (GA) amendment (No. 15 printed in the Congressional Record of June 26, 2007) that seeks to strike section 738 entitled Requirement for Public-Private Competition; **Pages H7316–21**

Tom Davis (VA) amendment that seeks to increase funding, by offset, for Federal Payment for Resident Tuition Support by $1 million;

Pages H7321–22

Garrett (NJ) amendment (No. 1 printed in the Congressional Record of June 25, 2007) that seeks to prohibit funds from being used by the Securities and Exchange Commission to enforce the requirements of section 404 of the Sarbanes-Oxley Act; and

Pages H7323–27

Souder amendment that seeks to prohibit funds from being used for the Prevention Works or Whitman-Walker Clinic needle exchange programs.

Pages H7328–31

H. Res. 517, the rule providing for consideration of the bill, was agreed to by a recorded vote of 213 ayes to 206 noes, Roll No. 582. **Pages H7277–84**

Agreed to the Matsui amendment to the rule by a recorded vote of 225 ayes to 198 noes, Roll No. 581, after agreeing to order the previous question by a yea-and-nay vote of 244 yeas to 181 nays, Roll No. 580. **Pages H7281–83**

Senate Messages: Messages received from the Senate today appear on pages H7271 and H7285.

Senate Referrals: S. 1704 and S. 1701 were held at the desk.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H7341–42.

Quorum Calls—Votes: Five yea-and-nay votes and fifteen recorded votes developed during the proceedings of today and appear on pages H7250–51, H7251, H7252, H7253, H7253–54, H7254, H7255, H7255–56, H7256, H7257, H7257–58, H7258–59, H7259, H7260, H7269–70, H7270, H7282–83, H7283, H7284, and H7284–85.

There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 12:23 a.m. on Thursday, June 28th.

Committee Meetings

CAPITOL VISITOR CENTER

Committee on Appropriations: Subcommittee on Legislative Branch held a hearing on the Capitol Visitor Center. Testimony was heard from the following officials of the Office of the Architect of the Capitol: Stephen T. Ayers, Acting Architect; and Bernard Ungar, Capitol Visitor Center Project Executive; and Terrell Dorn, Director, Physical Infrastructure Issues, GAO.

NEXT-OF-KIN NOTIFICATION PROCEDURES

Committee on Armed Services: Subcommittee on Military Personnel held a hearing to review the policies and procedures regarding the notification of next-of-kin of wounded and deceased servicemembers. Testimony was heard from the following officials of the Department of Defense: BG Reuben D. Jones, USA, Adjutant General of the Army; BG Michael Downs, USMC (ret.), Director, Personnel and Family Readiness Division; MG Anthony F. Przybyslawski, USAF, Commander, Air Force Personnel Center, Randolph AFB, Texas; and Patrick M. McLaughlin, Acting Assistant Deputy, Chief of Naval Operations and Chief Operating Officer, Manpower, Personnel, Training and Education Enterprise.

MISCELLANEOUS MEASURES

Committee on Education and Labor: Ordered reported, as amended, the following bills: H.R. 2857, Generations Invigorating Volunteering and Education Act of 2007; H.R. 2847, Green Jobs Act of 2007; and H.R. 2831, Ledbetter Fair Pay Act of 2007.

ENERGY MEASURES

Committee on Energy and Commerce: Began consideration of 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.

Will continue tomorrow.

IRAQ ESCALATION

Committee on Foreign Affairs: Held a hearing on Iraq: Is the Escalation Working? Testimony was heard from public witnesses.

A.Q. KHAN'S NUCLEAR PROLIFERATION ACTIVITIES

Committee on Foreign Affairs: Subcommittee on Middle East and South Asia and the Subcommittee on Terrorism, Nonproliferation and Trade held a joint hearing on A.Q. Khan's Nuclear Wal-Mart: Out of Business or Under New Management? Testimony was heard from public witnesses.

HOMELAND SECURITY SCIENCE AND TECHNOLOGY

Committee on Homeland Security: Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a hearing entitled "A Roadmap for Security? Examining the Science and Technology Directorate's Strategic Plan." Testimony was heard from Jay Cohen, Under Secretary, Science and Technology, Department of Homeland Security.

U.S. CAPITOL POLICE—LIBRARY OF CONGRESS MERGER

Committee on House Administration: Held a hearing on Implementation of the U.S. Capitol Police—Library of Congress Police Merger. Testimony was heard from Wilson Livingood, Sergeant at Arms; Chief Philip D. Morse, Sr., Chief of Police, U.S. Capitol Police; Jo Ann C. Jenkins, Chief Operation Officer, Library of Congress; Officer Michael Hutchins, Chairman, The Fraternal Order of Police, Library of Congress Labor Committee.

The Committee also approved pending Committee business.

BRIEFING—STRENGTHENING NONPROLIFERATION REGIME

Committee on Oversight and Government Reform: Subcommittee on National Security and Foreign Affairs held a briefing entitled "International Perspectives on Strengthening the Nonproliferation Regime." The Subcommittee was briefed by public witnesses.

MISCELLANEOUS MEASURES

Committee on Science and Technology: Ordered reported, as amended, 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.

VA INTERNAL CONTRACTING OVERSIGHT DEFICIENCIES

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing on VA Internal Contracting Oversight Deficiencies. Testimony was heard from the following officials of the Department of Veterans Affairs: Belinda Finn, Assistant Inspector General, Auditing, Office of the Inspector General; and Robert J. Henke, Assistant Secretary, Management.

BRIEFING—HOT SPOTS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Hot Spots. The Committee was briefed by departmental witnesses.

Joint Meetings

EARLY CARE AND EDUCATION

Joint Economic Committee: Committee concluded a hearing to examine the economic case for early childhood care and education, after receiving testimony from Kansas Governor Kathleen Sebelius, Topeka; Harriet Dichter, Pennsylvania Departments of Education and Public Welfare Office of Child Development and Early Learning, Harrisburg; Douglas J. Besharov, American Enterprise Institute for Public Policy Research, Washington, D.C.; and James Heckman, University of Chicago, Chicago, Illinois.

COMMITTEE MEETINGS FOR THURSDAY, JUNE 28, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: business meeting to markup H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, an original bill making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2008, and an original bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, 2 p.m., SD–106.

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, to hold an oversight hearing to examine the President's proposed budget request for fiscal year 2008 for the National Oceanic and Atmospheric Administration, 10 a.m., SR–253.

Committee on Environment and Public Works: to hold hearings to examine global warming issues in the power plant sector, 10 a.m., SD–406.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine financial management systems modernization at the Department of Homeland Security, focusing on systems and processes needed to support the Department's mission and operations, 3 p.m., SD–342.

Committee on Indian Affairs: to hold hearings to examine draft legislation regarding the regulation of class III gaming, 9:30 a.m., SR–485.

Committee on the Judiciary: business meeting to consider S. 1060, to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, S. 1145, to amend title 35, United States Code, to provide for patent reform, S. Res. 248, honoring the life and achievements of Dame Lois Browne Evans, Bermuda's first female barrister and Attorney General, and the first female Opposition Leader in the British Commonwealth, and S. Res. 236, supporting the goals and ideals of the National Anthem Project, which has worked to restore America's voice by re-teaching Americans to sing the national anthem, 10 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on the Budget, hearing on Medicare Advantage and the Federal Budget, 10 a.m., 210 Cannon.

Committee on Education and Labor, Subcommittee on Higher Education, Lifelong Learning and Competitiveness, hearing on Workforce Investment Act: Recommendations to Improve the Effectiveness of Job Training,'' 1:30 p.m., 2175 Rayburn.

Committee on Energy and Commerce, to continue consideration of 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, Subcommittee on Africa and Global Health, hearing entitled ''The Millennium Challenge Corporation in Africa: Promises Versus Progress,'' 2:30 p.m., 2172 Rayburn.

Subcommittee on International Organizations, Human Rights, and Oversight, and the Subcommittee on the Western Hemisphere, with the Subcommittee on Health, Education, Labor and Pensions, and the Subcommittee on Workforce Protections, joint hearing entitled ''Protection and Money: U.S. Companies, Their Employees, and Violence in Columbia, 10 a.m, 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Border, Maritime, and Global Counterterrorism, hearing entitled ''US–VISIT Exit: Closing Gaps in Our Security,'' 1 p.m., 311 Cannon.

Subcommittee, on Intelligence, Information Sharing and Terrorism Risk Assessment, hearing entitled ''Over-Classification and Pseudo-Classification: Making DHS the Gold Standard for Designating Classified and Sensitive Homeland Security Information,'' 10 a.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Civil Liberties, oversight hearing on the Impact of *Ledbetter v. Goodyear* on the Effective Enforcement of Civil Rights Laws, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, to mark up the following bills: H.R. 1239, National Underground Railroad Network to Freedom Reauthorization Act of 2007; H.R. 1388, Star-Spangled Banner National Historic Trail Act; H.R. 1011, Virginia Ridge and Valley Act of 2007; H.R. 189, Paterson Great Falls National Park Act of 2007; H.R. 761, To authorize the Secretary of the Interior to convey to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. Certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail; H.R. 1285, Snoqualimie Pass Land Conveyance Act; H.R. 1205, Coral Reef Conservation Amendments Act of 2007; H.R. 2400, Ocean and Coastal Mapping Integration Act; H.R. 50, Multinational Species Conservation Funds Reauthorization Act of 2007; H.R. 465, Asian Elephant Conservation Reauthorization Act of 2007; H.R. 1834, National Ocean Exploration Program Act ; H.R. 716, Santa Rosa Urban Water Reuse Plan Act; H.R. 31, Elsinore Valley Municipal Water District Wastewater and Recycled Water Facilities Act of 2007; H.R. 1503, Avra/Black Wash Reclamation and Riparian Restoration Project; H.R. 1526, Bay Area Regional Water Recycling Program Authorization Act; H.R. 1337, To provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma master Conservancy District and cities served by the district; and 1725, Rancho California Water District Recycled Water Reclamation Facility Act of 2007, 2 p.m., 1324 Longworth.

Subcommittee on Energy and Mineral Resources, oversight hearing on The Minerals Management Service's Proposed Five Year Program for Oil and Gas Leasing on the Outer Continental Shelf, 10 a.m., 1324 Longworth.

Subcommittee on National Parks, Forests and Public Lands, oversight hearing entitled ''Management by Exclusion: The Forest Service Use of Categorical Exclusions from NEPA,'' 10 a.m., 1334 Longworth.

Committee on Oversight and Government Reform, hearing on Waste, Fraud and Abuse at the Kaiserslautern Military Community Center, 10 a.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Space and Aeronautics, hearing on NASA's Earth Science and Applications Programs: Fiscal Year 2008 Budget Request and Issues, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing on Assessing the Impact of the Copyright Royalty Board Decision to Increase Royalty Rates on Recording Artists and Webcasters, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, to mark up the following measures: the FAA Reauthorization Act of 2007; H.R. 2830, To authorize appropriations for the Coast Guard for fiscal year 2008; H.R. 2722, Integrated Deepwater Program Reform Act; H.R. 2775, To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize funding for emergency management performance grants; H.R. 781, To redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the Colonel Charles D, Maynard Lock and Dam; H. Res. 375, National Naval Force Structure Policy Act, and General Services Administration Lease Resolutions, 12 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, to mark up the following bills: H.R. 2623, To amend title 38, United States Code, to prohibit the collection of copayments for all hospice care furnished by the Department of Veterans Affairs; and H.R. 2874, Veterans' Health Care Improvement Act of 2007, 10 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, to consider Member requests for documents in the possession of the Committee, 3 p.m., H–405 Capitol.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, June 28

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 1639, Comprehensive Immigration Reform, and after a period of debate, vote on the motion to invoke cloture thereon at approximately 10:30 a.m.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, June 28

House Chamber

Program for Thursday: Complete consideration of H.R. 2829—Making appropriations for financial services and general government for the fiscal year ending September 30, 2008.

Extensions of Remarks, as inserted in this issue

HOUSE

Graves, Sam, Mo., E1425, E1425
Latham, Tom, Iowa, E1425, E1425
Markey, Edward J., Mass., E1425
Simpson, Michael K., Idaho, E1425

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