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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, July 10, 2007, at 2 p.m.

Senate

FRIDAY, JUNE 29, 2007

The Senate met at 9:45, a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the giver of true freedom, as Independence Day draws near, awaken in us a new appreciation for our Nation, that we apply ourselves to keeping alive a real sense of liberty. Thank You for our Nation's Founders, their ideals, their principles, and their sacrifices. Thank You for the long procession of statesmen and patriots who have guarded our rights and healed our land.

Give our lawmakers a vision so pure that they will not endeavor simply to build on the sands of time but on the sure foundation of honor and right. Look with favor upon the leaders of our executive, judicial, and legislative branches, imbue them with the spirit of wisdom, goodness, and truth. So rule in their hearts and bless their endeavors that law and order, justice and peace may prevail everywhere.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 29, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BROWN 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, today the Senate will be in a period of morning business, with Senators permitted to speak for up to 10 minutes each. There will be no votes today. The next votes are expected to occur Monday, around 5:30; that is July 9.

As I said yesterday, the Senate will vote on the remaining four judicial nominations that are on the Executive Calendar. Also, on Monday, July 9, the Senate will begin consideration of the Defense Department authorization bill, an extremely important bill for all of our military servicemembers in Iraq, Afghanistan, North Korea, and all over the world.

So when the Senate leaves today for the Fourth of July recess and returns on July 9, Members should expect a very busy legislative work period during the month of July.

DELAY TACTICS

Mr. REID. Mr. President, we have tried and tried and tried to get the Republicans to allow us to go to conference on ethics, on lobbying reform and also on the 9/11 Commission recommendations. They have prohibited us from doing that.

In the Senate, there are procedural blocks that can be placed on measures, and they have done that. They have done it for reasons that are fleeting in importance. We were ready to do ethics and lobbying reform, and someone stepped in and said: Well, I don't like the earmark provision, I want them to be handled some other way—a diversion, a dilatory tactic to stop this Congress from doing what it needs to do regarding lobbying and ethics reform.

Republicans are trying to stop reform. We have lived in a culture of corruption during Republican leadership. For the first time in 131 years, someone working in the White House is indicted, the man is now in prison, Scooter Libby. Safavian, head of Government contracting for the President, appointed by the President, handles billions of dollars for the Government contracting, he was led away from his office in handcuffs; he is now in prison.

The majority leader in the House of Representatives was convicted three

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

times within 1 year of ethics violations. He was indicted in the State of Texas. He resigned.

Another Member of Congress is serving jail time for corruption. Abramoff, whose tentacles seem to go throughout this town, is in prison.

Trips to Scotland to play golf, lavish gifts by lobbyists, parties by lobbyists, free travel on airplanes, the legislation that passed the Senate eliminates all that. I have only given a brief capsule of the corruption in this town under Republican leadership. I have only given a brief capsule of what they have done to prevent our going to conference.

I want all of the Republicans to know, I am not going to ask again for unanimous consent to go to conference. When they get ready to go to conference, they can come to us.

But everyone should understand that prior to the August recess, we are going to complete ethics and lobbying reform. We are going to do it if we have to spend nights, weekends, take days out of our August recess. Everyone has had fair warning.

It takes a lot of time to overcome the hurdles they have placed in front of us, but we are going to do that. It will eat up valuable Senate time, but we are going to do it. We are going to complete lobbying and ethics reform. That was the first bill we placed on the agenda, ethics and lobbying reform, to try to have the American people feel better about their Congress and what we do.

I can still remember 9/11. I was in S–219. I was the first one in that room that morning. It was a Tuesday morning. It is when Senator Daschle held his leadership meeting. Senator Breaux came in and said: Flip on the TV, something is happening in New York. We could see one of the buildings burning.

Without elaborating in great detail, the leadership meeting started, someone came and got Senator Daschle. There was an evacuation of this building that took place. There was a plane heading toward the Capitol.

It would take someone living in New York to understand the horror of that day, I believe. But it was a horrible day. There was a 9/11 Commission appointed after great turmoil and consternation. The President fought that for a number of months. Finally, it was done, a bipartisan commission. They came back with recommendations. It has been almost 3 years and those have not been implemented.

We passed in the Senate, as one of our top priorities, implementation of the 9/11 Commission recommendations. Remember, that same commission graded the Bush administration on how they were implementing those recommendations: Ds and Fs.

With the legislation we passed, all As. Once again, the Republicans have stood in our way procedurally and will not let us go to conference. Yesterday someone came in and said: Well, I do not like what happens postaudit; we need to make sure that following the spending of those moneys the audit trail is appropriate.

So do I. So does every member of the Senate. We want this money spent wisely and properly. This is a diversionary, delaying tactic to stop us from doing this.

The President did not want the 9/11 Commission appointed in the first place. He wouldn't implement the recommendations. He is trying to stop the Congress from forcing him to sign a bill.

I will say the same thing on the 9/11 Commission recommendations that I said on ethics and lobbying reform. I am no longer going to come and beg the Republicans to do what is good for the country. It is up to them. When they get ready to do the 9/11 Commission recommendations, come to us and we will appoint conferees immediately and complete the conference within a matter of a couple of days.

Like ethics and lobbying reform, we are going to complete this before the August recess. Now, is that going to shorten the August recess? It is up to the Republicans. But we are going to complete this legislation. It is not right that two of the most important issues facing this country, ethics and lobbying reform—getting rid of the culture of corruption—and implementing the 9/11 Commission recommendations should not go into effect.

The 9/11 Commission recommendations, they are not just for the State of New York, they are for our country, to protect people in Las Vegas and Reno, to protect Hoover Dam, where millions of people cross that bridge every year, to make sure there is not some terrorist act, throwing something over that dam, disrupting power that is generated that goes, most of it, to California, or the water sources, most of which goes to California.

I think this is a very dangerous game the Republicans are playing, delaying the implementation of ethics and lobbying reform and the implementation of the 9/11 Commission recommendations.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The senior Senator from New York is recognized.

POLICY OF OBSTRUCTION

Mr. SCHUMER. Mr. President, I wish to salute our majority leader, Senator REID, for what he said. The bottom line is, these are two very important pieces of legislation.

The other side cannot come up with many substantive objections, none, as we have heard yesterday when they moved to block it. But they have had a policy of obstruct, obstruct, obstruct. Why, you might ask? How does it help a political party? How does it help a Senator to obstruct things that are motherhood and apple pie such as ethics and lobbying reform, the 9/11 Commission, things desperately needed, first by this town and second by the whole Nation and of course my State.

The answer is very simple. When you are divided, as the other side is on about every issue; when you can't lead, as yesterday's immigration bill showed, the President's No. 1 domestic priority—fewer than a quarter of the Senators on that side voted for it—there is only one answer that can unify; that is, obstruct.

There is one problem with that—there are two. The main problem is: It is wrong for America. It is wrong for America. The second is, it does not work politically. That is why we are seeing the fact that so many on the other side are so worried.

So I wish to salute our majority leader. I will—and I know all the Members on our side will—stand with him side by side. If we have to meet at 2 in the morning, if we have to go into the August recess to get these things done, we will.

The Senate gives the minority the power to lay down the gauntlet of cloture and filibuster. You cannot move unless you get 60 votes. Of course, we do not have them. But we are not powerless. The ability to push through those filibusters—even if it means some inconvenience for the Senators—is our right and I salute our majority leader for telling the other side, and more importantly the American people, we will use that right to move the Nation forward.

So I wish to thank our majority leader for doing this. It is the right thing to do. Everyone is put on notice. A little inconvenience for the Senators to make our country safe, to clean up the unethical swamp in Washington, it sure is worth it. I think the majority leader is absolutely correct. I hope the other side will not continue to obstruct. But if they do, we will get these things done because our country and the American people demand no less.

IMMIGRATION

Mr. SCHUMER. Mr. President, I would like to make one other point in morning business and talk about, very briefly, on the events of the day yesterday. Yesterday was a very sad day for America, in two instances, when an ideological extreme group set back our country on immigration.

On immigration, we had lots of prattling, lots of scare tactics. As a result, the immigration bill is paralyzed. That

means something. It means that illegal immigrants will continue to flow into America. The number is 12 million; in 5 years, it will be 20 million. We will have done nothing. It will mean our legal immigration policies will be backward, and thousands of people who should be in this country, because of their skills and because we need them, will not be allowed to enter. We will lose competitive advantage. We hear it all the time, companies wanting to locate in America because they love our system but, because they can't get employees, going to Europe or Asia.

On the immigration bill, a great nation is able to deal with its problems. A great nation leads and overcomes narrow, partisan, and sometimes nasty division to move forward. A great nation fails when it becomes paralyzed. I hope, I pray that what happened yesterday on the immigration bill is not portentous of the future. I hope and pray what happened yesterday on the immigration bill does not portend that we will be tied in a knot on every single issue of major import—education, health care, energy, immigration—and not able to move forward.

The double whammy: Yesterday, the Supreme Court, a new majority—the two new members of the Supreme Court who had impressed upon us their fidelity to stare decisis, to the rule of law, judicial modesty—with one stroke of the pen threw out decades of progress on civil rights in a reading just about everyone who participated in Brown v. Board who is still alive commented on and said that the reading flies in the face of Brown v. Board, despite the fact that the Chief Justice said by allowing segregated schools to continue, he was helping implement Brown v. Board. That is doublespeak, if there ever was. The Nation was set back again.

What is happening? What happened here on the Senate floor yesterday and what happened across the street at the Supreme Court indicates that a narrow ideological minority is setting this country back, paralyzing this country. We live in a vast, changing global world where we need to move forward. We seem paralyzed because of a small ideological minority.

I hope the American people will understand what has happened. I hope the American people will voice their protest. I hope the Supreme Court will come to its senses and not continue on this path of rollback on civil rights. I hope the Senate will come to its senses and come together on a fair immigration bill that deals with our Nation's problems. I pray for the future of this country.

I yield the floor and suggest the absence of quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WEBB. 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.

IMMIGRATION

Mr. WEBB. Mr. President, I would like to address a few things this morning, some in retrospect of what has been for all of us a pretty emotional couple of weeks of debate, and also looking forward to what is going to occur when we return after the July 4 work period.

The first thing I would like to point out is my admiration for our majority leader for how he handled the situation on the immigration bill. I think it was an extraordinarily difficult situation for our majority leader to have been in, and he did a great job with a very difficult assignment. I think we should back up and remember the bill that was put before us had not gone through debate. It was put together in a bipartisan way but removed from the committee process. In other words, people from both sides of the aisle, including some pretty strong members of the leadership on both sides of the aisle, got together and put together this extraordinarily complex bill, which the President himself wanted to see passed, and then it fell to our majority leader to attempt to get the provisions of the bill through the Senate. So we had a situation where there were members of the other party involved in putting together the components of the bill, we had a President who was urging that the bill be passed, and then our majority leader was the individual upon whom it fell to try to make this happen, with very little cooperation, quite frankly, from the other side.

So I would just like to express my admiration and support for the majority leader for the way he handled himself during this process.

Also with respect to the immigration bill, I think there has been a lot of rhetoric that has flown back and forth over the last 24 hours or so about motivations of individuals and what caused people to vote one way or the other. I think some of this is unfortunate. I think some of the people who have made some of the more extreme comments are going to be looking back at them 4 or 5 years from now and perhaps be a little bit embarrassed. This was an enormously complex piece of legislation. There were parts of the legislation which were very good, and hopefully we can find a way to bring them into law at another time. But there were parts in that legislation which needed to be fixed.

I, personally, as the Presiding Officer knows, attempted to get an amendment through the Senate that, in my view, would have brought fairness to the issue of legalization and practicality—fairness in the sense that the proposed bill was going to legalize every individual, virtually, who had come to the United States in violation of American laws by the end of last year—and I felt strongly for a good bit of time that those who came during a period of lax immigration laws and who were able to put roots down into the community should be provided a path toward citizenship. I made this case during the campaign last year, and by saying that last year, I was viewed to be sort of on the forward edge of where this debate was going to go. But this bill, by reaching out and including virtually everyone who had been here by the end of last year, inflamed the passions of a lot of people in this country who otherwise would support fair immigration reform.

At the same time, the amendment I offered also proposed to eliminate what is called the touchback provision, which would have eliminated—for those people who had been here for 4 years and had put down roots—the necessity for them to go back to their home country in order to apply for a green card.

I think that approach was fair. I regret that the amendment didn't pass. At the same time, I and a number of other people found it impossible for us to vote for the bill as it was coming up with the provision that was so much broader.

The bottom line on immigration now is there are laws on the books. We have seen a lot of talk over the past day or so that immigration reform is dead. These comprehensive immigration reform packages have a way of falling under their own weight because the issue itself is so complex. What we should be doing now, in the next year and a half or so, given that there is an election, is to do everything we can to enforce the laws that are on the books. One idea I like is the $4.4 billion recommendation that was put into title I of this immigration bill that just failed that would go toward border security, and employer certification could well be added to any appropriations bill, where the measure would be relevant and could help existing law.

So for those who are attempting to say that all immigration reform has now skidded to a halt because a flawed bill was not passed by this body, I say let's enforce the existing laws. There are a lot of laws on the books. One of the greatest problems we have had is particularly in the area of workers being hired by employers on a large scale who know they are here without papers. In those sorts of areas, there are laws on the books we need to enforce.

CONFIRMATION OF GENERAL LUTE

Mr. WEBB. Mr. President, yesterday, this body confirmed General Lute of the U.S. Army to be a Deputy National Security Adviser to cover the operations that are ongoing in Iraq and Afghanistan. I voted against General Lute.

I will explain why I voted against General Lute because I believe there is a pretty important principle at stake

with respect to civil-military relations that I think has been ignored over the past 20 years or so. I have no problems with General Lute's qualifications. There was a letter from White House counsel on the issue of constitutionality, which indicated there is no constitutional preclusion from a uniformed officer serving as a political adviser to the President. I found that legal opinion incomplete.

We should understand that the legal opinion came from the counsel to the President. We could not exactly have expected that he would have said anything otherwise. But I find it incomplete in the sense that it did not address the true dangers if we continue to do this as we have been over the past 20 years.

The danger to our system is this: The U.S. military is a decidedly nonpolitical organization. I grew up in the military. At the time I was growing up, my father would not even tell me how he voted because he believed it violated his duty in terms of being a nonpolitical arm of the U.S. Government.

The difficulty, when a President brings an Active-Duty military officer inside the room, in an area where they are giving political advice—not military advice but political advice—unavoidably is that this particular individual then becomes a part of a political administration. If they keep the uniform on, when their tour is done and they go back into the military, they are inseparable from the political administration in which they served, particularly in the eyes of other military people.

So two things happen: One is you have a political entity inside the U.S. military that, in some ways, threatens open dialog inside the military because now you have a former member of a particular administration inside the uniformed circle.

Here is a good parallel. I was Assistant Secretary of Defense and then I was Secretary of the Navy. Let's say we allow military people who become Secretaries of the Navy to go back into uniform and compete for promotion among other uniformed people. It is a very difficult thing in terms of how it affects the neutrality of the American military, and also it creates, in many military people, the notion that they have to become political in order to succeed. We don't want that.

I would have voted in opposition to the other individuals who were named by Senator WARNER yesterday as people who have served in administrations and then returned to the military, including Colin Powell, whom I respect personally; General Scowcroft, whom I admire greatly; and, quite frankly, the sitting Director of the Central Intelligence Agency today.

I believe any uniformed officer who agrees to serve as a policy adviser inside an administration, with political implications to that job, should agree to take the uniform off and not return to the active military. I intend to pursue this over the coming years. This isn't related directly to General Lute. It is a principle that I think we need to establish here in the Congress.

TROOP ROTATION

Mr. WEBB. Mr. President, the third point I wish to make, looking forward, is that when we return, we are going to be looking at the Defense authorization bill. I am going to be introducing an amendment when this bill comes up that, in my view, speaks directly to the welfare of our troops and their families. After more than 4 years of combat operations in Iraq and Afghanistan, we still have not developed the type of operational policy that looks to the welfare of the people who are having to serve again and again. We have allowed the strategy, such as it is—which is all over the place—to define the use of our troops, and we have reached the point, as we work to resolve our situation in Iraq and dramatically reduce our presence—I hope—where we are burning out our troops.

The evidence is everywhere. We have a small group of people who have been carrying the load for this country. They have been going again and again. We are violating the normal rotation policies that we took great care to put in place over long years of experience. Traditionally, in the U.S. military, on the active side, there is a 2-for-1 ratio. If you are gone for a year, you are back for 2 years. If you deploy at sea for 6 months, you are back for a year. That is not downtime; that is well time. When I say it is not downtime, that means they are not sitting around doing nothing when they are back. When people return from deployment, they have to reacquaint themselves with their families and take care of those sorts of things. They have to gear units back up, get the equipment, train, lock on, and go to different training areas. So the 2 for 1 generally is split: a third gone, a third recuperating and getting ready, and a third getting ready to go.

What we have today in the ground forces of the active military is not even a 1 for 1. People are returning and immediately getting ready to go back. We are seeing the wear and tear of this on our Armed Forces. The West Point classes of 2000 and 2001 are the most recent ''canaries in the coal mine,'' if you want to look at what is happening to the Active Duty military because of these continuous deployments. The time has not been made available to do other things when they return. The West Point classes have a 5-year obligation before an individual can leave the military. The West Point classes of 2000 and 2001—the two most recent classes—have an attrition rate that is five times as high as the attrition rates before the Iraq war. The West Point class of 2000 had lost 54 percent of its members from active duty by the end of last year. I don't know the number for today. The class of 2001, with an active obligation which ended as of last June—only last June—by the end of last year, within 6 months, had lost 46 percent of its class. You are seeing the same thing in the staff NCO ranks. We are starting to see it in a way that I cannot recall since probably the late 1970s, when the bottom fell out particularly of the U.S. Navy.

In the Guard and Reserve, the normal rotational cycle is 5 to 1. What we are seeing now in many units is less than 3 to 1. So I am going to introduce a bill that will basically say that on the active side, however long an individual has been deployed, they have to be allowed to stay home at least that long before you send them back. If you are Guard and Reserve, however long you have been deployed, you have to have been at home at least three times that length before you are sent back because of the nature of the Guard and Reserve.

In my view, this amendment is an absolute floor; it is our absolute duty as fiduciaries of the well-being of the people who serve that we don't let it go beyond that. As a point of reference again, in the Army right now, they have gone on 15-month tours with only 12 months at home. Historically, if you were gone 15 months, you should have 30 months at home. This needs to be fixed. I hope the Senate will overwhelmingly support us.

There are two questions about this policy that have come up in my discussions on the Armed Services Committee. The first question from some is, is it within the Constitution for the Congress to tell the Commander in Chief what the rotation cycle should look like? My answer is that it is clearly within the Constitution. Congress has the power to set these sorts of regulations. In fact, there is precedent. If you look at the situation of the Korean War, where because of the emergency of the attack from North Korea, we were sending soldiers into Korea who were not trained—they never fired a weapon before—because they had to fill the bill of going over there. The Congress stepped in and said you cannot send any military person overseas until they have been in the military for 120 days. That was the Congress properly exercising its constitutional prerogative in order to protect our troops. This is what we are going to do.

The second issue that has come up is whether this is micromanagement. Quite frankly, when the leadership of the U.S. military is not stepping up and defending their own people, we have a duty to slow this thing down. This war has been going on for more than 4 years. We have a lot of issues we are going to be discussing in this authorization bill that are designed to get a better policy that will reduce our footprint, that will enable us to fight international terrorism around the world, that will increase the stability of the region with proper diplomatic efforts and will allow us to address our strategic interests elsewhere.

But until that happens, we have to take care of the troops. This is the bottom line, the floor. This isn't some grand scheme of trying to push an ideal troop rotation scenario. This is the bottom line we owe to the people who have been sent into harm's way.

I may be one of the few people in this body who has had a father deploy, who has deployed, and who has had a son deployed. I think there are a lot of people in the country who are that way, who right now are looking at their level of being sent into harm's way. They are looking for somebody to put some logic into how their levels are being used. It is on us, Mr. President.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, while the junior Senator from Virginia is here, I wish to commend him. I wish to say, first of all, he is an exceptionally passionate and knowledgeable source of valuable information to us on the Armed Services Committee. The proposal he has outlined, which will be in the form of an amendment to the Department of Defense authorization bill, has exceptional common sense attached to it—that you don't deploy troops unless they are trained and unless they have enough time to reevaluate, reequip, rearm, and retrain.

I thank the Senator for his contribution. I am certainly inclined to support his amendment. This Senator from Florida will have an amendment that we have been trying for 7 years to pass to take care of the widows and orphans. Even President Lincoln, in his second inaugural address, said that one of the greatest obligations in war is to take care of the widow and the orphan. The U.S. Government ought to plan as an expense of the cost of a war taking care not only of the veterans but of their widows, widowers, and orphans.

What we have done in law is, where we provide for a survivor's benefit plan that the military member pays for out of their check, that plan, in fact, is offset by the disability compensation that family member gets from the Veterans' Administration. This Senator is going to continue this quest until we finally prevail to get that offset removed.

Of course, the objection to it is it costs $9 billion over 10 years. But is it an obligation of the Government to take care of the widow and the orphan as a result of war? This Senator passionately and firmly feels it is.

I wanted to lay that out as a marker, along with my congratulatory comments to the Senator from Virginia for his wonderful service in the Senate, his insightful service as a member of the Senate Armed Services Committee, and his very commonsense approach to this DOD authorization bill and the amendment he will be offering.

I will yield to the Senator if he wishes to make any followup comments. I wish to share with the Senate something that occurred in the Appropriations Committee yesterday that is quite disturbing.

Mr. WEBB. Mr. President, I thank the Senator, if he will yield for 2 minutes. I very much appreciate my good friend's comments in support. It means a lot to me that he has that kind of confidence in the approach I will be trying to take here.

Also, I am pretty familiar with how the survivor benefit program has been misused. My mother was a benefit of the survivor benefit program. I don't think there is a strong recognition up here that is a private insurance program that is paid into and is separate from other benefits. My father paid into that program more than $200 a month from 1969 until his death in 1997. Then when my mother got the benefit, they offset it at that time, I believe, from a Social Security payment that he also paid into.

There are inequities in how that program has been administered and how it interacts with other areas of Federal law. I will be happy to explore that with the Senator and see if we can't come up with some kind of solution.

Mr. NELSON of Florida. I say to the Senator, Mr. President, that the young corporals and privates who are not returning home from Iraq and Afghanistan, who leave widows and children who are paying today out of their own paycheck into that survivor's benefit plan, of which in that insurance program their survivors are entitled, that, in fact, because of the current law of the offset, they don't get that which has already been paid for by the active-duty military member because of the eligibility of the widow and the children under the indemnity compensation through the Veterans' Administration. The current law offsets one against another.

What is so sad is that the survivors, the widows and children of these young corporals and privates, are finding it very difficult to make financial ends meet as a result of that offset.

This Senator is going to give the Senate an opportunity to change that in 2 weeks when we are on the DOD bill. If the Senate responds as we did last year and the year before in passing it, then we are going to have to insist when it gets down to a conference committee with the House it doesn't get stripped out like the House leadership last year and the year before did in stripping out what the Senate has passed.

I share that with my friend from Virginia.

Mr. WEBB. I thank the Senator.

BREAKING THE AGREEMENT

Mr. NELSON of Florida. Mr. President, I wish to tell a story that is quite disturbing that happened in the Appropriations Committee yesterday. The Appropriations Committee, as reported to this Senator, had quite a row yesterday in the full committee in inserting a provision that will call for seismic exploration for oil and gas in the eastern Gulf of Mexico. It was such a row yesterday because it breaks the agreement that was made on the floor of the Senate last year in which the two Senators from Florida, this Senator and my colleague Senator MARTINEZ, had agreed to a plan by which there can be additional oil drilling and gas drilling in a lease sale 181 that would not be what was sought—about 2 million acres—but it expanded 8.3 million acres in an expanded lease sale 181, but that kept it away from the coast of Florida and away from the military mission line which is the boundary protecting the largest testing and training area for the United States military in the world.

Virtually all of the waters of the Gulf of Mexico off the State of Florida are this testing and training area. It is where we test our sophisticated weapons systems. It is where we test newly developed weapons systems. It is where we test weapons systems that have to go hundreds of miles, all of which these systems employ live ordinance under battlefield conditions in order to see that the equipment and the systems and the ordinance are all going to work.

Over and over, we have had letters from the Secretary of Defense to the Senate saying we cannot have oil and gas rigs on the surface in the Gulf of Mexico in the area where we are doing all this testing and training.

One wonders why, in the last round of the base realignment and closure, did the pilot training for the new FA–22 stealth fighter come to the Gulf of Mexico at Tyndall Air Force Base in Panama City. It is because that system now, in all pilot training, does dogfights at 1.5 mach. That is 1½ times the speed of sound. That is twice as much as the systems we have now, the F–16 and the F–15, twice as much that they do, the speed of air-to-air combat. As a result, they have to have so much wider area in which to have that turning radius as that weapons system is doing its practice in the dogfights shooting live ordinance.

Is it any wonder why, in the development of the new joint strike fighter, the F–35, that the F–35, once it is developed, all the pilot training for the Navy, for the Air Force, and for the Marines will take place on the gulf coast and it will take place at Eglin Air Force Base. Why? The same reason. We have that restricted airspace in the largest testing and training area in the world, and now we have a breaking of the agreement as a result of yesterday's Appropriations Committee action, a breaking of the agreement that we had last year when this Senator and my colleague from Florida agreed we would have the expansion of lease sale 181 when it would not intrude into the military mission area.

Now the Senator from Idaho, Mr. CRAIG, and the Senator from North Dakota, Mr. DORGAN, want to propose

seismic exploration and inventorying of oil almost all the way up to the coast. Why do they want to do an inventory for oil unless they want to drill? This is exactly the situation that the oil industry will not give up. They want to drill, drill, drill, and that has been part of our problem for five decades as we have gone through this drill, drill, drill mentality without going to alternative energy sources. That is what has led us to the point we are today—so dependent on oil—and even to the point of now importing 60 percent of our daily consumption of oil is coming from places such as the Persian Gulf, Nigeria, and Venezuela, all very unstable parts of the world.

Back to the breaking of the agreement. It was broken with regard to what we agreed to last year, that it was over and done with. We were going to protect the military mission area. That was broken yesterday in the Appropriations Committee.

Another thing that was broken in the Appropriations Committee was the fact that in our agreement, the two Senators from Florida had clearly tried to protect a $57 billion a year tourist industry that depends on pristine beaches. Our tourism economy depends on those beaches not having oil slicks slapping up onto those pristine white sands.

Naturally, the Senators from Florida are going to protect that interest. People say: Oh, no, the spills that occur don't come from the oil rigs out there, they come from tankers. But isn't it interesting that we have so many photographs of oil rigs and oil slicks in the Gulf of Mexico as a result of Katrina raging across the Gulf of Mexico and ultimately hitting Mississippi and Louisiana? We have pictures of oil rigs that are up-ended on the shore. We have pictures of pelicans, hundreds of pelicans that are dying, covered in oil slicks as a result of that storm causing the spills from those oil rigs. Now, we don't want that in Florida. We want to protect our beaches.

It would be one thing if the geology showed there was a lot of oil and gas in the eastern Gulf of Mexico. But for the past 50 years, in the exploratory wells that have been there, there have been dry holes. The geology shows there is not that much oil and gas. Yet the oil industry never gives up, regardless of the agreements that have been made and were broken yesterday in the Senate Appropriations Committee. So it leaves no choice—no choice to the Senators from Florida. Senator MARTINEZ and this Senator will employ every available rule to us under the Senate Rules Committee to block the progress of that Energy appropriations bill as it comes to the floor.

There were representations made yesterday to this Senator and to Senator MARTINEZ that the leadership of the appropriations subcommittee will, in fact, strip out that part of the bill when it comes to the floor. I take those Senators at their word. If that is the case, we will not have a big fight on the floor of the Senate, and we can proceed and go about appropriating the monies that we need in an energy and water appropriations bill—much needed funding for so many projects.

Mr. President, it is with a realistic heart that I have to make this speech today. So it comes to this. I will take the word of those Senators, and I will rely on their word that we won't have to engage in all kinds of parliamentary maneuvers. But if that be necessary, it will be done.

Mr. President, I yield the floor, and 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. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

FIRING OF U.S. ATTORNEYS

Mr. SESSIONS. Madam President, we have had an unfortunate event occur. The Senate and House Judiciary Committees have issued subpoenas to the President for internal personal communications with the President's own personal staff and documents related thereto in a matter unrelated to a criminal investigation. A political inquiry is all this is about. Yesterday the President had to assert executive privilege and refuse to produce a very certain, limited number of documents relating to the replacement of U.S. attorneys around the country.

I served as a U.S. attorney for 12 years. I know U.S. attorneys serve at the pleasure of the President. I know U.S. attorneys on a few occasions actually try cases and get involved in cases. I did pretty often. I tried some fairly big cases. Most U.S. attorneys in larger offices preside over the office and career assistant U.S. attorneys and FBI agents and so forth and investigate cases and prosecute them. That is the way it goes.

The reality is that they can be removed at any time by the President. It is not a congressional function to determine whether or not a U.S. attorney is removed. The Congress is involved only in the confirmation of U.S. attorneys.

The President and Attorney General Gonzales did not handle the recent resignation of 8 U.S. Attorneys very well. I believe they thought they could do it and not really have much of a reason for it, yet say they thought performance was not good. Maybe they simply wanted to replace that attorney with someone else. But U.S. attorneys have friends in law enforcement. They have friends in the local community. They have Senators who recommend them and help them get confirmed. They have clout. It became a big brouhaha. There was a big dispute about it, and various accusations were made.

I was present for the hearings before the Judiciary Committee. Frankly, most of the accusations have been proven baseless. But in explaining it all, the Attorney General and some of his staff did not do a good job. They embarrassed the Department, frankly, and fed demands for more and more and more to keep this story alive, to keep this matter going. Now we are at the point where subpoenas have been issued.

The committee issued five subpoenas on June 13. Two of the subpoenas were issued to the White House for documents to be produced on or before June 28, 2007. A third subpoena was issued by the House Judiciary Committee to Harriet Miers for both documents and testimony, for a response by July 12. Harriet Miers was a lawyer for the President. She was White House Counsel. The fourth and fifth subpoenas were issued by the Senate Judiciary Committee to Sara Taylor for documents and testimony respectively and called for a response on or before June 28 and testimony for a hearing on July 11.

This is an overreach legally. It is an overreach insofar as the traditional comity that should exist between coequal branches of Government. Executive privilege is not a principle that should be lightly dismissed. It is a very real, legitimate principle that our Government has. What would we have next? Would we want to be subpoenaing the law clerks for Justice Stevens and Justice Ginsburg and Justice Roberts of the Supreme Court to see what those staffers told the judges before they rendered their ruling? What about Senators and our staffs? How about that?

This has not been a stonewalling by the administration on the U.S. attorneys issue. The Department of Justice has released or made available for review approximately 8,500 pages of documents. Top officials in the Department of Justice, including the Attorney General himself, the Deputy Attorney General, Paul McNulty, the Attorney General's former chief of staff, and many other officials have testified at public hearings and submitted themselves for on-the-record interviews to answer any questions. The President offered to go even further by providing Congress with additional documents, to make available for interviews the President's former Counsel, Harriet Miers; Karl Rove, his political counselor; Deputy Counsel, Bill Kelly; former Director of Political Affairs, Sara Taylor; Scott Jennings, Special Assistant to the President. All of those would be made available to be inquired of.

That was an effort by the executive branch to satisfy the curiosity of the legislative branch and to go as far and even further, maybe, in my view, than required by law. That was a genuine, generous suggestion as to how to handle this conflict between the two branches, our desire to look in there and see everything that went on and pry open the lid and probe and fish a little bit and see what we find and a legitimate right of a President to have a

staff that responds to his or her demands and gives the President unvarnished advice, pointing out problems, honestly and openly, without any expectation it is going to be on the front page of the New York Times the next day, for heaven's sake.

So I just want to say, I am sorry and disappointed our chairman, Chairman LEAHY, has utilized the power the committee gave him to decide whether to issue a subpoena or not, to actually issue subpoenas.

So now what has happened? The President said: These subpoenas go too far. Even so, I am not afraid to have my people talk. The President has offered that Harriet Miers come to the Hill and be interviewed by the Judiciary Committee. But in preserving the historic integrity and confidentiality of a President and their own staff, the President does not want to produce confidential communications made to him by his staff. I think it would erode any President's legitimate prerogative, for time immemorial, if Congress were able to do that.

I would suggest we in this Senate can understand that. Who of us would want our chief of staff to be hauled in to some committee when there is no suggestion of a criminal offense having occurred and then being cross-examined on everything our chiefs of staff told us? I just met with my chief counsel, Cindy Hayden, and we talked about these issues. She is an excellent lawyer. We have recently met and talked about the immigration bill that the Senate was debating.

Maybe the White House, which took a different view than mine on immigration, would like to embarrass me by issuing subpoenas to see if they could find out something in memos or documents or conversations we had about the bill and the flawed legislative process that brought it to the floor.

The executive branch has the power of subpoena also. Would our Members over here on the Senate Judiciary Committee be happy if the White House issued subpoenas to find out if any of our Members may have delayed the confirmation process in order to impact the outcome of some case that might be pending before a court of appeals at a given time in a given State?

Would we want to have all that happen to us? If these are criminal things, you get to do that. If they are not criminal things, comity, respect between our branches would suggest that any leader have certain rights to have candid, confidential communications with their own staff about matters of great importance to our Nation. The courts have it. Congress has it. The executive branch has it. There is case law that has addressed this type of privilege. Executive privilege is not something that is made up; it is something that is very real.

Now, I am not one who would want to come in and predict how cases would come out, but based on the openness the President has shown with regard to providing to the Congress his staff people for interviews, I am not sure there is a legal basis for this.

Yes, in the meantime, it will look good politically. Those who issued the subpoenas—and are proud of themselves, knowing the President probably will never be able to accept this and would have to resist and have to object—can accuse him of hiding. They can accuse him of stonewalling. They can say he is in denial, that he will not cooperate with the Congress, that he is operating in secrecy. These baseless accusations will just further fuel the charges people have made about this good man who is trying to serve the country the best he can. I certainly believe that.

So here we are. Chairman LEAHY issued the subpoenas. Now the President has objected, which he has a perfect right to do. What happens now? There are several options, one of which is to litigate. If that path is chosen, a court will have decide it. It will go to the courts, and there will be an argument whether there is a legitimate evoking of executive privilege.

I wish it had not happened. That is all I am saying. We, I believe, have overreached in this instance. I cannot imagine we would want to demand that the President's own lawyer, Harriet Miers, be required to produce every memo she gave to the President and every conversation she had about any matter in the White House unless it amounted, as I said, to some criminal offense, which nobody is suggesting has occurred here. It is just not good policy, and we have to be bigger than short-term politics in this Senate. We have to be bigger than that.

I want to say, in my best judgment, we should not have shoved it this far. We have overreached. The President does have a legitimate claim of executive privilege. Over 8,500 documents and e-mails that went from the White House to the Cabinet Department, the Department of Justice, have been produced. It is only those conversations and communications between the President's closest advisers and the President himself which the White House feels should not be produced because of the historical implications of it for Presidents in the future. In this instance, I think the President is within his rights.

My best judgment, based on what I know today, is that this is not legitimate under our current law, and it is absolutely not justified under our discretion as Members of Congress. We ought to have more respect for the other branch than to push this request beyond the limits to the point we have today.

So, Madam President, I want to be on record to say that I understand why the President would object to making these disclosures of internal communications between the President and his own personal, closest staff, after, of course, having produced communications between he and his staff and the Department of Justice that have been produced and making those staff members available for private inquiry among the leadership of the Congress. I think that was a real strong gesture of openness, but that was promptly rejected because I think some in the Congress—Senate and House—would rather have a fight and try to make a political point than actually get to the truth of those matters.

Madam President, I thank the Chair and yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. REID. Madam President, this Sunday is the halfway mark of the year 2007. It is also the 2-month mark since President Bush vetoed the supplemental appropriations bill we sent to him which would have set a responsible path to reduce our combat operations, save lives, and finally change course in Iraq. President Bush called our bill a ''recipe for chaos.''

Now that 2 months have passed, here is what has happened under the President's escalation plan. It is clearly chaos: 126 brave Americans died in May alone, and more than 100 in June. This quarter has been the deadliest in the entire war. Sectarian killings have not declined. Yesterday, more than 20 Iraqis were beheaded. There is little evidence the Iraqi Government will meet any of the political benchmarks they have set for themselves. The surge was supposed to create the space for Iraq's political leaders to make the difficult decisions to unite their country. That has not occurred.

I have said from the beginning that as long as President Bush remains obstinate and the Republicans in Congress continue to toe his line, this tragic war will continue. There is no sign of President Bush awakening to the devastating reality of this intractable war. But this week, there is new reason for optimism in that my Republican colleagues in the Senate are finally willing to join in calling for a new direction.

A couple of days ago, on Tuesday, I congratulated the ranking member of the Foreign Relations Committee, Senator RICHARD LUGAR, for courageously breaking ranks with President Bush and calling for the war to end. Senator LUGAR said, among other things:

> Persisting indefinitely with the surge strategy will delay policy adjustments that have a better chance of protecting our vital interests over the long term.

I agree with those words.

The day after Senator LUGAR's comments, another distinguished Republican on the Foreign Relations Committee, GEORGE VOINOVICH, wrote a letter to the President. In the letter, Senator VOINOVICH urged the President to wake up to the truth that so many of us already know: that the war cannot be won militarily.

It can only be won politically. Yet another distinguished member of the Armed Services Committee, Senator WARNER, then said he expects the number of Republican defections with the President to rise.

I am encouraged by what we are hearing now from Republican Senators, even though it is only a handful. But when you join these three Senators with Senators SMITH and HAGEL, we are up to five. We still have 44 to go.

I said earlier this week that this could and should be a turning point. After the recess, we will turn to the Department of Defense authorization bill, which is our next chance to force the President to change course.

But we are still a long way from reaching our goal. More Republicans are saying the right things, but now we badly need for them to put their words into action by voting the right way also.

The current handful of Republicans isn't enough. We would not be able to get any legislation passed without 60 votes, but we are getting closer. We are not where we need to be yet.

In May, as I said, the President called our plan a ''recipe for chaos.'' Each day that goes by we sink further and further into the President's escalation, and it becomes even clearer that the best way to ensure chaos, death, devastation, and destruction is to stick with the President's failed policy. Let's go with our plan, which is not chaos but stability and the saving of people's lives.

As we leave for the celebration of our Nation's birthday, the Fourth of July, I ask my colleagues to listen to the call of the American people. Choose the path that honors our troops, makes our country safer at home, and stronger abroad.

When we return next week, let's get to work on a responsible new direction that Americans demand and deserve and, in fact, is long overdue.

INDEPENDENCE DAY

Mr. BYRD. Madam President, next Wednesday is July 4, Independence Day, the grand national celebration of our Nation's beginning. The Senate and the House of Representatives will be quiet, in recess so that Members can join in Independence Day celebrations around the country with constituents, families, and friends.

On July 4, summer is approaching its zenith. The days are hot and sunny. Water in all forms lures children into the heat—in the country, shady streams offer relief; in urban areas, fountains or even fire hydrants answer the call, while across the country, swimming pools offer watery fun with an accompanying musical soundtrack of splashing and laughter. Even summer thunderstorms do their bit to cool things down while displaying nature's power and majesty as the lightning cracks and the thunder booms.

Fourth of July celebrations are a wonderful time to glory in all that is good about the United States. Flags and fireworks, picnics and parades, mellow afternoons and martial music—everything about Independence Day is grand. As we join together to remember the bravery that led our Founding Fathers to draft the Declaration of Independence, the long struggle to win our freedom, and the enlightened wisdom that resulted in our unique and wonderful Constitution, the love of our Nation that is the true spirit of patriotism is renewed. Surrounded by the happy faces of our diverse population enjoying their small town parades, music under the stars, family picnics and the grand finale of the fireworks displays, we can be sure that our Founding Fathers chose well when they gambled on a new nation in which ''all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.''

On Independence Day, when laughing children run with their sparklers to compete with the fireflies, we are also reminded of our own obligation to preserve for them all that is good about these United States. In this, we may also look to the Declaration of Independence, which ends with ''a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.''

For our Founding Fathers, this pledge was not mere rhetoric—their signatures on the declaration that hot summer in 1776 put at risk their families, their fortunes, their worldly possessions, and their lives. Some, like Edward Rutledge, age 26, were young men, with all of their life's promise ahead of them. Others, like Benjamin Franklin, age 70, were no longer so young, and the prospect of being hunted down for treason could not have been very appealing. Still, he did not shirk from signing and has even been quoted as saying that ''We must all hang together, or assuredly we will all hang separately,'' his witty way of warning the signers that any failure to remain united could result in each of them being tried and executed for treason. History has shown that his warning was not needed.

Through the years of war, even as some of the signers lost their homes or put their fortunes into the war effort, not one of them backed down. For that, we may all be thankful.

Even as the years of war passed, the signers of the Declaration of Independence continued to serve their new Nation. They served as ambassadors for the new United States, as Presidents and Vice Presidents, as Cabinet members, and as a source of inspiration and industry for the fledgling Nation into their old ages. It is fitting that Thomas Jefferson, author of the Declaration of Independence, third President of the United States, Vice President, Secretary of State, Minister to France, Governor of Virginia, colonial and State legislator, founder of the University of Virginia, farmer and philosopher, died at the age of 83 on the Fourth of July, 1826, on the 50th anniversary of the adoption of the Declaration of Independence. He worked and wrote prolifically until the very end of his life, always for the betterment of the Nation.

On the same day, July 4, 1826, John Adams passed away at the age of 91. President, Vice President, Member of the Continental Congress, farmer, and philosopher, Adams remains the longest lived person ever elected to both of the highest offices in the United States. Until his record was broken by Ronald Reagan in 2001, Adams was the nation's longest living President, at 90 years, 247 days. The record is currently held by former President Gerald Ford, who died December 26, 2006, at 93 years, 165 days. Adams and Jefferson's correspondence during their later years remains an invaluable historical record of the early days of our Republic, and their respect for each other was unmatched. Even as he died, Adams is said to have breathed, ''Thomas Jefferson survives,'' in what may have been his final earthly comfort knowing that his friend remained to watch over the young Nation.

Madam President, it is a great privilege to be able to call oneself a citizen of these United States. It is my great privilege to serve the Senate and the people of West Virginia and the United States. I feel that privilege every day but especially on the Fourth of July. I am inspired by our Founding Fathers and by the great documents that are the Declaration of Independence and the Constitution. Like Jefferson and Adams, I am inspired to continue serving the land that I love to the very best of my abilities for the whole of my years.

Madam President, I close with a poem by Walter Taylor Field, entitled ''Flag of the Free.''

FLAG OF THE FREE

Look at the flag as it floats on high,
Streaming aloft in the clear, blue sky,
Rippling, leaping, tugging away,
Gay as the sunshine, bright as the day,
Throbbing with life, where the world may see—Flag of our country, flag of the free!

What do we see in the flag on high,
That we bare our heads as it passes by,
That we thrill with pride, our hearts beat fast, And we cheer and cheer as the flag goes past—The flag that waves for you and me—Flag of our country, flag of the free?

We see in the flag a nation's might,
The pledge of a safeguard day and night, Of a watchful eye and a powerful arm

That guard the nation's homes from harm.
Of a strong defense on land and sea—
Flag of our country, flag of the free!

We see in the flag a union grand,
A brotherhood of heart and hand,
A pledge of love and a stirring call
To live our lives for the good of us all—Helpful and just and true to thee, Flag of our country, flag of the free!

Flutter, dear flag, o'er the lands and seas!
Fling out your stars and your stripes to the breeze, Righting all wrongs, dispelling all fear,
Guarding the land that we cherish so dear, And the God of our fathers, abiding with thee, Will
bless you and trust you, O flag of the free!

IOWA ARMY NATIONAL GUARD

Mr. GRASSLEY. Madam President, today I would like to take a moment to recognize a group of Iowans who distinguished themselves in their service on behalf of the security of the United States. Troop C, 1–113 Cavalry, of the Iowa Army National Guard, brought honor to itself and the State of Iowa while serving in support of Operation Iraqi Freedom. Troop C entered the Iraq theater of operations on October 30, 2005, and completed its mission on October 30, 2006.

Troop C, 1–113 Cavalry was based at Camp Ashraf in the Diyala Province of Iraq. Diyala is one of the most contested provinces in Iraq, and the mission of Troop C, 1–113 Cavalry was to provide perimeter defense at Camp Ashraf, reconnaissance and security patrols, improvised explosive device clearance missions, and convoy escorts. Troop C missions were conducted in such contested cities as Baghdad, Baqubah, and Khalis, as well as anywhere else required. Dangerous does not quite capture the situations that Troop C faced on a daily basis.

During this tour of duty, Troop C, 1–113 Cavalry conducted more than 3,000 missions, drove in excess of 150,000 miles on treacherous Iraqi roads, sustained over 50 improvised explosive devices strikes, discovered more than 25 emplaced improvised explosive devices and provided security while these devices were destroyed; and on a routine basis conducted security missions to Ashraf's West Water Pump Station. Troop C put themselves in harm's way to ensure continual water supply to Ashraf and the surrounding villages. For its actions while performing these missions, Troop C has earned to date eleven Purple Hearts and nearly one-hundred combat action badges.

Battlefield success came at a price. SGT Dan L. Sesker made the ultimate sacrifice, giving his life while conducting a convoy operation in Baghdad.

On May 29, 2006, members of Troop C arrived on scene immediately after 4th Infantry Division Soldiers and a Columbia Broadcasting System news crew were attacked while conducting Memorial Day interviews. The soldiers of Troop C heroically took up the security mission and provided first aid to the wounded Soldiers and news crew. The treatment provided to the correspondent, Kimberly Dozier, saved her life.

Troop C, 1–113 Cavalry deserves the highest praise of this body and the entire Nation. The courage, selfless sacrifice, and dedication to their mission displayed by Troop C exemplifies what is best in our brave soldiers and I am very proud to call them fellow Iowans. It is to the valor of those in Troop C and others like them past and present that we Americans owe our freedom and security today.

SUPREME COURT DECISIONS

Mr. KENNEDY. Madam President, over half a century ago, in Brown v. Board of Education, a unanimous Supreme Court stuck down laws requiring racial segregation in our public schools. Yesterday's decision limiting voluntary efforts to desegregate public schools is false to Brown's promise of equality by making it far more difficult for local school boards to bring students of different races together in the classroom.

The landmark decision in Brown v. Board of Education called on us to honor not only the requirements of the Constitution but also of our consciences. America was made stronger as a result. Although the Brown decision initially met with intense resistance in many parts of the country, it eventually came to be recognized as one of the Court's finest hours.

Yesterday's decision, however, makes it far more difficult to achieve equal educational opportunity for children of all races. Brown was a giant step in ending racially segregated public schools, but achieving integration takes more than a court decision. It takes good will, vision, creativity, common sense, and a firm commitment to the goal of educating all children, regardless of race. Above all, it takes a realistic assessment of local communities to determine what will work to bring students together.

That challenge is difficult to meet, because in many parts of the Nation, neighborhoods continue to be highly segregated by race and national origin. Without specific efforts by local school boards to promote diversity, public schools often reflect the same racial segregation as the neighborhoods around them. As over 500 prominent social scientists who have studied residential segregation explained in their brief in the Seattle and Jefferson County, KY, cases, without voluntary efforts, neighborhood schools cannot achieve the integration that we as a society recognize is so important.

The benefits of integration, both for individual students and for society, are enormous. Children who participate in classes attended by students of many races enjoy greater parental involvement in public schools, and greater cross-cultural understanding. It helps close the racial gap in education by helping African-American children achieve greater academic success. One of the Nation's leading conservative judges, Alexander Kozinski, described Seattle's integration plan as an ''eminently sensible'' ''stirring of the melting pot,'' which helps children learn to interact as citizens of our common society. Without integrated schools, children will not learn these important lessons. That's a result we cannot afford.

Local school boards such as Jefferson County's have transcended the legacy of Jim Crow segregation to achieve not only enhanced opportunities for students but greater cooperation, participation, and genuine friendship between children of different races. We should honor that achievement. We should also ensure that school districts such as Jefferson County's, that do not want to return to the days of all-White and all-Black schools, receive the support and information needed to continue that success.

The Court's ruling undermines the important goal of racial integration by ignoring the real world consequences of its decision. Ironically, Chief Justice Roberts, who helped form the majority on this decision, stated at his confirmation hearing that this was something he would not do.

My first question to John Roberts at his confirmation hearing was about Brown v. Board of Education. I asked whether he agreed that the Court in Brown properly based its opinion on ''real world consideration[s] . . . at the time of its decision.'' ''Certainly, Senator,'' he responded, ''you have to look at the discrimination in the context in which it is occurring.''

Yet his plurality opinion in yesterday's decision ignores the context of Brown that Chief Justice Roberts said at his hearing was so important. In fact, Chief Justice Roberts would have gone even further than a majority of the Court and argued to outlaw virtually any use of race in voluntary efforts to integrate public schools.

The central tragedy in Brown was society's abandonment of African-American children to second-class schools. Every child relegated to such schools is harmed. Chief Justice Roberts' opinion disregards that reality by defining the only harm in Brown as the consideration of race in assigning children to school. The harm to these children is not less just because their segregation is the result of housing patterns rather than discriminatory laws. The cruel irony of the Chief Justice's view is that it would undermine Brown by ensuring that thousands of minority children would continue to attend segregated schools. Fortunately, a majority of the Supreme Court understood that we cannot afford to ignore the harm to students in segregated schools.

Despite professing moderation and promising to uphold precedent, the Court's newest members have already voted to radically limit the Clean Water Act. They have argued that the

Environmental Protection Agency has no power to control air pollution, and overturned a 7-year-old precedent on a woman's right to choose. More recently, they cut back on workers' ability to hold companies responsible for pay discrimination, ignoring the intent of Congress by imposing unreasonably narrow deadlines for pay discrimination claims. But their decision striking down voluntary integration is the most sweeping proof that they failed to be candid about their extreme views when they testified before the Senate in their confirmation hearings.

Fortunately, the views of the newest Justices, which would have made voluntary integration almost impossible, were not shared by a majority of the Court. The majority recognized that local school boards have a compelling interest in preventing de facto racial segregation in public schools, so long as they do so in a way that is narrowly tailored to meet that interest. Although the majority wrongly concluded that the carefully crafted programs in Seattle and Jefferson County, KY, were not permissible, it made clear that local school districts still have the ability to create racially inclusive public schools.

Congress is not powerless to address this important issue. We should support school districts that desire to achieve diversity in their public schools within the limits of the Court's ruling. I plan to hold hearings in the Committee on Health, Education, Labor, and Pensions on the effects of the decisions. It is my hope that those hearings will shed new light on the best way to support schools that want to continue our national progress toward integration in public education.

The words of Brown ring as true today as they did half a century ago. On May 17, 1954, the Supreme Court declared that ''education is perhaps the most important function of state and local governments. . . . It is the very foundation of good citizenship. . . . In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education,'' and that opportunity ''is a right which must be made available to all on equal terms.''

These words could have been written today. It is up to us to revitalize them for the years ahead. The promise of Brown will never be fulfilled until America opens opportunity to all, not just to some.

Brown showed that even against great odds, we can change America for the better. We must renew our commitment to genuine educational equality for all children in America. Despite yesterday's decision, we must not falter, now or ever. Separate can never be equal. We must continue the racial progress of the last 50 years. Only then will America truly become one Nation, under God, indivisible, with liberty and justice for all.

CURRENCY REFORM AND FINANCIAL MARKETS ACCESS ACT OF 2007

Mr. DODD. Madam President, I ask unanimous consent that the attached letter from the American Council of Life Insurers be printed in the RECORD, along with the materials I submitted for S. 1677, the Currency Reform and Financial Markets Access Act of 2007.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN COUNCIL ON LIFE INSURERS,
Washington, DC, June 21, 2007.

Senator CHRISTOPHER DODD,
Senate Banking Committee, Dirksen Senate Building, Washington, DC.

DEAR CHAIRMAN DODD: I am writing on behalf of ACLI member companies to applaud the focus you have given to market access in Title II of the Currency Reform Act and Market Access Act of 2007. I commend your bipartisan efforts to introduce legislation that recognizes the importance of true and improved market access for all U.S. financial services firms to China's markets.

A more effective, modern and efficient financial sector in China is a prerequisite to successfully addressing a shift in China's export-driven economic stance globally, as well as to ameliorating issues that have complicated the U.S.-China economic relationship, China's WTO implementation and the trade imbalance.

For ACLI member companies, access to China's market cannot be overstated. China is the world's 11th largest insurance market by total premium volume (8th by life insurance), up from 16th in 2000, with premium volumes of almost $68 billion in 2006—life premiums accounted for the lion's share at $48 billion, a near threefold increase since 2001. Although ranked in the top ten globally, China's life market is under-penetrated. As China's burgeoning middle class grows, incomes grow, and consumptions patterns change, average yearly per capita expenditures on life insurance will surge—predictions are that China will rank among the world's largest life insurance markets by 2020.

While China has come a long way in opening up its life insurance market, in another arena, up until last year, there was no formal supplementary retirement savings program in China despite the fact that it began dismantling its ''cradle to grave'' social safety net beginning in the 1980s. Pensions are largely unfunded, under-funded or non-existent for scores of citizens. China is only now beginning to appreciate the critical role that enterprise annuities needs to play in providing retirement security to Chinese households.

To address the pension gap, Chinese regulators started in the spring of 2005 to establish an Enterprise Annuity Pension System (EA)—as a second pillar individual account, defined contribution retirement program (similar to our 401(k)). Conservatively, our estimates indicate that within 10 years the assets under management for this program should be close to $100 billion. Within 25 years they should reach $1 trillion. While a number of foreign firms have been licensed to provide custodial, trustee, management, and related services for pension assets, no American firm has been licensed to underwrite pension products directly.

Participating in the type of growth noted above is paramount for firms in worldwide life insurance and retirement benefits leadership positions. It is equally important for China's economic leadership, regulators and industry to view our greater involvement and participation as win-win for the economy, consumers, and capital markets generally.

For these reasons, I look forward to working with you on efforts such as this to shine light on market access issues that can be addressed in China to improve opportunities for ACLI companies to participate in the Chinese market.

Sincerely,

FRANK KEATING.

MESSAGES FROM THE HOUSE

At 9:59 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2829. An act making appropriations for Financial Services and General Government for the fiscal year ending September 30, 2008, and for other purposes.

The message also announced that, in accordance with the request of the Senate, the bill (S. 1612) entitled ''An act to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes,'' and all the accompanying papers were hereby returned to the Senate.

The message further announced that pursuant to section 801(b) of Public Law 101–696 (2 U.S.C. 2081(b)), the Chairman and Vice Chairman of the Joint Committee of Congress on the Library serve ex officio on the U.S. Capitol Preservation Commission, but each may designate another Member to serve in his or her place; the Vice Chairman and the Joint Committee for the 110th Congress, ROBERT A. BRADY, hereby designates the following Member to serve on the U.S. Capitol Preservation Commission as Vice Chairman of the Joint Committee of Congress on the Library in lieu of himself, as provided for in section 801(c) of Public Law 101–696 (2 U.S.C. 2081(c): Mr. CAPUANO of Massachusetts.

ENROLLED BILLS SIGNED

At 11 a.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1830. An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 12:50 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill:

S. 277. An act to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.

S. 1704. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2829. An act making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. MIKULSKI, from the Committee on Appropriations, without amendment:

S. 1745. 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 for other purposes (Rept. No. 110–124).

By Mr. ROCKEFELLER, from the Select Committee on Intelligence, with amendments:

S. 1547. An original bill to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. No. 110–125).

S. 1548. An original bill to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.

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 Ms. MIKULSKI:

S. 1745. 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 for other purposes; from the Committee on Appropriations; placed on the calendar.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 1746. A bill to provide for the recognition of certain Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 1747. A bill to regulate the judicial use of presidential signing statements in the interpretation of Acts of Congress; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself, Mr. DEMINT, Mr. MCCONNELL, Mr. SESSIONS, Mrs. HUTCHISON, Mr. ISAKSON, Mr. CRAIG, Mr. CHAMBLISS, Mr. GRAHAM, Mr. CORNYN, Mr. BOND, Mr. MCCAIN, Mr. COCHRAN, Mr. VOINOVICH, Mr. THUNE, Mr. COBURN, Mr. ALLARD, Mr. ROBERTS, and Mr. KYL):

S. 1748. A bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine; to the Committee on Commerce, Science, and Transportation.

By Mr. KYL:

S. 1749. A bill to amend the Federal Rules of Criminal Procedure to provide adequate protection to the rights of crime victims, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAMBLISS (for himself and Mr. ISAKSON):

S. Res. 262. A resolution designating July 2007 as ''National Watermelon Month''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 130

At the request of Mr. ALLARD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 130, a bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under Medicare.

S. 648

At the request of Mr. CHAMBLISS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 691

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) 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. 746

At the request of Mr. ALLARD, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 771

At the request of Mr. HARKIN, the name of the Senator from New Mexico (Mr. BINGAMAN) 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 New Mexico (Mr. DOMENICI) 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. 805

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 819

At the request of Mr. DORGAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 902

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 902, a bill to provide support and assistance for families of members of the National Guard and Reserve who are undergoing deployment, and for other purposes.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1337

At the request of Mr. KERRY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1337, a bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

S. 1406

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) 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. 1415

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1415, a bill to amend the Public Health Service Act and the Social Security

Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes.

S. 1418

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1455

At the request of Mr. WHITEHOUSE, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1455, a bill to provide for the establishment of a health information technology and privacy system.

S. 1459

At the request of Mr. MENENDEZ, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1459, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 1471

At the request of Mr. WHITEHOUSE, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1471, a bill to provide for the voluntary development by States of qualifying best practices for health care and to encourage such voluntary development by amending titles XVIII and XIX of the Social Security Act to provide differential rates of payment favoring treatment provided consistent with qualifying best practices under the Medicare and Medicaid programs, and for other purposes.

S. 1593

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1593, a bill to amend the Internal Revenue Code of 1986 to provide tax relief and protections to military personnel, and for other purposes.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. INOUYE) 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. 1624

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1624, a bill to amend the Internal Revenue Code of 1986 to provide that the exception from the treatment of publicly traded partnerships as corporations for partnerships with passive-type income shall not apply to partnerships directly or indirectly deriving income from providing investment adviser and related asset management services.

S. 1677

At the request of Mr. DODD, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1677, a bill to amend the Exchange Rates and International Economic Coordination Act of 1988 and for other purposes.

S. 1742

At the request of Mr. THUNE, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Ohio (Mr. VOINOVICH), the Senator from Colorado (Mr. ALLARD), the Senator from Arizona (Mr. MCCAIN) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 1742, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 1746. A bill to provide for the recognition of certain Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, at the very beginning of the Alaska Native Claims Settlement Act of 1971 there are a series of findings and declarations of congressional policy which explain the underpinnings of this landmark legislation.

The first clause reads, ''There is an immediate need for a fair and just settlement of all claims by Natives and Native groups of Alaska, based on aboriginal land claims.'' The second clause states, ''The settlement should be accomplished rapidly, with certainty, in conformity with the real economic and social needs of Natives.''

Mr. President, 34, going on 35, years have passed since the Alaska Native Claims Settlement Act became law and still the Native peoples of five communities in Southeast Alaska—Haines, Ketchikan, Petersburg, Tenakee and Wrangell—the five ''landless communities'' are still waiting for their fair and just settlement.

The Alaska Native Claims Settlement Act awarded approximately $1 billion and 44 million acres of land to Alaska Natives and provided for the establishment of Native Corporations to receive and manage such funds and lands. The beneficiaries of the settlement were issued stock in one of 13 regional Alaska Native corporations. Most beneficiaries also had the option to enroll and receive stock in a village, group or urban corporation.

For reasons that still defy explanation the Native peoples of the ''landless communities,'' were not permitted by the Alaska Native Claims Settlement Act to form village or urban corporations. These communities were excluded from this benefit even though they did not differ significantly from other communities in Southeast Alaska that were permitted to form village or urban corporations under the Alaska Native Claims Settlement Act. This finding was confirmed in a February 1994 report submitted by the Secretary of the Interior at the direction of the Congress. That study was conducted by the Institute of Social and Economic Research at the University of Alaska.

The Native people of Southeast Alaska have recognized the injustice of this oversight for more than 34 years. An independent study issued more than 12 years ago confirms that the grievance of the landless communities is legitimate. Legislation has been introduced in the past sessions of Congress to remedy this injustice. Hearings have been held and reports written. Yet legislation to right the wrong has inevitably stalled out. This December marks the 35th anniversary of Congress' promise to the Native peoples of Alaska, the promise of a rapid and certain settlement. And still the landless communities of southeast Alaska are landless.

I am convinced that this cause is just, it is right, and it is about time that the Native peoples of the five landless communities receive what has been denied them for going on 35 years.

The legislation that I am introducing today would enable the Native peoples of the five ''landless communities'' to organize five ''urban corporations,'' one for each unrecognized community. These newly formed corporations would be offered and could accept the surface estate to approximately 23,000 acres of land. Sealaska Corporation, the regional Alaska Native Corporation for southeast Alaska would receive title to the subsurface estate to the designated lands. The urban corporations would each receive a lump sum payment to be used as start-up funds for the newly established corporation. The Secretary of the Interior would determine other appropriate compensation to redress the inequities faced by the unrecognized communities.

It is long past time that we return to the Native peoples of southeast Alaska a small slice of the aboriginal lands that were once theirs alone. It is time that we open our minds and open our hearts to correcting this injustice which has gone on far too long and finally give the Native peoples of southeast Alaska the rapid and certain settlement for which they have been waiting.

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. 1746

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 ''Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) In 1971, Congress enacted the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) (referred to in this section as the ''Act'') to recognize and settle the aboriginal claims of Alaska Natives to the lands Alaska Natives had used for traditional purposes.

(2) The Act awarded approximately $1,000,000,000 and 44,000,000 acres of land to Alaska Natives and provided for the establishment of Native Corporations to receive and manage such funds and lands.

(3) Pursuant to the Act, Alaska Natives have been enrolled in one of 13 Regional Corporations.

(4) Most Alaska Natives reside in communities that are eligible under the Act to form a Village or Urban Corporation within the geographical area of a Regional Corporation.

(5) Village or Urban Corporations established under the Act received cash and surface rights to the settlement land described in paragraph (2) and the corresponding Regional Corporation received cash and land which includes the subsurface rights to the land of the Village or Urban Corporation.

(6) The southeastern Alaska communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell are not listed under the Act as communities eligible to form Village or Urban Corporations, even though the population of such villages comprises greater than 20 percent of the shareholders of the Regional Corporation for Southeast Alaska and display historic, cultural, and traditional qualities of Alaska Natives.

(7) The communities described in paragraph (6) have sought full eligibility for lands and benefits under the Act for more than three decades.

(8) In 1993, Congress directed the Secretary of the Interior to prepare a report examining the reasons why the communities listed in paragraph (6) had been denied eligibility to form Village or Urban Corporations and receive land and benefits pursuant to the Act.

(9) The report described in paragraph (8), published in February, 1994, indicates that—

(A) the communities listed in paragraph (6) do not differ significantly from the southeast Alaska communities that were permitted to form Village or Urban Corporations under the Act;

(B) such communities are similar to other communities that are eligible to form Village or Urban Corporations under the Act and receive lands and benefits under the Act—

(i) in actual number and percentage of Native Alaskan population; and

(ii) with respect to the historic use and occupation of land;

(C) each such community was involved in advocating the settlement of the aboriginal claims of the community; and

(D) some of the communities appeared on early versions of lists of Native Villages prepared before the date of the enactment of the Act, but were not included as Native Villages in the Act.

(10) The omissions described in paragraph (9) are not clearly explained in any provision of the Act or the legislative history of the Act.

(11) On the basis of the findings described in paragraphs (1) through (10), Alaska Natives who were enrolled in the five unlisted communities and their heirs have been inadvertently and wrongly denied the cultural and financial benefits of enrollment in Village or Urban Corporations established pursuant to the Act.

(b) PURPOSE.—The purpose of this Act is to redress the omission of the communities described in subsection (a)(6) from eligibility by authorizing the Native people enrolled in the communities—

(1) to form Urban Corporations for the communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell under the Act; and

(2) to receive certain settlement lands and other compensation pursuant to the Act.

SEC. 3. ESTABLISHMENT OF ADDITIONAL NATIVE CORPORATIONS.

Section 16 of the Alaska Native Claims Settlement Act (43 U.S.C. 1615) is amended by adding at the end thereof the following new subsection:

''(e)(1) The Native residents of each of the Native Villages of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, Alaska, may organize as Urban Corporations.

''(2) Nothing in this subsection shall affect any entitlement to land of any Native Corporation previously established pursuant to this Act or any other provision of law.''.

SEC. 4. SHAREHOLDER ELIGIBILITY.

Section 8 of the Alaska Native Claims Settlement Act (43 U.S.C. 1607) is amended by adding at the end thereof the following new subsection:

''(d)(1) The Secretary of the Interior shall enroll to each of the Urban Corporations for Haines, Ketchikan, Petersburg, Tenakee, or Wrangell those individual Natives who enrolled under this Act to the Native Villages of Haines, Ketchikan, Petersburg, Tenakee, or Wrangell, respectively.

''(2) Those Natives who are enrolled to an Urban Corporation for Haines, Ketchikan, Petersburg, Tenakee, or Wrangell pursuant to paragraph (1) and who were enrolled as shareholders of the Regional Corporation for Southeast Alaska on or before March 30, 1973, shall receive 100 shares of Settlement Common Stock in such Urban Corporation.

''(3) A Native who has received shares of stock in the Regional Corporation for Southeast Alaska through inheritance from a decedent Native who originally enrolled to the Native Villages of Haines, Ketchikan, Petersburg, Tenakee, or Wrangell, which decedent Native was not a shareholder in a Village or Urban Corporation, shall receive the identical number of shares of Settlement Common Stock in the Urban Corporation for Haines, Ketchikan, Petersburg, Tenakee, or Wrangell as the number of shares inherited by that Native from the decedent Native who would have been eligible to be enrolled to such Urban Corporation.

''(4) Nothing in this subsection shall affect entitlement to land of any Regional Corporation pursuant to section 12(b) or section 14(h)(8).''.

SEC. 5. DISTRIBUTION RIGHTS.

Section 7 of the Alaska Native Claims Settlement Act (43 U.S.C. 1606) is amended—

(1) in subsection (j), by adding at the end thereof the following new sentence: ''Native members of the Native Villages of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell who become shareholders in an Urban Corporation for such a community shall continue to be eligible to receive distributions under this subsection as at-large shareholders of the Regional Corporation for Southeast Alaska.''; and

(2) by adding at the end thereof the following new subsection:

''(s) No provision of or amendment made by the Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act shall affect the ratio for determination of revenue distribution among Native Corporations under this section and the '1982 Section 7(i) Settlement Agreement' among the Regional Corporations or among Village Corporations under subsection (j).''.

SEC. 6. COMPENSATION.

The Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is amended by adding at the end thereof the following new section:

''URBAN CORPORATIONS FOR HAINES, KETCHIKAN, PETERSBURG, TENAKEE, AND WRANGELL

''SEC. 43. (a) Upon incorporation of the Urban Corporations for Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, the Secretary, in consultation and coordination with the Secretary of Commerce, and in consultation with representatives of each such Urban Corporation and the Regional Corporation for Southeast Alaska, shall offer as compensation, pursuant to this Act, one township of land (23,040 acres) to each of the Urban Corporations for Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, and other appropriate compensation, including the following:

''(1) Local areas of historical, cultural, traditional, and economic importance to Alaska Natives from the Villages of Haines, Ketchikan, Petersburg, Tenakee, or Wrangell. In selecting the lands to be withdrawn and conveyed pursuant to this section, the Secretary shall give preference to lands with commercial purposes and may include subsistence and cultural sites, aquaculture sites, hydroelectric sites, tidelands, surplus Federal property and eco-tourism sites. The lands selected pursuant to this section shall be contiguous and reasonably compact tracts wherever possible. The lands selected pursuant to this section shall be subject to all valid existing rights and all other provisions of section 14(g), including any lease, contract, permit, right-of-way, or easement (including a lease issued under section 6(g) of the Alaska Statehood Act).

''(2) $650,000 for capital expenses associated with corporate organization and development, including—

''(A) the identification of forest and land parcels for selection and withdrawal;

''(B) making conveyance requests, receiving title, preparing resource inventories, land and resource use, and development planning;

''(C) land and property valuations;

''(D) corporation incorporation and startup;

''(E) advising and enrolling shareholders;

''(F) issuing stock; and

''(G) seed capital for resource development.

''(3) Such additional forms of compensation as the Secretary deems appropriate, including grants and loan guarantees to be used for planning, development and other purposes for which Native Corporations are organized under the Act, and any additional financial compensation, which shall be allocated among the five Urban Corporations on a pro rata basis based on the number of shareholders in each Urban Corporation.

''(b) The Urban Corporations for Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, shall have one year from the date of the offer of compensation from the Secretary to each such Urban Corporation provided for in this section within which to accept or reject the offer. In order to accept or reject the offer, each such Urban Corporation shall provide to the Secretary a properly executed and certified corporate resolution that states that the offer proposed by the Secretary was voted on, and either approved or rejected, by a majority of the shareholders of the Urban Corporation. In the event that the offer is rejected, the Secretary, in consultation with representatives of the Urban Corporation that rejected the offer and the Regional Corporation for Southeast Alaska, shall revise the offer and the Urban Corporation shall have an additional six months within which to accept or reject the revised offer.

''(c) Not later than 180 days after receipt of a corporate resolution approving an offer of the Secretary as required in subsection (b), the Secretary shall withdraw the lands and convey to the Urban Corporation title to the surface estate of the lands and convey to the Regional Corporation for Southeast Alaska title to the subsurface estate as appropriate for such lands.

''(d) The Secretary shall, without consideration of compensation, convey to the Urban Corporations of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, by quitclaim deed or patent, all right, title, and interest of the United States in all roads, trails, log transfer facilities, leases, and appurtenances on or related to the land conveyed to the corporations pursuant to subsection (c).

''(e)(1) The Urban Corporations of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell may establish a settlement trust in accordance with the provisions of section 39 for the purposes of promoting the health, education, and welfare of the trust beneficiaries and preserving the Native heritage and culture of the communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, respectively.

''(2) The proceeds and income from the principal of a trust established under paragraph (1) shall first be applied to the support of those enrollees and their descendants who are elders or minor children and then to the support of all other enrollees.''.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as shall be necessary to carry out this Act and the amendments made by this Act.

By Mr. SPECTER:

S. 1747. A bill to regulate the judicial use of presidential signing statements in the interpretation of Act of Congress; to the Committee on the Judiciary.

Mr. SPECTER. Mr President, I seek recognition today to offer the Presidential Signing Statements Act of 2007. The purpose of this bill is to regulate the use of Presidential Signing Statements in the interpretation of acts of Congress. This bill is similar in substance to the Presidential Signing Statements Act of 2006, which I introduced on July 26, 2006. The Senate Judiciary Committee also held a hearing on this topic on June 27, 2006.

I believe that this is necessary to protect our constitutional system of checks and balances. This bill achieves that goal in the following ways.

First, it prevents the President from issuing a signing statement that alters the meaning of a statute by instructing Federal and State courts not to rely on Presidential signing statements in interpreting a statute.

Second, it grants Congress the power to participate in any case where the construction or constitutionality of any act of Congress is in question and a presidential signing statement for that act was issued by (i) allowing Congress to file an amicus brief and present oral argument in such a case; (ii) instructing that if Congress passes a joint resolution declaring its view of the correct interpretation of the statute, the court must admit that resolution into the case record; and (iii) providing for expedited review in such a case.

Presidential signing statements are nothing new. Since the days of President James Monroe, Presidents have issued statements when signing bills. It is widely agreed that there are legitimate uses for signing statements. For example, Presidents may use signing statements to instruct executive branch officials how to administer a law. They may also use them to explain to the public the likely effect of a law. And, there may be a host of other legitimate uses.

However, the use of signing statements has risen dramatically in recent years. When I introduced the Presidential Signing Statement bill last year, I noted that as of June 26, 2006, President Bush had issued 132 signing statements. Since then, he has issued an additional 17 statements, for a total of 149 to date. In comparison, President Clinton issued 105 signing statements during his two terms. Moreover, President Bush's signing statements often raise objections to several provisions of a law. For example, a recent report by the Government Accountability Office released June 18, 2007, found that, for 11 appropriations acts for fiscal year 2006, President Bush issued signing statements identifying constitutional concerns or objections to 160 different provisions appearing in the acts. While the mere numbers may not be significant, the reality is that the way the President has used those statements threatens to render the legislative process a virtual nullity, making it completely unpredictable how certain laws will be enforced.

The President cannot use a signing statement to rewrite the words of a statute nor can he use a signing statement to selectively nullify those provisions he does not like. This much is clear from our Constitution. The Constitution grants the President a specific, narrowly defined role in enacting legislation. Article I, section 1 of the Constitution vests ''all legislative powers . . . in a Congress.'' Article I, section 7 of the Constitution provides that when a bill is presented to the President, he may either sign it or veto it with his objections. He may also choose to do nothing, thus rendering a so-called pocket veto. The President, however, cannot veto part of bill, he cannot veto certain provisions he does not like.

The Founders had good reason for constructing the legislative process as they did: by creating a bicameral legislature and then granting the President the veto power. According to The Records of the Constitutional Convention, the veto power was designed by our Framers to protect citizens from a particular Congress that might enact oppressive legislation. However, the Framers did not want the veto power to be unchecked, and so, in article I, section 7, they balanced it by allowing Congress to override a veto by two-thirds vote.

As I stated when I introduced the Presidential Signing Statement bill last year, this is a finely structured constitutional procedure that goes straight to the heart of our system of check and balances. Any action by the President that circumvents this finely structured procedure is an unconstitutional attempt to usurp legislative authority. If the President is permitted to rewrite the bills that Congress passes and cherry pick which provisions he likes and does not like, he subverts the constitutional process designed by our Framers.

The Supreme Court has affirmed that the constitutional process for enacting legislation must be safeguarded. As the Supreme Court explained in INS v. Chahda, ''It emerges clearly that the prescription for legislative action in article I, section 1 and 7 represents the Framers' decision that the legislative power of the Federal Government be exercised in accord with a single, finely wrought and exhaustively considered, procedure.''

So, while signing statements have been commonplace since our country's founding, we must make sure that they are not being used in an unconstitutional manner; a manner that seeks to rewrite legislation, and exercise line item vetoes.

As I have previously explained, President Bush has used signing statements in ways that have raised some eyebrows. An example is the signing statement accompanying Senator MCCAIN's ''anti-torture amendment'' to the Department of Defense Emergency Supplemental Appropriations Act, otherwise known as the ''McCain Amendment.'' In that legislation, Congress voted by an overwhelming majority, 90 to 9, to ban all U.S. personnel from inflicting ''cruel, inhuman or degrading'' treatment on any prisoner held anywhere by the United States. President Bush, who had threatened to veto the legislation, instead invited Senator MCCAIN to the White House for a public reconciliation and declared they had a mutual goal: to make it clear to the world that this government does not torture and that we adhere to the international convention of torture.''

Now from that, you might conclude that by signing the McCain amendment into law, President Bush and his administration has fully committed to not using torture. But you would be wrong. After the public ceremony of signing the bill into law, the President issued a signing statement saying his administration would construe the new law ''in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch and as Commander in Chief and consistent with the constitutional limitations on the judicial power.'' This vague language may mean that, despite the enactment of the McCain Amendment, the administration may still be preserving a right to inflict torture on prisoners and to evade the International Convention Against Torture.

Now, the National Defense Authorization Bill, like the McCain amendment, has a crucial provision regarding torture: it provides that the Combatant Status Review Tribunals, CSRTs, in Guantanamo Bay ''may not consider a [detainee's] statement that was obtained through methods that amount to torture.'' See section 1023(4)(e). But

who knows how this provision will be enforced if deemed inconsistent with the unitary executive theory?

And, the McCain amendment is just the tip of the iceberg: On close examination of the same signing statement, we see that President Bush has declared the right to construe the entire Detainee Treatment Act and all provisions relating to detainees, in a manner consistent with the unitary executive theory and with his powers as Commander and Chief. This is extremely troublesome. Like the DTA, this bill has crucial sections relating to detainees. Specifically, this bill contains much-needed provisions that protect detainees' due process rights in CSRT procedures, including allowing detainees a right to legal counsel, a right to compel and cross examine witnesses, and a right to have their status determined by a military judge. Should a similar signing statement be issued to S. 1547, that all sections related to detainees will be construed in a certain way, there is really no way to know how these crucial provisions will be enforced.

We must ensure that such provisions, and for that matter, any and all provisions in this bill, are not subject to revision by a Presidential signing statement.

In addition to these examples, I have noted another instance in which a questionable signing statement was issued, for the PATRIOT Act. We passed the PATRIOT Act after months of deliberation. We debated nearly every provision, often redrafting and revising. Moreover, we worked very closely with the President because we wanted to get it right. We wanted to make sure that we were passing legislation that the executive branch would find workable. In fact, in many ways, the process was an excellent example of the legislative branch and the executive branch working together towards a common goal.

In the end, the bill that was passed by the Senate and the House contained several oversight provisions intended to make sure the FBI did not abuse the special terrorism-related powers to search homes and secretly seize papers. It also required Justice Department officials to keep closer track of how often the FBI uses the new powers and in what type of situations.

The President signed the PATRIOT Act into law, but afterwards, he wrote a signing statement that said he could withhold any information from Congress provided in the oversight provisions if he decided that disclosure would ''impair foreign relations, national security, the deliberative process of the executive, or the performance of the executive's constitutional duties.''

As I noted last year, during the entire process of working with the President to draft the PATRIOT Act, he never asked the Congress to include this language in the act. At a hearing we held last June on signing statements, I asked an executive branch official, Michelle Boardman from the Office of Legal Counsel, why the President did not ask the Congress to put the signing statement language into the bill. She simply didn't have an answer.

Given this backdrop, I believe this bill is necessary. As I noted when I introduced the Presidential Signing Statement bill last summer, this bill does not seek to limit the President's power, and it does not seek to expand Congress's power. Rather, this bill simply seeks to safeguard our Constitution.

This bill will provide courts with much-needed guidance on how legislation should be interpreted. The recent GAO report on Presidential Signing Statements found that Federal courts cited or referred to presidential signing statements in 137 different opinions reported from 1945 to May 2007. It also shows that the Supreme Court's reliance on presidential signing statements has been sporadic and unpredictable. In some cases, such as United States v. Lopez, 115 S.Ct. 1624 at 1631, 1995, where the Court struck down the Gun-Free School Zones Act, the Supreme Court has relied on Presidential signing statements as a source of authority to interpret an act, while in other cases, such as the military tribunals case, Hamdan v. Rumsfeld, 126 S.Ct. 2749 (2006), Scalia dissenting, it has conspicuously declined to do so. This inconsistency has the unfortunate result of rendering the effect of Presidential signing statements on Federal law unpredictable.

As I stated when I initially introduced the Presidential Signing Statements Act of 2006, it is well within Congress's power to resolve judicial disputes such as this by enacting rules of statutory interpretation. In fact, the Department of Defense Authorization bill already contains at least one ''rule of construction'' provision. See section 845(e). This power flows from article 1, section 8, clause 18 of the Constitution, which gives Congress the power ''To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.'' Rules of statutory interpretation are ''necessary and proper'' to execute the legislative power.

Several scholars have agreed: Jefferson B. Fordham, a former dean of the University of Pennsylvania Law School said, ''[I]t is within the legislative power to lay down rules of interpretation for the future;'' Mark Tushnet, a professor at Harvard Law School explained, ''In light of the obvious congressional power to prescribe a statute's terms, and so its meaning, congressional power to prescribe interpretive methods seems to me to follow;'' Michael Stokes Paulsen, an associate dean of the University of Minnesota Law School noted, ''Congress is the master of its own statutes and can prescribe rules of interpretation governing its own statutes as surely as it may alter or amend the statutes directly.'' Finally, J. Sutherland, the author of the leading multivolume treatise for the rules of statutory construction has said, ''There should be no question that an interpretive clause operating prospectively is within legislative power.''

Furthermore, any legislation that sets out rules for interpreting an act makes legislation more clear and precise, which is exactly what we aim to achieve here in Congress. Congress can and should exercise this power over the interpretation of Federal statutes in a systematic and comprehensive manner.

Put simply, this bill seeks to implement measures that will safeguard the constitutional structure of enacting legislation. In preserving this structure, this bill reinforces the system of checks and balances and separation of powers set out in our Constitution, and I urge my colleagues to support it.

By Mr. COLEMAN (for himself, Mr. DEMINT, Mr. MCCONNELL, Mr. SESSIONS, Mrs. HUTCHISON, Mr. ISAKSON, Mr. CRAIG, Mr. CHAMBLISS, Mr. GRAHAM, Mr. CORNYN, Mr. BOND, Mr. MCCAIN, Mr. COCHRAN, Mr. VOINOVICH, Mr. THUNE, Mr. COBURN, Mr. ALLARD, Mr. ROBERTS, and Mr. KYL):

S. 1748. A bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine; to the Committee on Commerce, Science, and Transportation.

Mr. COLEMAN. 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. 1748

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 ''Broadcaster Freedom Act of 2007''.

SEC. 2. FAIRNESS DOCTRINE PROHIBITED.

Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

''SEC. 303A. LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.

''Notwithstanding section 303 or any other provision of this Act or any other Act authorizing the Commission to prescribe rules, regulations, policies, doctrines, standards, or other requirements, the Commission shall not have the authority to prescribe any rule, regulation, policy, doctrine, standard, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part) the requirement that broadcasters present opposing viewpoints on controversial issues of public importance, commonly referred to as the 'Fairness Doctrine', as repealed in *General Fairness Doctrine Obligations of Broadcast Licensees*, 50 Fed. Reg. 35418 (1985).''.

By Mr. KYL:

S. 1749. A bill to amend the Federal Rules of Criminal Procedure to provide

adequate protection to the rights of crime victims, and for other purposes; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I rise to introduce The Crime Victims' Rights Rules Act, which would continue the work started in The Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act.

The bill would make comprehensive procedural changes to the Federal Rules of Criminal Procedure to protect crime victims' rights throughout the federal criminal process, thereby guaranteeing that crime victims' rights will be fully respected in our federal courts.

As one of the Senate sponsors of the CVRA, I know that Congress intended the Act to bring dramatic changes to the way that the federal courts treat crime victims. Fortunately, in the two-and-a-half years since that legislation became law, positive strides have been made for crime victims. For example, with funding provided by act, the National Crime Victims Law Institute has been able to support crime victims' legal clinics around the country. I am also encouraged that court decisions have recognized the importance of crime victims' rights in the process.

But while progress has been made in implementing the CVRA, at least one important step remains to be taken: The Federal Rules of Criminal Procedure must be comprehensively amended to recognize the rights of crime victims throughout the process.

The Federal rules have been described as ''the playbook'' for Federal judges, prosecutors, and defense attorneys. Currently, the Federal rules make virtually no mention of crime victims. If crime victims are to fully integrated into the daily workings of our criminal justice process, then their role in that process must be fully protected in the federal rules.

I am encouraged to see that the Federal courts have been taking some modest steps toward protecting crime victims in the Federal rules. Federal district court judge Paul Cassell initiated the process by recommending rule changes to the Advisory Committee on Criminal Rules. His comprehensive set of useful proposals appeared in an excellent law review article published in The Brigham Young University Law Review in 2005. In recent months, the Advisory Committee has adopted a few of his proposals to implement some aspects of the CVRA. These changes are expected to take effect next year.

These amendments are positive, but far more remains to be done. The Advisory Committee's six proposed amendments, five changes to existing rules and one new rule, do little more than reiterate limited parts of the statute. Crime victims have been treated unfairly in the Federal criminal justice system for far too long to be left to rely on a handful of minimal protections. To respect crime victims' rights fully in the process, it is necessary to take more decisive and comprehensive action to thoroughly amend the rules.

When Congress passed the CVRA in 2004, it promised that crime victims would have rights throughout the criminal justice process. Of particular importance, the CVRA guaranteed that crime victims would have the right to be treated with ''fairness.'' My proposed amendments would add to the Federal rules the changes needed to treat crime victims fairly. These changes to the rules would provide vital protections for crime victims without interfering with the rights of criminal defendants or the need for Federal judges to manage their dockets effectively.

One example of the bill's changes is the amendment to Rule 50 to protect the victims' right to a speedy trial. The bill would amend Rule 50 to provide: ''The court shall assure that a victim's right to proceedings free from unreasonable delay is protected. A victim has the right to be heard regarding any motion to continue any proceeding. If the court grants a motion to continue over the objection of a victim, the court shall state its reasons in the record.''

It is hard for me to see how anyone could object to this procedural change. The CVRA promised to crime victims the right ''to proceedings free from unreasonable delay.'' The bill would place that right into the Federal rules.

Another example of the kind of change that the bill would make is its amendment of Rule 21 to protect crime victims' rights in transfer decisions. In some situations, federal courts can transfer a criminal case from one district to another. The bill would amend Rule 21 to provide: ''The court shall not transfer any proceeding without giving any victim an opportunity to be heard. The court shall consider the views of the victim in making any transfer decision.''

It is again hard to understand how anyone could object to the requirement that a judge give a crime victim the chance to be heard before a case is transferred to a distant location. For example, the bill would have protected the right of the Oklahoma City bombing victims to present to the trial judge their views on whether the trial should have been transferred out of Oklahoma and, if so, to where.

The bill does not mandate any particular substantive result, leaving it to the trial judge to make the ultimate determination about whether to transfer a case. But the bill would change the process by which such decisions are made, ensuring that victims are treated fairly by giving them an opportunity to provide their views to the judge.

A further example of the changes in the bill is the amendment to Rule 48 to protect the victim's right to be heard before a case is dismissed. The bill would provide: ''In deciding whether to grant the government's motion to dismiss, the court shall consider the views of any victims.''

With this procedural change, the victim would have the opportunity to present the court any reasons why a case should not be dismissed. This right is implicit in the CVRA's mandate that crime victims be treated with fairness. It is hard to understand how a crime victim is treated with fairness if the court dismisses a case without considering the victim's position on the dismissal.

Indeed, the only case to have considered this issue reached exactly this conclusion. As United States v. Heaton explains,

> When the government files a motion to dismiss criminal charges that involve a specific victim, the only way to protect the victim's right to be treated fairly and with respect for her dignity is to consider the victim's views on the dismissal. It is hard to begin to understand how a victim would be treated with fairness if the court acted precipitously to approve dismissal of a case without even troubling to consider the victim's views. To treat a person with ''fairness'' is generally understood as treating them ''justly'' and ''equitably.'' A victim is not treated justly and equitably if her views are not even before the court. Likewise, to grant the motion without knowing what the victim thought would be a plain affront to the victim's dignity. *U.S.* v. *Heaton*, 458 F. Supp. 2d 1271, 1272 (D. Utah 2006).

I agree with Heaton that the CVRA requires that crime victims have the opportunity to submit their views to the court on any dismissal. That is why this bill would place this right specifically into the federal criminal rules.

One particularly important part of the bill is its change to Rule 17 to protect the confidential and personal records of crime victims. The Advisory Committee itself proposed an amendment to Rule 17 to create specific procedures for subpoenas directed at confidential and private information concerning crime victims.

This change was designed to prevent a recurrence of the problems that recently occurred in the Elizabeth Smart kidnapping case in Salt Lake City. My colleagues may remember this case, which involved the abduction of a teenaged girl from her home. Fortunately, she was found a year later and the suspected kidnapper apprehended. In the state criminal proceedings that followed, defense attorneys subpoenaed confidential school and medical records about Elizabeth. Because these subpoenas went directly to Elizabeth's school and hospital, she was never given the opportunity to object to them, and some confidential information was improperly turned over to defense counsel.

The Advisory Committee has recognized that this same ''end run'' around the victim could occur under the federal rules. It has therefore adopted a rule requiring notice to crime victims before their personal and confidential information is subpoenaed.

But this seeming protection has a catch: a defendant can avoid giving any notice to victim by arguing to a court, in an ex parte proceeding, that exceptional circumstances exist.

This kind of ex parte procedure raises serious ethical concerns. In fact, the American Bar Association wrote to the Advisory Committee in February urging it to make certain that crime victims receive notice and an opportunity to be heard before such subpoenas issue. As Robert Johnson, Chair of the ABA's Criminal Justice section explained, the canons of judicial ethics forbid ex parte contacts with judges on substantive matters. Mr. Johnson went on to urge the Advisory Committee to give careful consideration of the ethical violations that might occur from ex parte subpoenas:

While the proposed amendment to Rule 17 is intended to protect the interests of crime victims, the ABA urges the Committee to carefully examine the proposal to determine if the proposal regarding Rule 17 would be contrary to the Court's responsibility under Canon 3(B)(7) in allowing ex parte contact on a substantive matter. Even if the Committee decides that it is not a substantive matter, the Committee should consider whether the proposed rule would allow a tactical advantage as a result of the ex parte communication and the judge is required to promptly notify the other party of the substance of the ex parte communication and allow an opportunity to respond.

It seems that the Advisory Committee's proposed rule permitting ex parte subpoenas of personal and confidential information of crime victims in some situations might run afoul of these ethical rules. Accordingly, under the bill, crime victims would enjoy an absolute right to notice before such information as psychiatric and medical records could be subpoenaed. This is the standard process that our adversary system of justice uses.

The CVRA promised crime victims that they would enjoy ''the right to be treated with fairness and with respect for the victim's dignity and privacy.'' My bill would respect victims' dignity and privacy by giving them a court hearing before any of their confidential records could be turned over to an offender accused of victimizing them. This is not to say that such information will never be disclosed to the defense. A judge will have to make the determination whether disclosure is appropriate. But the judge would make that determination only after hearing from the prosecutor, defense counsel and most important of all the crime victim whose privacy rights are directly affected.

One of the most significant parts of the bill is its creation of a new Rule 44.1, which would provide: ''When the interests of justice require, the court may appoint counsel for a victim to assist the victim in exercising their rights as provided by law.''

This important change builds on existing Federal law. Title 28 already permits the court in a criminal case to ''request an attorney to represent any person unable to afford counsel.'' For criminal cases involving child victims, Title 18 U.S.C. section 3509 allows the appointment of a guardian to represent the child's interests. Although the statutes provide these rights, they have yet to be actually implemented so that crime victims can actually take advantage of them.

I want to be clear that I am not proposing that all crime victims should have counsel appointed for them. At the same time, though, I would think all could agree that there are situations where a trial court ought, as a matter of discretion, to have the ability to appoint legal counsel for a crime victim. For example, a crime victim might present a novel or complex claim that the courts have not yet considered. Or a crime victim might suffer from physical or mental disabilities as a result of the crime that would make it difficult for the victim to be heard without the help of an advocate.

For many years, courts have had the ability to appoint counsel for potential defendants on a discretionary basis. My bill would allow that same, well-recognized power to be used to appoint counsel for crime victims.

One last section of the bill deserves special note because it demonstrates the need for Congress to step into the rules process. The bill would amend Rule 32 to guarantee victims the right to speak at sentencing hearings.

This is a change from the more limited right that the Advisory Committee has given victims the right ''to be reasonably heard.'' The Advisory Committee's note to this provision seemingly suggests that courts would not have to give all victims the right to speak at sentencing. This more limited right runs counter to the legislative history as to how the CVRA was to operate. While the CVRA gave crime victims the right to be reasonably heard, it was the undisputed legislative intent that victims would have the right to speak. I explained on the Senate floor at the time the act was under consideration that:

It is not the intent of the term ''reasonably'' in the phrase ''to be reasonably heard'' to provide any excuse for denying a victim the right to appear in person and directly address the court. Indeed, the very purpose of this section is to allow the victim to appear personally and directly address the court.

My colleague Senator FEINSTEIN remarked at that time that my understanding was her ''understanding as well.''

The Advisory Committee's action also contravenes at least two published court decisions on this issue. In United States v. Kenna, Judge Kozinski wrote for the Ninth Circuit that the CVRA's legislative history reveals ''a clear congressional intent to give crime victims the right to speak at proceedings covered by the CVRA.'' And in United States v. Degenhardt, Judge Cassell reached the same conclusion writing for the District of Utah.

My bill would provide the right of victims to speak at sentencing hearings. Of course, prosecutors, defense counsel, and defendants have on enjoyed this right. Crime victims, too, deserve the opportunity to speak to the court to ''allocute'' as this right is called and to make sure that the court and the defendant understand the crime's full harm.

I will not take the time here to go through all of the other provisions of the bill. But I did want to highlight one important note about the appropriateness of Congress acting to amend the rules to protect crime victims. Congress enacted the CVRA in October 2004. In the almost 3 years since then, I have waited patiently to give the federal courts the first opportunity to review the need for rule changes. At the same time, though, I have made clear my position, as one of the cosponsors of the CVRA, that Congress expected significant reforms in the Federal rules. As I explained to my colleagues at that time, the crime victims' community in this country was looking to the CVRA to serve as a model for the states and a formula for fully protecting crime victims. It was because the CVRA was expected to have such a far-reaching impact that the crime victims' community was willing to defer, at least temporarily, its efforts to pass a constitutional amendment protecting victims' rights.

I made this point directly to the advisory committee in a letter I sent to Judge Levi on February 15 of this year. Thus, several months ago, I placed the Advisory Committee on notice that, if it failed to act to fully protect crime victims, Congress might step into the breach.

A few weeks ago, Judge Levi replied to my letter, and I greatly appreciate his comments and explanations. In his reply, he acknowledged that many of the proposals were worthy of close attention. He indicated, however, that the Advisory Committee was going to delay action on them for some indefinite period of time. The reasons he gave for the delay were to:

1. gather more information on precisely how the proposals would operate in specific proceedings and what effects they might have, 2. obtain empirical data substantiating the existence and nature of any problem or problems that could be addressed by rule, and 3. provide additional time for courts to acquire experience under the CVRA and to develop case law construing it.

Judge Levi also suggested that some of the proposed rule changes would have created, in his view, new ''substantive rights'' for crime victims that went beyond the CVRA.

Judge Levi's letter demonstrates why the Rules Enabling Act wisely left the final decision on how to structure rules of evidence and procedure to Congress. The letter refers to the need to ''gather more information'' and ''empirical data'' on crime victims'' issues before proceeding. While some might point out that the Advisory Committee has already had more than 2½ years to collect such data, I can appreciate the difficulty that a court rules committee can have in assessing the scope of a national problem. Congress, however, is already well-informed on the need for protecting crime victims' rights.

Congress adopted the CVRA only after 8 years of legislative efforts and hearings on the Crime Victims Rights Amendment. This record leaves Congress well positioned to recognize the need for prompt and effective action to protect crime victims.

The letter also refers to the need for courts to develop case law construing the CVRA. The problem with this approach is that the anticipated case law may never develop. Most crime victims are not trained in the nuances of the law and lack the means to retain legal counsel. Victims are often indigent and are frequently emotionally and physically harmed by the defendant's crime. They are then involuntarily forced into the middle of complicated and unfamiliar legal proceedings. To expect that in these circumstances, crime victims will often be able to undertake the kind of sophisticated and pathbreaking litigation that would be necessary to establish crime victims seems unreasonable. One of the main reasons for the CVRA was to change a legal culture that has been hostile to crime victims. To expect that this legal culture will somehow, on a case-by-case basis, welcome crime victims is unlikely. Indeed, it is ironic that while waiting for case law to ''develop,'' the Advisory Committee refused to add to the Federal rules a provision confirming the existing discretionary right of trial judges to appoint legal counsel for crime victims who need legal assistance on complicated issues.

The wait-for-caselaw approach is also troubling because it assumes that Federal court litigation will serve sufficiently to clarify the rights of victims in the Federal system. But the Federal Rules of Criminal Procedure form the template for rules of criminal procedure in states throughout the country. One of the main purposes of the CVRA was to create a model for protecting victims in the criminal justice system. Unless the text of the Federal rules themselves protects crime victims, the states will not have a model they can look to in drafting their own rules to guarantee victims fair treatment.

The final reason given for deferring action on rules changes is that the Advisory Committee thought that some of the changes might create new substantive rights better left to Congress. It's a bit of an Alphonse-and-Gaston situation: Congress says ''after you'' to the Advisory Committee, only to have the Advisory Committee say ''after you.'' To avoid an impasse that leaves crime victims unprotected, obviously someone needs to take the lead. That is why I am today introducing The Crime Victims' Rights Rules Act.

One last provision in the bill is also worth highlighting. The bill includes a sense of the Congress provision that crime victims ought to be represented on the Advisory Committee on Criminal Rules.

This point was called to my attention by Professor Douglas Beloof, a distinguished law professor at the Lewis and Clark College of Law and the Director of the well-regarded National Crime Victims Law Institute. Professor Beloof testified before the Advisory Committee in January.

He was surprised to discover at that time that, while the Justice Department, the defense bar, and judges are all represented on the Committee, there is no representative for crime victims. Not only does this leave crime victims organizations without a liaison for bringing information to the attention of the Committee, but, more important, it deprives the Committee of the valuable perspective that such a representative could bring on the rule change issues the Committee regularly considers.

With the passage of the CVRA, crime victims, no less then the Justice Department and the defense bar, became participants with recognized rights in the criminal justice process. They should, therefore, be represented directly on the Advisory Committee on Criminal Rules.

When Congress passed the CVRA, it made a commitment to crime victims that they would no longer be overlooked in the criminal justice process. Nowhere is that commitment better exemplified than in the CVRA's promise that victims will be given ''the right to be treated with fairness and with respect for the victim's dignity and privacy.'' Until the rules governing criminal proceedings in our Federal courts fully protect crime victims, that important goal will not be achieved.

I urge my colleagues to carry forward the promises made in the Crime Victims Rights Act. Crime victims' rights must be respected throughout the Federal Rules of Criminal Procedure. The Crime Victims' Rights Rules Act would amend the rules to ensure that crime victims are no longer overlooked in the federal criminal process.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 262—DESIGNATING JULY 2007 AS ''NATIONAL WATERMELON MONTH''

Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 262

Whereas watermelon production constitutes an important sector of the agricultural industry of the United States;

Whereas, according to the January 2006 statistics compiled by the National Agricultural Statistics Service of the United States Department of Agriculture, the United States produces 4,200,000,000 pounds of watermelon annually;

Whereas watermelon is grown in 49 States, is purchased and consumed in all 50 States, and is exported to Canada;

Whereas evidence indicates that eating 2½ to 5 cups of fruits and vegetables daily as part of a healthy diet will improve health and protect against diseases such as cancer, high blood pressure, stroke, and heart disease;

Whereas proper diet and nutrition are important factors in preventing diseases such as childhood obesity and diabetes;

Whereas watermelon has no fat or cholesterol and is an excellent source of the vitamins A, B6, and C, fiber, and potassium, which are vital to good health and disease prevention;

Whereas watermelon is also an excellent source of lycopene;

Whereas lycopene, an antioxidant found only in a few red plant foods, has been shown to reduce the risk of certain cancers;

Whereas watermelon is a heart-healthy food that has qualified for the heart-check mark from the American Heart Association;

Whereas watermelon has been a nutritious summer favorite from generation to generation; and

Whereas it is important to educate citizens of the United States regarding the health benefits of watermelon and other fruits and vegetables: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of ''National Watermelon Month'';

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities; and

(3) designates July 2007 as ''National Watermelon Month''.

Mr. CHAMBLISS. Mr. President, I rise today to introduce a resolution that will recognize July 2007 as ''National Watermelon Month.'' Watermelon production is a vital part of our Nation's agricultural sector and this resolution recognizes that fact.

According to statistics released by the National Agricultural Statistics Service of the U.S. Department of Agriculture in January 2006, the United States produces 4,200,000,000 pounds of watermelon annually. This amount of annual production is remarkable when you consider the number of actual watermelons it represents. Watermelon varieties range in size from 5 pounds to over 40 pounds, so the number produced, consumed, and exported each year is truly amazing.

Research has shown that the inclusion of fruits and vegetables in our diets is vitally important for a healthy lifestyle. Evidence indicates that eating between 2½ and 5 cups of fruits and vegetables everyday will improve health and protect against many of the diseases, especially those influenced by diet, that afflict our Nation. Watermelon provides many of the vitamins, fiber and nutrients which help prevent many of these diseases. Watermelon is also a good source of lycopene, an antioxidant that has been shown to reduce the risk of certain cancers. The health benefits associated with watermelon are so outstanding that the American Heart Association has certified watermelon as a heart-healthy food, thereby qualifying it for the heart-check certification mark.

I cannot address this body without mentioning the importance of the watermelon to my home State of Georgia. The University of Georgia College of Agricultural and Environmental Sciences Center for Agribusiness and

Economic Development recently released its 2006 Georgia Farm Gate Value Report. Watermelon ranked 16th among all Georgia commodities with a farm gate value of a little over $111 million from almost 24,000 acres of watermelon. I am also proud to represent Cordele, Georgia, which is known as the, ''Watermelon Capital of the World.''

Recognizing July as ''National Watermelon Month'' will provide the watermelon industry with many avenues to not only market their product but also educate the public about the health benefits associated with consuming watermelon through different watermelon related programs and activities. Watermelon enjoys a long history as one of our Nation's favorite foods. As Mark Twain once said, ''When one has tasted watermelon he knows what the angels eat.'' I encourage my colleagues to join me in acknowledging the wisdom of Mark Twain by supporting this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2001. Mr. WEBB (for himself, Mr. DURBIN, Mrs. MCCASKILL, Mr. TESTER, Mr. KENNEDY, and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table.

SA 2002. Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill S. 1610, to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes.

TEXT OF AMENDMENTS

SA 2001. Mr. WEBB (for himself, Mr. DURBIN, Mrs. MCCASKILL, Mr. TESTER, Mr. KENNEDY, and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. MINIMUM PERIODS BETWEEN DEPLOYMENT FOR UNITS AND MEMBERS OF THE ARMED FORCES FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) MINIMUM PERIOD FOR UNITS AND MEMBERS OF THE REGULAR COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (2) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom unless the period between the deployment of the unit or member is equal to or longer than the period of such previous deployment.

(2) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the regular Army.

(B) Units and members of the regular Marine Corps.

(C) Units and members of the regular Navy.

(D) Units and members of the regular Air Force.

(E) Units and members of the regular Coast Guard.

(b) MINIMUM PERIOD FOR UNITS AND MEMBERS OF THE RESERVE COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (2) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom if the unit or member has been deployed at any time within the three years preceding the date of the deployment covered by this subsection.

(2) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the Army Reserve.

(B) Units and members of the Army National Guard.

(C) Units and members of the Marine Corps Reserve.

(D) Units and members of the Navy Reserve.

(E) Units and members of the Air Force Reserve.

(F) Units and members of the Air National Guard.

(G) Units and members of the Coast Guard Reserve.

(c) WAIVER BY THE PRESIDENT.—The President may waive the limitation in subsection (a) or (b) with respect to the deployment of a unit or member of the Armed Forces specified in such subsection if the President certifies to Congress that the deployment of the unit or member is necessary to meet an operational emergency posing a threat to vital national security interests of the United States.

(d) WAIVER BY THE MILITARY CHIEF OF STAFF.—The chief of staff of the Armed Force concerned may waive the limitation in subsection (a) or (b) with respect to the deployment of a member of the Armed Forces specified the applicable subparagraph under such subsection upon the voluntary request of the member.

SA 2002. Mr. REID (for Mr. DODD (for himself and Mr. SHELBY) proposed an amendment to the bill S. 1610, to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposed; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Foreign Investment and National Security Act of 2007''.

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

SEC. 2. UNITED STATES SECURITY IMPROVEMENT AMENDMENTS; CLARIFICATION OF REVIEW AND INVESTIGATION PROCESS.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by striking subsections (a) and (b) and inserting the following:

''(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) COMMITTEE; CHAIRPERSON.—The terms 'Committee' and 'chairperson' mean the Committee on Foreign Investment in the United States and the chairperson thereof, respectively.

''(2) CONTROL.—The term 'control' has the meaning given to such term in regulations which the Committee shall prescribe.

''(3) COVERED TRANSACTION.—The term 'covered transaction' means any merger, acquisition, or takeover that is proposed or pending after August 23, 1988, by or with any foreign person which could result in foreign control of any person engaged in interstate commerce in the United States.

''(4) FOREIGN GOVERNMENT-CONTROLLED TRANSACTION.—The term 'foreign government-controlled transaction' means any covered transaction that could result in the control of any person engaged in interstate commerce in the United States by a foreign government or an entity controlled by or acting on behalf of a foreign government.

''(5) CLARIFICATION.—The term 'national security' shall be construed so as to include those issues relating to 'homeland security', including its application to critical infrastructure.

''(6) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' means, subject to rules issued under this section, systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems or assets would have a debilitating impact on national security.

''(7) CRITICAL TECHNOLOGIES.—The term 'critical technologies' means critical technology, critical components, or critical technology items essential to national defense, identified pursuant to this section, subject to regulations issued at the direction of the President, in accordance with subsection (h).

''(8) LEAD AGENCY.—The term 'lead agency' means the agency, or agencies, designated as the lead agency or agencies pursuant to subsection (k)(5) for the review of a transaction.

''(b) NATIONAL SECURITY REVIEWS AND INVESTIGATIONS.—

''(1) NATIONAL SECURITY REVIEWS.—

''(A) IN GENERAL.—Upon receiving written notification under subparagraph (C) of any covered transaction, or pursuant to a unilateral notification initiated under subparagraph (D) with respect to any covered transaction, the President, acting through the Committee—

''(i) shall review the covered transaction to determine the effects of the transaction on the national security of the United States; and

''(ii) shall consider the factors specified in subsection (f) for such purpose, as appropriate.

''(B) CONTROL BY FOREIGN GOVERNMENT.—If the Committee determines that the covered transaction is a foreign government-controlled transaction, the Committee shall conduct an investigation of the transaction under paragraph (2).

''(C) WRITTEN NOTICE.—

''(i) IN GENERAL.—Any party or parties to any covered transaction may initiate a review of the transaction under this paragraph by submitting a written notice of the transaction to the Chairperson of the Committee.

''(ii) WITHDRAWAL OF NOTICE.—No covered transaction for which a notice was submitted under clause (i) may be withdrawn from review, unless a written request for such withdrawal is submitted to the Committee by any party to the transaction and approved by the Committee.

''(iii) CONTINUING DISCUSSIONS.—A request for withdrawal under clause (ii) shall not be construed to preclude any party to the covered transaction from continuing informal discussions with the Committee or any member thereof regarding possible resubmission for review pursuant to this paragraph.

''(D) UNILATERAL INITIATION OF REVIEW.—Subject to subparagraph (F), the President or the Committee may initiate a review under subparagraph (A) of—

''(i) any covered transaction;

''(ii) any covered transaction that has previously been reviewed or investigated under this section, if any party to the transaction submitted false or misleading material information to the Committee in connection with the review or investigation or omitted material information, including material documents, from information submitted to the Committee; or

''(iii) any covered transaction that has previously been reviewed or investigated under this section, if—

''(I) any party to the transaction or the entity resulting from consummation of the transaction intentionally materially breaches a mitigation agreement or condition described in subsection (l)(1)(A);

''(II) such breach is certified to the Committee by the lead department or agency monitoring and enforcing such agreement or condition as an intentional material breach; and

''(III) the Committee determines that there are no other remedies or enforcement tools available to address such breach.

''(E) TIMING.—Any review under this paragraph shall be completed before the end of the 30-day period beginning on the date of the acceptance of written notice under subparagraph (C) by the chairperson, or beginning on the date of the initiation of the review in accordance with subparagraph (D), as applicable.

''(F) LIMIT ON DELEGATION OF CERTAIN AUTHORITY.—The authority of the Committee to initiate a review under subparagraph (D) may not be delegated to any person, other than the Deputy Secretary or an appropriate Under Secretary of the department or agency represented on the Committee.

''(2) NATIONAL SECURITY INVESTIGATIONS.—

''(A) IN GENERAL.—In each case described in subparagraph (B), the Committee shall immediately conduct an investigation of the effects of a covered transaction on the national security of the United States, and take any necessary actions in connection with the transaction to protect the national security of the United States.

''(B) APPLICABILITY.—Subparagraph (A) shall apply in each case in which—

''(i) a review of a covered transaction under paragraph (1) results in a determination that—

''(I) the transaction threatens to impair the national security of the United States and that threat has not been mitigated during or prior to the review of a covered transaction under paragraph (1);

''(II) the transaction is a foreign government-controlled transaction; or

''(III) the transaction would result in control of any critical infrastructure of or within the United States by or on behalf of any foreign person, if the Committee determines that the transaction could impair national security, and that such impairment to national security has not been mitigated by assurances provided or renewed with the approval of the Committee, as described in subsection (l), during the review period under paragraph (1); or

''(ii) the lead agency recommends, and the Committee concurs, that an investigation be undertaken.

''(C) TIMING.—Any investigation under subparagraph (A) shall be completed before the end of the 45-day period beginning on the date on which the investigation commenced.

''(D) EXCEPTION.—

''(i) IN GENERAL.—Notwithstanding subparagraph (B)(i), an investigation of a foreign government-controlled transaction described in subclause (II) of subparagraph (B)(i) or a transaction involving critical infrastructure described in subclause (III) of subparagraph (B)(i) shall not be required under this paragraph, if the Secretary of the Treasury and the head of the lead agency jointly determine, on the basis of the review of the transaction under paragraph (1), that the transaction will not impair the national security of the United States.

''(ii) NONDELEGATION.—The authority of the Secretary or the head of an agency referred to in clause (i) may not be delegated to any person, other than the Deputy Secretary of the Treasury or the deputy head (or the equivalent thereof) of the lead agency, respectively.

''(E) GUIDANCE ON CERTAIN TRANSACTIONS WITH NATIONAL SECURITY IMPLICATIONS.—The Chairperson shall, not later than 180 days after the effective date of the Foreign Investment and National Security Act of 2007, publish in the Federal Register guidance on the types of transactions that the Committee has reviewed and that have presented national security considerations, including transactions that may constitute covered transactions that would result in control of critical infrastructure relating to United States national security by a foreign government or an entity controlled by or acting on behalf of a foreign government.

''(3) CERTIFICATIONS TO CONGRESS.—

''(A) CERTIFIED NOTICE AT COMPLETION OF REVIEW.—Upon completion of a review under subsection (b) that concludes action under this section, the chairperson and the head of the lead agency shall transmit a certified notice to the members of Congress specified in subparagraph (C)(iii).

''(B) CERTIFIED REPORT AT COMPLETION OF INVESTIGATION.—As soon as is practicable after completion of an investigation under subsection (b) that concludes action under this section, the chairperson and the head of the lead agency shall transmit to the members of Congress specified in subparagraph (C)(iii) a certified written report (consistent with the requirements of subsection (c)) on the results of the investigation, unless the matter under investigation has been sent to the President for decision.

''(C) CERTIFICATION PROCEDURES.—

''(i) IN GENERAL.—Each certified notice and report required under subparagraphs (A) and (B), respectively, shall be submitted to the members of Congress specified in clause (iii), and shall include—

''(I) a description of the actions taken by the Committee with respect to the transaction; and

''(II) identification of the determinative factors considered under subsection (f).

''(ii) CONTENT OF CERTIFICATION.—Each certified notice and report required under subparagraphs (A) and (B), respectively, shall be signed by the chairperson and the head of the lead agency, and shall state that, in the determination of the Committee, there are no unresolved national security concerns with the transaction that is the subject of the notice or report.

''(iii) MEMBERS OF CONGRESS.—Each certified notice and report required under subparagraphs (A) and (B), respectively, shall be transmitted—

''(I) to the Majority Leader and the Minority Leader of the Senate;

''(II) to the chair and ranking member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of any committee of the Senate having oversight over the lead agency;

''(III) to the Speaker and the Minority Leader of the House of Representatives;

''(IV) to the chair and ranking member of the Committee on Financial Services of the House of Representatives and of any committee of the House of Representatives having oversight over the lead agency; and

''(V) with respect to covered transactions involving critical infrastructure, to the members of the Senate from the State in which the principal place of business of the acquired United States person is located, and the member from the Congressional District in which such principal place of business is located.

''(iv) SIGNATURES; LIMIT ON DELEGATION.—

''(I) IN GENERAL.—Each certified notice and report required under subparagraphs (A) and (B), respectively, shall be signed by the chairperson and the head of the lead agency, which signature requirement may only be delegated in accordance with subclause (II).

''(II) LIMITATION ON DELEGATION OF CERTIFICATIONS.—The chairperson and the head of the lead agency may delegate the signature requirement under subclause (I)—

''(aa) only to an appropriate employee of the Department of the Treasury (in the case of the Secretary of the Treasury) or to an appropriate employee of the lead agency (in the case of the lead agency) who was appointed by the President, by and with the advice and consent of the Senate, with respect to any notice provided under paragraph (1) following the completion of a review under this section; or

''(bb) only to a Deputy Secretary of the Treasury (in the case of the Secretary of the Treasury) or a person serving in the Deputy position or the equivalent thereof at the lead agency (in the case of the lead agency), with respect to any report provided under subparagraph (B) following an investigation under this section.

''(4) ANALYSIS BY DIRECTOR OF NATIONAL INTELLIGENCE.—

''(A) IN GENERAL.—The Director of National Intelligence shall expeditiously carry out a thorough analysis of any threat to the national security of the United States posed by any covered transaction. The Director of National Intelligence shall also seek and incorporate the views of all affected or appropriate intelligence agencies with respect to the transaction.

''(B) TIMING.—The analysis required under subparagraph (A) shall be provided by the Director of National Intelligence to the Committee not later than 20 days after the date on which notice of the transaction is accepted by the Committee under paragraph (1)(C), but such analysis may be supplemented or amended, as the Director considers necessary or appropriate, or upon a request for additional information by the Committee. The Director may begin the analysis at any time

prior to acceptance of the notice, in accordance with otherwise applicable law.

''(C) INTERACTION WITH INTELLIGENCE COMMUNITY.—The Director of National Intelligence shall ensure that the intelligence community remains engaged in the collection, analysis, and dissemination to the Committee of any additional relevant information that may become available during the course of any investigation conducted under subsection (b) with respect to a transaction.

''(D) INDEPENDENT ROLE OF DIRECTOR.—The Director of National Intelligence shall be a nonvoting, ex officio member of the Committee, and shall be provided with all notices received by the Committee under paragraph (1)(C) regarding covered transactions, but shall serve no policy role on the Committee, other than to provide analysis under subparagraphs (A) and (C) in connection with a covered transaction.

''(5) SUBMISSION OF ADDITIONAL INFORMATION.—No provision of this subsection shall be construed as prohibiting any party to a covered transaction from submitting additional information concerning the transaction, including any proposed restructuring of the transaction or any modifications to any agreements in connection with the transaction, while any review or investigation of the transaction is ongoing.

''(6) NOTICE OF RESULTS TO PARTIES.—The Committee shall notify the parties to a covered transaction of the results of a review or investigation under this section, promptly upon completion of all action under this section.

''(7) REGULATIONS.—Regulations prescribed under this section shall include standard procedures for—

''(A) submitting any notice of a covered transaction to the Committee;

''(B) submitting a request to withdraw a covered transaction from review;

''(C) resubmitting a notice of a covered transaction that was previously withdrawn from review; and

''(D) providing notice of the results of a review or investigation to the parties to the covered transaction, upon completion of all action under this section.''.

SEC. 3. STATUTORY ESTABLISHMENT OF THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by striking subsection (k) and inserting the following:

''(k) COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—

''(1) ESTABLISHMENT.—The Committee on Foreign Investment in the United States, established pursuant to Executive Order No. 11858, shall be a multi agency committee to carry out this section and such other assignments as the President may designate.

''(2) MEMBERSHIP.—The Committee shall be comprised of the following members or the designee of any such member:

''(A) The Secretary of the Treasury.

''(B) The Secretary of Homeland Security.

''(C) The Secretary of Commerce.

''(D) The Secretary of Defense.

''(E) The Secretary of State.

''(F) The Attorney General of the United States.

''(G) The Secretary of Energy.

''(H) The Secretary of Labor (nonvoting, ex officio).

''(I) The Director of National Intelligence (nonvoting, ex officio).

''(J) The heads of any other executive department, agency, or office, as the President determines appropriate, generally or on a case-by-case basis.

''(3) CHAIRPERSON.—The Secretary of the Treasury shall serve as the chairperson of the Committee.

''(4) ASSISTANT SECRETARY FOR THE DEPARTMENT OF THE TREASURY.—There shall be established an additional position of Assistant Secretary of the Treasury, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary appointed under this paragraph shall report directly to the Undersecretary of the Treasury for International Affairs. The duties of the Assistant Secretary shall include duties related to the Committee on Foreign Investment in the United States, as delegated by the Secretary of the Treasury under this section.

''(5) DESIGNATION OF LEAD AGENCY.—The Secretary of the Treasury shall designate, as appropriate, a member or members of the Committee to be the lead agency or agencies on behalf of the Committee—

''(A) for each covered transaction, and for negotiating any mitigation agreements or other conditions necessary to protect national security; and

''(B) for all matters related to the monitoring of the completed transaction, to ensure compliance with such agreements or conditions and with this section.

''(6) OTHER MEMBERS.—The chairperson shall consult with the heads of such other Federal departments, agencies, and independent establishments in any review or investigation under subsection (a), as the chairperson determines to be appropriate, on the basis of the facts and circumstances of the covered transaction under review or investigation (or the designee of any such department or agency head).

''(7) MEETINGS.—The Committee shall meet upon the direction of the President or upon the call of the chairperson, without regard to section 552b of title 5, United States Code (if otherwise applicable).''.

SEC. 4. ADDITIONAL FACTORS FOR CONSIDERATION.

Section 721(f) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(f)) is amended—

(1) in the matter preceding paragraph (1), by striking ''among other factors'';

(2) in paragraph (4)—

(A) in subparagraph (A) by striking ''or'' at the end;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

''(B) identified by the Secretary of Defense as posing a potential regional military threat to the interests of the United States; or''; and

(D) by striking ''and'' at the end;

(3) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(6) the potential national security-related effects on United States critical infrastructure, including major energy assets;

''(7) the potential national security-related effects on United States critical technologies;

''(8) whether the covered transaction is a foreign government-controlled transaction, as determined under subsection (b)(1)(B);

''(9) as appropriate, and particularly with respect to transactions requiring an investigation under subsection (b)(1)(B), a review of the current assessment of—

''(A) the adherence of the subject country to nonproliferation control regimes, including treaties and multilateral supply guidelines, which shall draw on, but not be limited to, the annual report on 'Adherence to and Compliance with Arms Control, Nonproliferation and Disarmament Agreements and Commitments' required by section 403 of the Arms Control and Disarmament Act;

''(B) the relationship of such country with the United States, specifically on its record on cooperating in counter-terrorism efforts, which shall draw on, but not be limited to, the report of the President to Congress under section 7120 of the Intelligence Reform and Terrorism Prevention Act of 2004; and

''(C) the potential for transshipment or diversion of technologies with military applications, including an analysis of national export control laws and regulations;

''(10) the long-term projection of United States requirements for sources of energy and other critical resources and material; and

''(11) such other factors as the President or the Committee may determine to be appropriate, generally or in connection with a specific review or investigation.''.

SEC. 5. MITIGATION, TRACKING, AND POSTCONSUMMATION MONITORING AND ENFORCEMENT.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by adding at the end the following:

''(l) MITIGATION, TRACKING, AND POSTCONSUMMATION MONITORING AND ENFORCEMENT.—

''(1) MITIGATION.—

''(A) IN GENERAL.—The Committee or a lead agency may, on behalf of the Committee, negotiate, enter into or impose, and enforce any agreement or condition with any party to the covered transaction in order to mitigate any threat to the national security of the United States that arises as a result of the covered transaction.

''(B) RISK-BASED ANALYSIS REQUIRED.—Any agreement entered into or condition imposed under subparagraph (A) shall be based on a risk-based analysis, conducted by the Committee, of the threat to national security of the covered transaction.

''(2) TRACKING AUTHORITY FOR WITHDRAWN NOTICES.—

''(A) IN GENERAL.—If any written notice of a covered transaction that was submitted to the Committee under this section is withdrawn before any review or investigation by the Committee under subsection (b) is completed, the Committee shall establish, as appropriate—

''(i) interim protections to address specific concerns with such transaction that have been raised in connection with any such review or investigation pending any resubmission of any written notice under this section with respect to such transaction and further action by the President under this section;

''(ii) specific time frames for resubmitting any such written notice; and

''(iii) a process for tracking any actions that may be taken by any party to the transaction, in connection with the transaction, before the notice referred to in clause (ii) is resubmitted.

''(B) DESIGNATION OF AGENCY.—The lead agency, other than any entity of the intelligence community (as defined in the National Security Act of 1947), shall, on behalf of the Committee, ensure that the requirements of subparagraph (A) with respect to any covered transaction that is subject to such subparagraph are met.

''(3) NEGOTIATION, MODIFICATION, MONITORING, AND ENFORCEMENT.—

''(A) DESIGNATION OF LEAD AGENCY.—The lead agency shall negotiate, modify, monitor, and enforce, on behalf of the Committee, any agreement entered into or condition imposed under paragraph (1) with respect to a covered transaction, based on the expertise with and knowledge of the issues related to such transaction on the part of the designated department or agency. Nothing in

this paragraph shall prohibit other departments or agencies in assisting the lead agency in carrying out the purposes of this paragraph.

''(B) REPORTING BY DESIGNATED AGENCY.—

''(i) MODIFICATION REPORTS.—The lead agency in connection with any agreement entered into or condition imposed with respect to a covered transaction shall—

''(I) provide periodic reports to the Committee on any material modification to any such agreement or condition imposed with respect to the transaction; and

''(II) ensure that any material modification to any such agreement or condition is reported to the Director of National Intelligence, the Attorney General of the United States, and any other Federal department or agency that may have a material interest in such modification.

''(ii) COMPLIANCE.—The Committee shall develop and agree upon methods for evaluating compliance with any agreement entered into or condition imposed with respect to a covered transaction that will allow the Committee to adequately assure compliance, without—

''(I) unnecessarily diverting Committee resources from assessing any new covered transaction for which a written notice has been filed pursuant to subsection (b)(1)(C), and if necessary, reaching a mitigation agreement with or imposing a condition on a party to such covered transaction or any covered transaction for which a review has been reopened for any reason; or

''(II) placing unnecessary burdens on a party to a covered transaction.''.

SEC. 6. ACTION BY THE PRESIDENT.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by striking subsections (d) and (e) and inserting the following:

''(d) ACTION BY THE PRESIDENT.—

''(1) IN GENERAL.—Subject to paragraph (4), the President may take such action for such time as the President considers appropriate to suspend or prohibit any covered transaction that threatens to impair the national security of the United States.

''(2) ANNOUNCEMENT BY THE PRESIDENT.—The President shall announce the decision on whether or not to take action pursuant to paragraph (1) not later than 15 days after the date on which an investigation described in subsection (b) is completed.

''(3) ENFORCEMENT.—The President may direct the Attorney General of the United States to seek appropriate relief, including divestment relief, in the district courts of the United States, in order to implement and enforce this subsection.

''(4) FINDINGS OF THE PRESIDENT.—The President may exercise the authority conferred by paragraph (1), only if the President finds that—

''(A) there is credible evidence that leads the President to believe that the foreign interest exercising control might take action that threatens to impair the national security; and

''(B) provisions of law, other than this section and the International Emergency Economic Powers Act, do not, in the judgment of the President, provide adequate and appropriate authority for the President to protect the national security in the matter before the President.

''(5) FACTORS TO BE CONSIDERED.—For purposes of determining whether to take action under paragraph (1), the President shall consider, among other factors each of the factors described in subsection (f), as appropriate.

''(e) ACTIONS AND FINDINGS NONREVIEWABLE.—The actions of the President under paragraph (1) of subsection (d) and the findings of the President under paragraph (4) of subsection (d) shall not be subject to judicial review.''.

SEC. 7. INCREASED OVERSIGHT BY CONGRESS.

(a) REPORT ON ACTIONS.—Section 721(g) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(g)) is amended to read as follows:

''(g) ADDITIONAL INFORMATION TO CONGRESS; CONFIDENTIALITY.—

''(1) BRIEFING REQUIREMENT ON REQUEST.—The Committee shall, upon request from any Member of Congress specified in subsection (b)(3)(C)(iii), promptly provide briefings on a covered transaction for which all action has concluded under this section, or on compliance with a mitigation agreement or condition imposed with respect to such transaction, on a classified basis, if deemed necessary by the sensitivity of the information. Briefings under this paragraph may be provided to the congressional staff of such a Member of Congress having appropriate security clearance.

''(2) APPLICATION OF CONFIDENTIALITY PROVISIONS.—

''(A) IN GENERAL.—The disclosure of information under this subsection shall be consistent with the requirements of subsection (c). Members of Congress and staff of either House of Congress or any committee of Congress, shall be subject to the same limitations on disclosure of information as are applicable under subsection (c).

''(B) PROPRIETARY INFORMATION.—Proprietary information which can be associated with a particular party to a covered transaction shall be furnished in accordance with subparagraph (A) only to a committee of Congress, and only when the committee provides assurances of confidentiality, unless such party otherwise consents in writing to such disclosure.''.

(b) ANNUAL REPORT.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by adding at the end the following:

''(m) ANNUAL REPORT TO CONGRESS.—

''(1) IN GENERAL.—The chairperson shall transmit a report to the chairman and ranking member of the committee of jurisdiction in the Senate and the House of Representatives, before July 31 of each year on all of the reviews and investigations of covered transactions completed under subsection (b) during the 12-month period covered by the report.

''(2) CONTENTS OF REPORT RELATING TO COVERED TRANSACTIONS.—The annual report under paragraph (1) shall contain the following information, with respect to each covered transaction, for the reporting period:

''(A) A list of all notices filed and all reviews or investigations completed during the period, with basic information on each party to the transaction, the nature of the business activities or products of all pertinent persons, along with information about any withdrawal from the process, and any decision or action by the President under this section.

''(B) Specific, cumulative, and, as appropriate, trend information on the numbers of filings, investigations, withdrawals, and decisions or actions by the President under this section.

''(C) Cumulative and, as appropriate, trend information on the business sectors involved in the filings which have been made, and the countries from which the investments have originated.

''(D) Information on whether companies that withdrew notices to the Committee in accordance with subsection (b)(1)(C)(ii) have later refiled such notices, or, alternatively, abandoned the transaction.

''(E) The types of security arrangements and conditions the Committee has used to mitigate national security concerns about a transaction, including a discussion of the methods that the Committee and any lead agency are using to determine compliance with such arrangements or conditions.

''(F) A detailed discussion of all perceived adverse effects of covered transactions on the national security or critical infrastructure of the United States that the Committee will take into account in its deliberations during the period before delivery of the next report, to the extent possible.

''(3) CONTENTS OF REPORT RELATING TO CRITICAL TECHNOLOGIES.—

''(A) IN GENERAL.—In order to assist Congress in its oversight responsibilities with respect to this section, the President and such agencies as the President shall designate shall include in the annual report submitted under paragraph (1)—

''(i) an evaluation of whether there is credible evidence of a coordinated strategy by 1 or more countries or companies to acquire United States companies involved in research, development, or production of critical technologies for which the United States is a leading producer; and

''(ii) an evaluation of whether there are industrial espionage activities directed or directly assisted by foreign governments against private United States companies aimed at obtaining commercial secrets related to critical technologies.

''(B) RELEASE OF UNCLASSIFIED STUDY.—All appropriate portions of the annual report under paragraph (1) may be classified. An unclassified version of the report, as appropriate, consistent with safeguarding national security and privacy, shall be made available to the public.''.

(c) STUDY AND REPORT.—

(1) STUDY REQUIRED.—Before the end of the 120-day period beginning on the date of enactment of this Act and annually thereafter, the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Commerce, shall conduct a study on foreign direct investments in the United States, especially investments in critical infrastructure and industries affecting national security, by—

(A) foreign governments, entities controlled by or acting on behalf of a foreign government, or persons of foreign countries which comply with any boycott of Israel; or

(B) foreign governments, entities controlled by or acting on behalf of a foreign government, or persons of foreign countries which do not ban organizations designated by the Secretary of State as foreign terrorist organizations.

(2) REPORT.—Before the end of the 30-day period beginning upon the date of completion of each study under paragraph (1), and thereafter in each annual report under section 721(m) of the Defense Production Act of 1950 (as added by this section), the Secretary of the Treasury shall submit a report to Congress, for transmittal to all appropriate committees of the Senate and the House of Representatives, containing the findings and conclusions of the Secretary with respect to the study described in paragraph (1), together with an analysis of the effects of such investment on the national security of the United States and on any efforts to address those effects.

(d) INVESTIGATION BY INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of the Treasury shall conduct an independent investigation to determine all of the facts and circumstances concerning each failure of the Department of the Treasury to make any report to the Congress that was required under section 721(k) of the Defense Production Act of 1950, as in

effect on the day before the date of enactment of this Act.

(2) REPORT TO THE CONGRESS.—Before the end of the 270-day period beginning on the date of enactment of this Act, the Inspector General of the Department of the Treasury shall submit a report on the investigation under paragraph (1) containing the findings and conclusions of the Inspector General, to the chairman and ranking member of each committee of the Senate and the House of Representatives having jurisdiction over any aspect of the report, including, at a minimum, the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Energy and Commerce of the House of Representatives.

SEC. 8. CERTIFICATION OF NOTICES AND ASSURANCES.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by adding at the end the following:

''(n) CERTIFICATION OF NOTICES AND ASSURANCES.—Each notice, and any followup information, submitted under this section and regulations prescribed under this section to the President or the Committee by a party to a covered transaction, and any information submitted by any such party in connection with any action for which a report is required pursuant to paragraph (3)(B) of subsection (l), with respect to the implementation of any mitigation agreement or condition described in paragraph (1)(A) of subsection (l), or any material change in circumstances, shall be accompanied by a written statement by the chief executive officer or the designee of the person required to submit such notice or information certifying that, to the best of the knowledge and belief of that person—

''(1) the notice or information submitted fully complies with the requirements of this section or such regulation, agreement, or condition; and

''(2) the notice or information is accurate and complete in all material respects.''.

SEC. 9. REGULATIONS.

Section 721(h) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(h)) is amended to read as follows:

''(h) REGULATIONS.—

''(1) IN GENERAL.—The President shall direct, subject to notice and comment, the issuance of regulations to carry out this section.

''(2) EFFECTIVE DATE.—Regulations issued under this section shall become effective not later than 180 days after the effective date of the Foreign Investment and National Security Act of 2007.

''(3) CONTENT.—Regulations issued under this subsection shall—

''(A) provide for the imposition of civil penalties for any violation of this section, including any mitigation agreement entered into or conditions imposed pursuant to subsection (l);

''(B) to the extent possible—

''(i) minimize paperwork burdens; and

''(ii) coordinate reporting requirements under this section with reporting requirements under any other provision of Federal law; and

''(C) provide for an appropriate role for the Secretary of Labor with respect to mitigation agreements.''.

SEC. 10. EFFECT ON OTHER LAW.

Section 721(i) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(i)) is amended to read as follows:

''(i) EFFECT ON OTHER LAW.—No provision of this section shall be construed as altering or affecting any other authority, process, regulation, investigation, enforcement measure, or review provided by or established under any other provision of Federal law, including the International Emergency Economic Powers Act, or any other authority of the President or the Congress under the Constitution of the United States.''.

SEC. 11. CLERICAL AMENDMENTS.

(a) TITLE 31.—Section 301(e) of title 31, United States Code, is amended by striking ''8 Assistant'' and inserting ''9 Assistant''.

(b) TITLE 5.—Section 5315 of title 5, United States Code, is amended in the item relating to ''Assistant Secretaries of the Treasury'', by striking ''(8)'' and inserting ''(9)''.

SEC. 12. EFFECTIVE DATE.

The amendments made by this Act shall apply after the end of the 90-day period beginning on the date of enactment of this Act.

FOREIGN INVESTMENT AND NATIONAL SECURITY ACT OF 2007

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 197, S. 1610.

The PRESIDING OFFICER. The clerk will state the bill by title.

The bill clerk read as follows:

A bill (S. 1610) to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DODD. Madam President, section 721 of the Defense Production Act, also known as the Exon-Florio amendment, Exon-Florio, established a statutory framework for the U.S. Government to analyze foreign acquisitions, mergers, and takeovers of privately owned entities within the United States to determine whether such transactions affect the national security of the United States. The Foreign Investment and National Security Act of 2007 amends section 721 for the purpose of strengthening the process by which such transactions are reviewed and, when warranted, investigated for national security concerns. In addition, the act provides for a system of congressional notification so that Congress is able to conduct proper oversight of the national security implications of foreign direct investment in the United States to ensure that it is beneficial and has no adverse impact on U.S. national security.

Exon-Florio established a four-step process for examining a foreign acquisition: (1) voluntary notice by the companies; (2) a 30-day review to identify any national security concerns; (3) an optional 45-day investigation to determine whether identified concerns require more extensive mitigation efforts or a recommendation to the President for possible action; and (4) a Presidential decision to permit, suspend, or prohibit an acquisition in those instances where potential national security concerns cannot be mitigated.

During the standard review period, CFIUS conducts a national security analysis to determine whether any national security issues exist with a particular transaction, and if so, whether those concerns can be mitigated. In practice, companies sometime ''prefile'' with CFIUS, providing information about the transaction in order to ensure that CFIUS has all necessary information during the formal review period. Further, companies may withdraw from the formal review in order to address concerns on the condition that they re-file promptly with CFIUS or abandon the transaction.

Therefore, while the vast majority of CFIUS transactions are approved by the end of the 30-day review, the total time devoted to transactions is sometimes longer. If national security concerns have not been resolved during the 30-day review, CFIUS can extend its review to a second stage 45-day investigation. At the end of a 45-day investigation, the transaction is sent to the President for a decision, accompanied by a CFIUS report and recommendation. Any transaction that goes to the President must be reported to Congress. Transactions that enter investigation may also be terminated before reaching the President, with the companies voluntarily withdrawing and abandoning the investment. Presidential decisions are also avoided in cases where a mitigation agreement has been reached during the investigation period and the companies withdraw from investigation and immediately refile.

Mitigation agreements, which are contracts with CFIUS or CFIUS agencies entered into by the parties to the transaction, are an important element of the CFIUS review and investigation process. These agreements are intended to mitigate possible national security threats posed by a transaction short of requiring that the parties abandon the transaction altogether. The Department of Defense, hereafter DOD, has for many years used various types of mitigation agreements under existing DOD authority and regulations such as the National Industrial Security Program Operating Manual, NISPOM, to address the impact of foreign ownership and control over companies that have classified contracts with the Pentagon or intelligence agencies. In recent years, the Departments of Justice and Homeland Security have also done so.

S. 1610 reinforces CFIUS's capacity to refuse, suspend, modify or reverse any transaction if a written notice of such transaction is not filed with CFIUS or if there is an intentional material omission or falsehood in connection with a completed CFIUS review or investigation, or an intentional material breach in any posttransaction mitigation agreement, and establishes a formal requirement that all filings with CFIUS must be complete and accurate to the best of the filing party's ability. Thus, the committee establishes a

clear signal that all violations of such notice certification should be considered in the context of title 18, section 1001, and all intentional breaches or misstatements could also lead to severe modification or divestment of an acquisition of a previously reviewed transaction at any time.

The bill also establishes a mechanism by which CFIUS can unilaterally reopen a transaction that had previously been approved. My expectation is that this authority will only be used in exceptional circumstances when no other remedies exist and where there has been an intentional breach that affects national security. For that reason, the bill requires important procedural safeguards to ensure that this authority is not used lightly—among other safeguards, it requires, for example, that the decision to reopen a case is made at the same level of seniority as is required in the bill for the approval of transactions. The bill makes clear that CFIUS can only reopen a transaction if these threshold tests are met.

Of necessity, the reviews and investigations, which contain classified evaluations of national security vulnerabilities as well as extensive proprietary business information, remain highly confidential. Given this lack of transparency, there have been concerns over the years about CFIUS's accountability to Congress and to the public, particularly with regard to fundamental questions of whether CFIUS policies are consistent with the statute, executive orders, and regulations that govern its operations and whether CFIUS policies are applied consistently from transaction to transaction.

CFIUS has explicit authority in the regulations to open a case in the event that CFIUS discovers there has been a material misstatement or omission in the information provided by the parties to the transaction. CFIUS agencies also have all of the remedies that are normally available under a contract in order to enforce the terms of the mitigation agreement. In addition, in a large number of CFIUS cases, and particularly those involving the Defense Department, CFIUS approvals can be effectively nullified simply by ending the federal agency's contracting relationship with the company. Defense-related contracts are often a central element of CFIUS transactions, so the threat of being denied a contract going forward ensures compliance with the terms of mitigation agreements or other conditions agreed to by the foreign investor.

On October 6, 2005, under the leadership of then-Chairman RICHARD SHELBY, the Committee on Banking, Housing, and Urban Affairs conducted a hearing into the findings of the GAO report. Discussion between the GAO witnesses and Banking Committee members further highlighted deficiencies in implementation of Exon-Florio and the level of dissatisfaction with the lack of communication between CFIUS and the appropriate oversight committees of Congress. That hearing was followed on October 20, 2005, by another hearing that allowed the Banking Committee to hear directly from many of the agencies that comprise CFIUS, including the Department of the Treasury, which has the lead role in implementing Exon-Florio, as well as private sector representatives.

In late January 2006 congressional offices became aware of the proposed acquisition of terminal operations at a number of U.S. maritime ports by Dubai Ports World, hereafter DPW, an established port operator owned by the government of the Emirate of Dubai. Concern within Congress about a transaction that would transfer control of terminal operations to a company owned by a Persian Gulf emirate through whose financial system funds had been transferred to the terrorists who carried out the September 11, 2001, attacks upon the United States, and that had been a central conduit for nuclear weapons components being smuggled to hostile regimes, provided further impetus for review of the manner in which foreign transactions were being analyzed by CFIUS.

That senior White House officials, and the Secretaries and Deputy Secretaries of the Departments of the Treasury and Homeland Security were unaware of the Dubai Ports World transaction, combined with the fact this transaction was not subjected to a formal investigation in violation of the Byrd amendment, compounded congressional concerns about the nature of the underlying transaction.

In response to congressional criticism related to the DPW case in 2006, CFIUS agencies pledged to address flaws in the CFIUS process identified by Congress. There were 113 transactions filed with CFIUS in 2006, up 74 percent from the previous year. Because companies seek CFIUS consideration voluntarily, this increase reflected greater sensitivity among foreign investors, which in turn may reflect a more aggressive stance from CFIUS. CFIUS conducted seven second-stage investigations, the same number of investigations that had been conducted over the previous five-year period. There was also an increase in the number of companies withdrawing from CFIUS reviews and investigations, which suggests a higher degree of scrutiny: either companies withdrew for the purpose of terminating the underlying transaction or in order to restructure the transaction to address CFIUS concerns.

The number of cases in which CFIUS approved transactions with conditions attached through mitigation agreements also increased. CFIUS has also increased its Congressional outreach, notifying the Congressional leadership and committees of jurisdiction upon completion of CFIUS action on each transaction. Treasury also finally produced the long-overdue quadrennial report on CFIUS-related issues as mandated by the Defense Production Act of 1950.

In response to continued concerns regarding implementation of Exon-Florio, on April 30, 2006, the Committee on Banking, Housing, and Urban Affairs reported an original bill, S. 109–264, which made significant amendments to Section 721 to strengthen the review and oversight process. Senate bill 109–264 passed the Senate on July 26, 2006. On the same day the House passed its own reform legislation, H.R. 5337. No further action occurred on the bills prior to the adjournment of the 109th Congress.

On February 28, 2007, The House once again passed legislation amending section 721 to strengthen the foreign investment review process, H.R. 556—The National Foreign Investment Reform and Strengthened Transparency Act of 2007. On May 16, 2007, the Senate Committee on Banking, Housing and Urban Affairs convened to consider and report an original bill—the Foreign Investment and National Security Act of 2007—Proposed by Chairman CHRISTOPHER J. DODD, working closely with Ranking Member RICHARD SHELBY and drawing upon the extensive work that members of the committee had undertaken on this subject in the 109th Congress.

Let me offer a brief summary of the most important provisions of the bill.

The Foreign Investment and National Security Act of 2007—

Establishes the membership of the Committee on Foreign Investment in the United States, CFIUS, in statute;

Strengthens the role of the Director of National Intelligence, hereafter DNI, by making the DNI an ex-officio member of CFIUS and requiring that the Director undertake a thorough analysis of the transaction with respect to any national security implications, engage the intelligence community, and report the DNI's findings to the committee within 20 days of the commencement of the CFIUS review. Requires the DNI to update CFIUS with any additional relevant intelligence information that becomes available during the course of a review and/or investigation;

Mandates the designation of a lead agency or agencies for each covered transaction, in addition to the Treasury Department, charged with negotiating any mitigation agreement or other conditions to ensure that national security is protected, and for follow-up compliance with the terms of the agreement after the transaction has been approved by CFIUS;

Provides for the 30-day review of covered transactions by CFIUS to determine its effects on national security, and for sign-off at the assistant secretary-level, or above, that there is no threat to national security by the proposed transaction;

Provides for the 45-day investigation of covered transactions that threaten to impair national security, including transactions involving foreign government-owned companies and control of

critical infrastructure, and for sign-off at the Deputy Secretary level that there is no threat to the national security by the proposed transaction;

Provides for certain exceptions for the requirement that a state-owned entity automatically go to the investigation stage if the Secretary or Deputy Secretary of the Treasury, and the equivalent level official in the lead agency, determine after review of the transaction that national security will not be impaired by the transaction;

Requires assessment of a country's compliance with U.S. and multilateral counterterrorism, nonproliferation and export control regimes for acquisitions by stateowned companies in the investigation stage;

Provides authority to the President to suspend or prohibit a covered transaction if there is credible evidence that such transaction threatens to impair U.S. national security;

Provides authority to CFIUS, or the lead agencies acting on behalf of CFIUS, to negotiate, impose and enforce conditions necessary to mitigate any threat to national security related to a covered transaction;

Adds to the list of factors that CFIUS should consider in the conduct of its reviews and investigation to include among other things consideration of the potential impact of a transaction on critical infrastructure, energy assets, or critical technologies;

Provides for written notice, to the Congress at the conclusion of the CFIUS process for both reviews and investigations, providing details about the transaction, including written assurance that the transaction does not threaten to impair national security or that any initial concerns have been mitigated through binding agreements between the parties and CFIUS, or the lead agency or agencies designated by the Chairman of CFIUS;

Provides for detailed annual reports to Congress on the activities of CFIUS, including information concerning the transactions that have been reviewed or investigated during the previous 12 months;

Provides for an investigation by the Inspector General of the Department of Treasury to determine why the department failed to comply with provisions of the Defense Production Act with respect to certain reporting requirements related to potential industrial espionage or coordinated strategies by foreign parties with respect to U.S. critical technology by foreign parties; and

Provides for the issuance of regulations and guidance to carry out the provisions of the Act.

Madam President, Ranking Member RICHARD SHELBY and I believe that Senate passage of S. 1610 as amended by the Dodd/Shelby substitute amendment, which is largely technical in nature, will not only implement needed reforms and thereby strengthen national security, but also provide more transparency and predictability to the CFIUS process that is important to ensuring that the U.S. economy continues to benefit from the fruits of foreign direct investment. We strongly urge our colleagues to support this important legislation.

Mr. SHELBY. Madam President, I rise in support of the Senate's passage of the Foreign Investment and National Security Act of 2007. This important bill reforms the process through which the Committee on Foreign Investment in the United States reviews foreign investment in our country. It establishes a process for reviewing foreign investment transactions that thoroughly examines issues relating to national security, involves clear lines of responsibility, and is flexible to meet the demands of the market.

I appreciate the leadership and hard work of Chairman DODD on this matter.

LABOR MANAGEMENT RIGHTS

Mr. CRAIG. Madam President, I rise today to commend Chairman DODD and Ranking Member SHELBY on their work regarding the Committee on Foreign Investment in the United States, CFIUS.

Last year, a company called Dubai Ports World sought to purchase labor management rights to several U.S. ports, a proposal that was approved by CFIUS. However, numerous Members of Congress, the media and the American public quickly and loudly voiced concerns over the way in which the CFIUS process had occurred. Because of the enormous outcry, Senator SHELBY, then Chairman of the Banking Committee, worked with then-Ranking Member Senator Sarbanes, to make the CFIUS process more transparent and much more effective.

I want to commend both Senators for their work on this legislation, and I believe that their hard work has produced legislation that will bolster American support for foreign investments.

Many different agencies within the Federal Government have the responsibility to investigate foreign investment proposals before they can be approved. Those agencies, including our intelligence community, have a serious responsibility to ensure that each proposed foreign investment in our country will not jeopardize national security. It is my understanding that currently, the Director of National Intelligence has the authority to tap any of the intelligence agencies within our Federal Government to conduct analysis of technology transfers and economic impacts of any foreign investment proposals. Senator SHELBY, is that your understanding of the responsibilities held by the Director of National Intelligence?

Mr. SHELBY. The Senator is correct. Currently the DNI can use different intelligence agencies to conduct economic analysis, including technology transfers, to ensure that such foreign investment proposals will not jeopardize our national security.

Mr. CRAIG. I thank the Senator. Madam President, the reason I bring up that concern is that I do not believe that such analyses are occurring, or that very little economic analysis is being conducted by our intelligence communities.

I am hopeful that this legislation crafted by Senators SHELBY and DODD will pass the Senate quickly and that it can be signed into law, because America should be a country that welcomes foreign investment. However, we must be absolutely certain that any investment into our country will not have a negative economic impact or impair our national security. I sincerely hope that the Director of National Intelligence will participate fully in the CFIUS process and use all available resources to ensure that all foreign investment proposals receive very thorough and timely analysis to ensure congressional and public support for increased investment in our country, while at the same time ensure our national security is not placed in jeopardy.

Again, I would like to commend the chair and ranking member of the Senate Banking Committee for their hard work and dedication to this legislation and I will strongly support its passage.

Mr. REID. Madam President, I ask unanimous consent that a Dodd-Shelby substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read the third time; further, I ask unanimous consent that the Banking Committee be discharged from the consideration of H.R. 556, and the Senate proceed to its consideration; that all after the enacting clause be stricken, and the text of S. 1610, as amended, be inserted in lieu thereof; the bill, as amended, be read the third time and passed, and the motions to reconsider be laid upon the table, without any intervening action or debate; that S. 1610 be placed back on the calendar; that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2002) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill (H.R. 556), as amended, was read the third time and passed.

PASSPORT BACKLOG REDUCTION ACT OF 2007

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 239, S. 966.

The PRESIDING OFFICER. The clerk will state the bill by title.

The bill clerk read as follows:

A bill (S. 966) to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with an amendment, as follows:

(The part of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 966

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 ''Department of State Crisis Response Act of 2007''.

[SEC. 2. 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—

[(1) in paragraph (1), by striking ''To facilitate'' and all that follows through '', the Secretary'' and inserting ''The Secretary''; and

[(2) in paragraph (2), by striking ''2008'' and inserting ''2010''.

[SEC. 3. REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.

[Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

[(1) in paragraph (1)(B), by striking ''to facilitate'' and all that follows through ''Afghanistan,''; and

[(2) in paragraph (2), by striking ''2008'' and inserting ''2010''.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Passport Backlog Reduction Act of 2007''.

SEC. 2. REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.

Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''; or'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following new subparagraph—

''(C)(i) to provide assistance to consular posts with a substantial backlog of visa applications; or

''(ii) to provide assistance to meet the demand resulting from the passport and travel document requirements set forth in section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note).'';

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph:

''(3) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to paragraph (1)(C) shall terminate on September 30, 2010.''.

Mr. REID. Madam President, I ask unanimous consent that the committee-reported amendment be considered agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table; and that any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (S. 966), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 966

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 ''Passport Backlog Reduction Act of 2007''.

SEC. 2. REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.

Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''; or'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following new subparagraph—

''(C)(i) to provide assistance to consular posts with a substantial backlog of visa applications; or

''(ii) to provide assistance to meet the demand resulting from the passport and travel document requirements set forth in section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note).'';

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph:

''(3) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to paragraph (1)(C) shall terminate on September 30, 2010.''.

ORDER FOR STAR PRINT—S. 1710

Mr. REID. Madam President, I ask unanimous consent that S. 1710 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO MAKE APPOINTMENTS

Mr. REID. Madam President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. REID. Madam President, I ask unanimous consent that the Senate committees may report legislative and Executive Calendar business on Tuesday, July 3, from 10 a.m. to 12 noon, notwithstanding a recess or adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN

Mr. REID. Madam President, I ask unanimous consent that the RECORD remain open until 2 p.m. today for the introduction of legislation, submission of statements, and adding cosponsors, notwithstanding adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JULY 9, 2007

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m. Monday, July 9; that on Monday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time of the two leaders reserved for their use later in the day; that there then be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; that at 3 p.m., the Senate proceed to consideration of H.R. 1585, as provided under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. As I mentioned this morning, and I will reiterate now, Madam President, on Monday, July 9, at 5:30 p.m., Members should expect a number of rollcall votes on judicial nominations.

ADJOURNMENT UNTIL MONDAY, JULY 9, 2007, AT 2 P.M.

Mr. REID. If there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand adjourned under the provisions of H. Con. Res. 179.

There being no objection, the Senate, at 12:51 p.m., adjourned until Monday, July 9, 2007, at 2 p.m.

EXTENSIONS OF REMARKS

SENATE IMMIGRATION BILL (S. 1639)

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. DENT. Madam Speaker, I rise today to express my concerns over the Senate's Immigration bill.

I am disappointed that the Senate continues to maintain a "Z" visa program within the text that would reward illegal behavior. Not withstanding how its proponents choose to characterize this plan, it represents de facto amnesty and is unfair to those who have patiently pursued the citizenship process legally.

We have some 12 million illegal aliens in this country. Granting amnesty will only push those numbers up, not down, as we saw after the implementation of Simpson-Mazzoli.

The White House and the Senate just do not seem to recognize the fatal flaw in their so-called immigration "compromise": If we cannot control our borders now, then how can we reasonably expect to manage future immigration programs that will inevitably increase the numbers of individuals seeking to enter this country illegally? The end results of this bargain, I fear, will be compromises to the rule of law and to the security of the homeland. And those we most certainly do not need.

INTRODUCTION OF THE DISTRICT OF COLUMBIA LAND GRANT ENHANCEMENT ACT OF 2007

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Ms. NORTON. Madam Speaker, I am pleased today to introduce legislation that would put the University of the District of Columbia (UDC) on par with all of the other land grant universities around the country.

Land grant institutions play a significant role in ensuring that our nation remains the world leader in the production of food, fuel and fiber. Through a wide range of research and extension activities, U.S. citizens gain useful knowledge on the latest changes in agriculture-based technology that keeps our food supply safe while providing for critical health information on food and nutrition.

Congress authorized land grant status to the University of the District of Columbia in 1974, and since that time the University of the District of Columbia has played a major role in these efforts from an urban point of view as the only all urban land grant institution in the country.

Many are not aware that the University of the District of Columbia is an 1862 Land Grant Institution with specific legislative authority to participate in various United States Department of Agriculture (USDA) research and extension programs. More particularly, the University has specific statutory authority to participate in research funding programs under the Hatch Act, similar to the authority given to other 1862 Land Grant Institutions. This is not the case, however, for the University's extension service activities.

Extension services at the University are awkwardly authorized under Section 208(c) of the District of Columbia Higher Education and Post Secondary Act of 1974, rather than Section 3 of the Smith-Lever Act. While Section 208(c) of the District of Columbia Higher Education and Post Secondary Act of 1974 incorporates by reference the specific extension activities under Section 3 of the Smith-Lever Act, this outdated statutory scheme presents significant barriers to the University's ability to effectively carry out extension activities. The barriers resulting from this statutory scheme present themselves in form and substance while raising issues of equity and fairness. USDA's implementation ofthe Expanded Food and Nutrition Education Program (EFNEP) best highlights this inequity.

EFNEP is a formula-based nutrition education program authorized under Section 3(d) of the Smith-Lever Act. In Fiscal Year 2006, the Congress appropriated $62 million for the EFNEP program and USDA disseminated these funds, without any nonfederal matching requirement, to the various land grant institutions in the states and territories, except for the University of the District of Columbia. Under current law, Smith-Lever EFNEP funding is made only conditionally available to the University of the District of Columbia through Section 208(c) of the D.C. Postsecondary Education Act, which requires UDC to provide 100% matching funds for its EFNEP funding. UDC is the only 1862 Land Grant Institution required to do so. The language requiring the 100% match for District of Columbia EFNEP programs is clearly a relic of the budget and political climate that existed at the time the EFNEP provision was enacted for the District of Columbia in 1974.

Moreover, as a critical threshold issue, the University does not currently have access to any EFNEP funding because UDC is not in the Smith-Lever Act that guides the appropriations process; no one looks to the D.C. Postsecondary Education Act, so UDC is overlooked in the EFNEP funding allocation.

There is no reason why the District of Columbia's children should have less access to nutrition education programs than children in the states and U.S. territories. It is long overdue to remove this inequitable financial barrier. Neither the continued exclusion of the University from the EFNEP program nor the mandatory matching requirement is supported by USDA's policy goal of ensuring that the EFNEP program reaches all predominantly minority low-income youth and families with nutrition education that leads to sustainable behavior changes.

The legislation that I introduce today corrects this problem along with other barriers to the University's participation in the agricultural research and extension programs, and provides the authority needed for the University to participate in capacity building and facilities programs now being administered at the United States Department of Agriculture. The University of the District of Columbia functions with very limited resources in comparison to the large endowments of most other land grant institutions. Accordingly, a reduction in the current matching requirements for the Hatch Act state agricultural experiment station programs and the other Smith-Lever extension programs, similar to the reduction and waiver provisions authorized in the 2002 Farm Bill for some of the smaller 1862 Land Grant Institutions would be equitable and fair. For this reason, this legislation would allow the Secretary of Agriculture to reduce and waive the nonfederal matching requirement if the Secretary finds that the University will not be in a position to secure nonfederal funds.

Finally, this legislation would allow the University to participate in USDA's competitive capacity and facilities grant programs. Participation in these grant programs would significantly enhance the University's teaching and agricultural research capacity building resources, and its ability to upgrade its research, teaching and extension facilities, thereby recognizing the importance of the University as the only all urban land grant institution performing valuable urban agricultural research and extension services to the District of Columbia community and a predominately African American student population. It is only fair that the University of the District of Columbia is afforded the same opportunity to compete for capacity building and facilities opportunities that the other small, minority-serving institutions are eligible to pursue.

I urge my colleagues to support this legislation.

PERSONAL EXPLANATION

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. AL GREEN of Texas. Madam Speaker, I inadvertently voted "no" on Rollcall No. 573, the Inslee amendment to H.R. 2643. I intended to vote "aye" on this amendment, which would have prohibited the use of any funds in the bill to issue permits for importation of any polar bear or polar bear part. Protection of our threatened species is a critical objective and I believe that this amendment, had it passed, would have greatly assisted our efforts to protect the polar bear.

COMMENDING THE GLADES COUNTY VOLUNTEER FIREFIGHTERS

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. MAHONEY of Florida. Madam Speaker, I rise tonight to pay tribute to the brave men and women of my district. Recently there was an outbreak of fires along Lake Okeechobee, Florida's largest lake. The fires started on May 27, 2007 along the Pierce Canal in Glades County, Florida. Boundary fires were created to protect the area.

Glades County EMS Director, Bob Jones, coordinated the mission and had everyone in place. Glades County Sheriff, Stuart Whiddon made his deputies available to help. Lighted signs were posted on the road and volunteers went house to house to warn people of the fires. The highway was closed and one family had to evacuate due to health reasons. No one was taken to the hospital or needed EMS assistance during the six days the fire burned.

Glades County is made up of all volunteer fire departments. Firefighters from Glades County Communities including Buckhead Ridge, Lakeport, Moore Haven, Palmdale, Ortona and Muse responded. These men and women were on site 24 hours a day. In order to protect the area, the volunteers inhaled smoke, and were surrounded by threatening flames. They were assisted by the following departments from neighboring Lee County: San Carlos, Port Authority, Bonita Springs, North Fort Myers, Estero, Fort Myers City, Bayshore, and Cape Coral. In addition, they were also assisted by the Brighton Seminole Fire Department.

I commend Glades County Manager Wendell Taylor, Deputy County Manager, Larry Hilton, and the members of the Glades County Commission, Butch Jones, Chairman, Paul Beck, Vice Chairman, Donna Storter Long, Russell Echols, and Bob Geisler for their presence and constant concern for the citizens of Glades county. I also commend Glades County staff who lent a helping hand.

Many firefighters lost days of pay in order to fulfill their obligation to protect the residents of Glades County. These brave men and women are a tribute to their communities and I commend them for their terrific hard work in battling these fires.

Glades County may be one of the poorest counties in the district, but the people who live and work there are what makes it rich.

PAYING TRIBUTE TO JOAN LOLMAUGH

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Joan Lolmaugh for her tireless efforts on behalf of the Clark County community through her work with Clark County Department of Parks and Recreation.

Joan started her career with Clark County in 1992 as Manager of Clark County's Cultural Affairs Division. Over the course of her tenure with Clark County, Joan has overseen Winchester Cultural Center, the Clark County Museum and Aviation Museum, the Special Events unit which produces large community events such as the Renaissance Festival; the Summer Concert Series at the Government Center Amphitheater; the Galleries and Art Education Program and the Wetlands Interpretive Program, among other functions. Furthermore, Joan was appointed by former Governor Kenny Guinn to the board of the Nevada Arts Council, and in 2002 was honored by the Governor, receiving the Governor's Art Reward for service to the arts.

Prior to her time in Las Vegas, Joan served as assistant director at the Oregon Arts Commission and Director of the Idaho Commission on the Arts. She was director and assistant professor of a graduate arts program at the University of Illinois-Springfield. She has served on the boards of the Western States Arts Federation and National Assembly of State Arts Agencies, and is currently a member of the Death Valley National Park Advisory Commission. She has also been involved in a number of statewide arts organizations across the country.

Madam Speaker, I am proud to honor Joan Lolmaugh. Her dedication to enriching lives through the arts is laudable and has enriched countless lives. I applaud her efforts and wish her the best in her future endeavors.

RECOGNIZING ST. JOSEPH THE WORKER CHURCH

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today in recognition of the St. Joseph the Worker Church, in Fallsington, Pennsylvania, for its 50 years of service and continued dedication to the Bucks County community.

The St. Joseph of the Worker Parish was founded by Archbishop—and future Philadelphia Cardinal—John F. O'Hara on October 1, 1956. A church that once consisted of a small group meeting in a local elementary school has now developed into a vibrant and growing congregation. In the spirit of St. Joseph, the parish church and school are committed to hard work for the betterment of their community—for the religious and laity alike.

Madam Speaker, a strong community can shape the lives of children and young adults—something I saw first hand growing up in a working class family in Northeast Philadelphia. The St. Joseph the Worker Parish School educates 165 pre-kindergarten through eighth grade students of the Parish community. Through quality education and service projects, St. Joseph students learn how to help others and become the leaders of the future.

Over the past 50 years, the parish has helped create a new St. Joseph's Home for Boys and the Martha's Cupboard food pantry. The food pantry's 12 hardworking volunteers service between 10 and 20 families each week with a 2-week supply of non-perishable food. The food is contributed largely from parishioners, in addition to school and community food drives. In conjunction with other organizations, parishioners package and deliver meals, and purchase Christmas gifts for local needy families.

Madam Speaker, the St. Joseph Church and its congregation have long served as a model for community service, proving that the efforts of the few have profound effects on the many. I offer my congratulations as the parish welcomes Cardinal Justin Rigali of Philadelphia and concludes their 50th anniversary ceremonies on Sunday, September 30, 2007.

The motto for the 50th anniversary events, ''Celebrating the Past and Embracing the Future,'' embodies the true mission ofthe St. Joseph the Worker Church. Madam Speaker, I am honored recognize the church's years of history and I thank the parishioners and elergy for their ongoing efforts to educate the youth and improve our society. I wish them another 50 years of success.

INTRODUCTION OF RETAIL DEPRECIATION BILL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. NEAL of Massachusetts. Madam Speaker, I rise today to introduce legislation to help our nation's 1.5 million retailers. The bill that I am filing today, along with my Committee colleagues Representatives PHIL ENGLISH, ARTUR DAVIS, and SAM JOHNSON, would provide a quicker cost recovery for improvements to retail-owned property.

Already, retailers or other commercial entities that rent, rather than own their property can recover the costs of improvements over 15 years. Owners of retail property, however, must write-off these same improvements to their property over 39 years. There is little reason for such a distinction; the wear and tear on the property is the same. In fact, studies by the Congressional Research Service, the Treasury Department, and other private economists have found that the current asset lives assigned to buildings and improvements are far too long.

Many small retailers own their buildings and are unable to afford the space in the more desirable malls. One of my constituents, Dave Ratner of Dave's Soda and Pet City in Agawam, MA, testified before Congress earlier this year on this issue. Dave employs 86 people in western Massachusetts at his four locations. He competes with the major pet care chain stores, which often lease pricey space in the malls. Because their property is leased, it is eligible for the quicker cost recovery, providing a significant tax advantage over Dave's shops.

Since half of retail spaced is owned and half is rented, Congress should try to create parity within this industry. Our retailers employ one in five American workers and generally must remodel their stores every five to seven years in order to keep up with customers' tastes and needs. These retail owners, the majority of whom have less than five employees, are often all you see along Main Street in the small cities and especially in rural areas. Ownership signifies a long-term commitment to the community. We should at least level the playing field for these community-based businesses.

We urge you to join us in supporting legislation to allow a quicker cost recovery for improvements to retail-owned property. It is one

way to help retailers remain competitive and stay on Main Street.

IN RECOGNITION OF FIRST CLEVELAND MOSQUE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. KUCINICH. Madam Speaker, I rise today to recognize First Cleveland Mosque on the occasion of its 70th Anniversary, and to celebrate all their contributions toward creating a more diverse and inclusive Northeast Ohio.

Founded in 1937 by Imam Al Hajj Wali Akram, First Cleveland Mosque is one of the oldest Muslim institutions in America. The Mosque has faithfully guided Cleveland Muslims, holding fast to the ideals of peace, equality and social harmony central to their faith.

As our world struggles to understand its beautiful religious diversity, the First Cleveland Mosque, since its inception, has been a force for ecumenism, encouraging dialogue between faiths and reaching out to their non-Muslim neighbors. The result has been a Cleveland faith community rooted in understanding and mutual respect.

Madam Speaker and colleagues, please join me in recognizing the First Cleveland Mosque on the occasion of its 70th Anniversary. May all their efforts toward ecumenism continue to create a more peaceful Northeast Ohio and world.

THE GREAT LAKES WATER PROTECTION ACT H.R. 2907

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. KIRK. Madam Speaker, today I am pleased to join with Congressman LIPINSKI to introduce the Great Lakes Water Protection Act. This bipartisan legislation, supported by the Alliance for the Great Lakes, National Resources Defense Council, National Wildlife Foundation, National Parks Conservation Association, Great Lakes Aquatic Network, Audubon Society and more, would set a date certain to end sewage dumping in America's largest supply of fresh water, the Great Lakes. More than forty million Americans depend on the Great Lakes for their drinking water, food, jobs, and recreation. We need to put a stop to the poisoning of our water supply. Cities along the Great Lakes must become environmental stewards of our country's most precious freshwater ecosystem.

The Great Lakes Water Protection Act gives cities until 2027 to build the full infrastructure needed to prevent sewage dumping into the Great Lakes. Those who violate EPA sewage dumping regulations after that federal deadline will be subject to fines up to $100,000 for every day they are in violation. These fines will be directed to a newly established Great Lakes Clean-Up Fund within the Clean Water State Revolving Fund. Penalties collected would go into this fund and be reallocated to the states surrounding the Great Lakes. From there, the funds will be spent on wastewater treatment options, with a special focus on greener solutions such as habitat protection and wetland restoration.

This legislation is sorely needed. Many major cities along the Great Lakes do not have the infrastructure needed to divert sewage overflows during times of heavy rainfall. More than twenty-four billion gallons of sewage are dumped into the Lakes each year; Detroit alone dumped over thirteen billion gallons of sewage into Lake Huron in 2005.

These disastrous practices result in thousands of annual beach closings for the region's 815 freshwater beaches. Cook County beach closings nearly tripled from 213 in 2003 to 613 in 2004. According to the National Resources Defense Council, in a 92-day period from June 1 to August 31 in 2005, there were 87 days of beach closings in my District alone. This trend is echoed throughout the Great Lakes region and is one we need to reverse.

Protecting our Great Lakes is one of my top priorities in the Congress. As an original cosponsor of the Great Lakes Restoration Act, I favor a broad approach to addressing needs in the region. However, we must also move forward with tailored approaches to fix specific problems as we continue to push for more comprehensive reform. I am proud to introduce this important legislation that addresses a key problem facing our Great Lakes, and hope my colleagues will support me in ensuring that these important resources become free from the threat of sewage pollution.

HONORING HERB CROUTHAMEL

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Herb Crouthamel for nearly half-a-century of service to the families of Bucks County. On Friday, June 15—after 46 years of driving a school bus for Central Bucks West and Our Lady of Mount Carmel schools—Mr. Crouthamel drove his final route. During those 46 years driving the bus and the 81 years he has been a member of our community Mr. Crouthamel has developed lasting, personal relationships but most importantly, he has protected our children.

Madam speaker, Mr. Crouthamel served our country as a member of the U.S. Navy in World War II and went to school on the GI Bill after his return. He started his route by chance, supplementing his work as a car salesman, but soon it became one of his life works.

Students, parents and school administrators all hail Mr. Crouthamel's devoted commitment to students. He impresses the students he drives by knowing all of their names and his record shows his dedication to student safety, both on and off the bus.

Mr. Crouthamel may be giving up the bus route but he isn't giving up his service to our community. He plans to continue work for his local country store and he will also volunteer at the Doylestown Hospital after his retirement.

Madam Speaker, Mr. Crouthamel's commitment to children and the community is an inspiration. His years of service come with public acclaim for his attention to both safety and the lives of local families. On behalf of the community and all the lives he has touched and protected, I would like to thank Mr. Crouthamel for his life-long commitment to excellence and service.

INTRODUCTION OF CORPORATE ANTI-INVERSION BILL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. NEAL of Massachusetts. Madam Speaker, I rise to introduce legislation today to shut down a potential loophole in the anti-inversion provisions of the tax code. As many of my colleagues will remember, I lead the charge back in early 2002 to shut down the so-called ''corporate expatriate'' loophole. Corporate expatriates trade in their U.S. citizenship for citizenship in certain no-tax or low-tax havens through reincorporation or a corporate ''inversion.'' These corporate expatriates often have little or no presence in these haven jurisdictions; some merely rent a mailbox to establish their new headquarters.

Following the attacks of September 11, 2001, some aggressive tax advisors were telling their clients that the climate was ripe for inversions as most stock prices were depressed. The only tax paid when a corporation departed was a tax on the gain of the stock or assets transferred to the new foreign parent company. As one tax advisor put it, ''Maybe patriotism needs to take a back seat to improved corporate profits.''

Despite the outcry from shareholders, taxpayers, and many of us in Congress, the leadership of the prior Congress fought enactment of a loophole closer. It was not until late in 2004, in the American Jobs Creation Act, that corporate expatriation was finally put to a halt. That bill used the same formula of my original bill—simply stating that if almost all of the shareholders of the new foreign company were the same as under the old American company and if the company had little real business in the host foreign country, then the corporate expatriate would be taxed as if it were still a U.S. company.

That new law put a chill on the market for corporate expatriation. However, earlier this year, one American company stated it was moving the headquarters of the operation to a foreign country with no corporate income tax. The company is not really changing its residency. Many have speculated that this is really a two-step process: move some administrative functions abroad to establish a minimal presence, and then give up U.S. corporate citizenship.

I think this would circumvent the intent of the original law and that is why I am filing legislation today to close that loophole. My bill would exclude any management or administrative functions, including the corporate headquarters, from the calculation of what constitutes substantial business activities in the foreign country. I am sure that many CEOs would not think it too much a sacrifice to relocate their office to the sunnier climes of some of these havens and thereby shave millions off of the company's tax bill. I urge my colleagues to support my legislation to prevent this type of tax avoidance.

I would also add that I do not view these events in a vacuum. Clearly, this Congress needs to look at more incentives to keep American companies and jobs here. I have discussed with Chairman Rangel holding hearings on how our tax code treats both domestic and foreign sources of income to make sure American companies can successfully compete in a global market. However, until such changes are made, I will continue my efforts to prevent "self-help" maneuvers, such as the fiction of corporate expatriation.

A summary of my bill follows:

BILL SUMMARY

PRESENT LAW

Section 801 of the American Jobs Creation Act of 2004 (AJCA) added section 7874 to the Internal Revenue Code. Section 7874 provides certain rules designed to remove incentives for corporations to engage in inversion transactions. However, the anti-inversion rules do not apply if the expanded affiliated group (EAG) of the corporation has business activities in the foreign country in which, or under the laws of which, the acquiring foreign entity was created or organized and such business activities are substantial when compared to the total business activities of the EAG. (For purposes of section 7874, the EAG is similar to the affiliated group permitted to file a consolidated federal income tax return, except that companies are considered to be in the expanded affiliated group if they are more than 50 percent owned by the common parent or other members (the consolidation rules required 80 percent) and foreign corporations may be included in the expanded affiliated group.) In explaining the reason for this legislative change, the ''Blue Book'' compiled by Joint Tax states, ''The Congress believed that inversion transactions resulting in minimal presence in a foreign country of incorporation were a means of avoiding U.S. tax and should be curtailed.'' Staff of Joint Comm. on Taxation, General Explanation of Tax Legislation Enacted in the 108th Congress, at 343 (Comm. Print JCS–5–05).

On June 5, 2006, the Department of the Treasury and the Internal Revenue Service issued Temporary and Proposed Regulations that, among other things, provide certain rules regarding the substantial activities test (T.D. 9265). The regulations provide both an all-facts-and-circumstances test and a bright-line safe harbor test to determine whether an EAG has substantial business activities in the acquiring foreign entity's country of incorporation when compared to the total business activities of the EAG. Under the general rule of the all-facts-and-circumstances test, the determination of whether the EAG has substantial business activities in the relevant foreign country, when compared to the total business activities of the EAG, is based on an analysis of all the facts and circumstances of each case. The regulations set forth a non-exclusive list of factors to be considered in the analysis. The weight given to any factor depends on the particular circumstances. The listed factors include, among other factors, the EAG's local employee headcount and payroll, property, and sales; the EAG's historical presence in the foreign country; its management activities in the country; and the strategic importance to the EAG as a whole of the business activities in that country.

The regulations state that the presence or absence of any factor, or any particular number of factors, in the list is not determinative, and that there is no minimum percentage of the group's total employee headcount, payroll, assets, or sales that must be shown to be in the foreign country.

The safe harbor test is satisfied if the EAG satisfies three conditions, relating to employees, assets, and sales. The first condition is that the group employees based in the foreign country account for at least 10 percent (by headcount and compensation) of total group employees. The second condition is that the total value of the group assets located in the foreign country represents at least 10 percent of the total value of all group assets. The third condition is that the group sales made in the foreign country accounts for at least 10 percent of total group sales.

THE BILL

The bill provides that for purposes of the substantial activities test of section 7874, any management or administrative activities, including the location of any corporate headquarters, taking place in the foreign country in which, or under the law of which, the inverted entity is created or organized shall not be taken into account as business activities. Under the bill, for example, if a U.S. company inverts to country X, and its management is located in country X or performs much of its management activities there, the activities of its management in country X are not taken into account for purposes of determining whether the activities of the EAG in country X are substantial when compared to the total worldwide business activities of the EAG. On the other hand, under that example if any management activities of the EAG take place outside of country X, such management activities are taken into account in applying the substantial activities test.

The bill modifies the statutory substantial business activities test, and accordingly limits the application of both the all-facts-and-circumstances test and the safe harbor of the regulations.

Under the bill, the term ''management activities'' includes any management activities, and therefore extends beyond top corporate management. For example, it would include management activities relating to operational units. Similarly, the term ''administrative activities'' includes departments whose function is essentially administrative in nature, such as accounting, as well as administrative activities relating to or performed by operational units.

IN CELEBRATION OF CLARA BELLE LACEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor Clara Belle Lacey, on the occasion of her 80th birthday, and to celebrate her lifetime of contributions to Northeast Ohio.

Clara is fiercely dedicated to her family and her community. She helped her parents raise her siblings, and as a young working woman, she always ensured that they had extra presents and candy on the holidays. Clara's affection for and loyalty to her family and friends never wavers. She has boundless energy. Indeed, just being around her, one cannot help but be uplifted and touched by her radiance.

Clara has never been one to restrain her affection and concern for others. For decades she has been an outspoken community activist, committed to making Northeast Ohio a more peaceful, more equal, and more just community. She has been an invaluable asset to literally hundreds of organizations, grassroots movements, and city ward clubs. Her contributions to our community have been immeasurable.

Madam Speaker and colleagues, I have known Clara for decades, and I have been consistently blessed by her presence in my life. Please join me in honoring Clara Belle Lacey on the occasion of her 80th birthday. May we all aspire to be as caring and as loyal as she.

10TH CONGRESSIONAL DISTRICT OF ILLINOIS SCHOOL CONSERVATION CORPS ACT OF 2007

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. KIRK. Madam Speaker, I am pleased to introduce the 10th Congressional District of Illinois School Conservation Corps Act of 2007, a bill crafted by America's future leaders. I believe it is critical to engage younger generations in our civic process in order to help them begin to build a better tomorrow.

Earlier this year, I invited students from all across my district to participate in a Model Congress. The best and brightest high school students from around northeast Illinois turned out to spend a weekend listening to expert testimony, debating policy, and passing legislation on climate change and environmental conservation.

One of the bills the students considered establishes a pilot program in the 10th District of Illinois for the Secretary of Education to launch and support a School Conservation Corps. Any group of 10 students and an advisor may form a chapter of the Corps to receive grants to participate in various environmental protection and restoration activities. Assuming the roles of actual Members of Congress, the students debated many provisions of the bill, including the types of activities that shall be performed, the amount of initial and matching grants that may be made available, and the parameters of the program's evaluation and expansion.

I am proud to announce that with minor drafting changes, the bill I rise to introduce today is the same bill passed by the talented students of the 10th District on April 22, 2007. I want to recognize Lauren Blake and Will McGauran who played the majority and minority leaders of this Model Congress. These students, who will both be seniors at New Trier High School next fall, worked hard to build partnerships and find compromises to pass the legislation before them.

The complete Model Congress comprised of the following students, who each played a critical role in the proceedings: Edward Alvarez, Charles Arnowitz, Frank Austin, Carolyn Barnett, Andrew Barr, Steven Blumental, Josh Brown, Emily Buehler, Melissa Burns, Arvin Canda, Lauren Cannizzaro, Douglas Carr, Amy Cleveland, Angelica Cleveland, Simone Coburn, Bruce Codell, Jordan Cohen, Elyse Conklin, Dan Cowin, Semeka Cunningham, Joseph Delvin, Peter Drogos Phyall, Ellen Eichner, Gustavo Esquivel, Maria Estrada, Teresa Fabila, Brad Fink, Kevin Finkle, Sherrie Fortson, Stephanie Fortson, Rebecca Fowler, Rachel Fybel, Roberto Garcia, Ana Gaytan, Aaron Goldstein, Alex Gordon, A. William

Greene, Jake Grubman, Ray Gu, Robbie Gustafson, Patrick Hamann, Ryan Hamilton, Jacob Hanson, Brad Heinz, Adam Herbert, Jordan Heyman, David Isaacson, Joshua Jackson, Rachel Jackson, Lauren Jensen, Ari Kasper, Ruth Kee, Courtney Kennedy, Jacob Klein, Julia Kohn, Noah Kraff, Noam Kupfer, Geno Kurolapnak, Jake Lapping, Alex Lazakis, Austin Lin, Tyler Litke, Thomas Lovinger, John Maigler, Lauren McCall, Michael McCall, Monte Monaco, Neal Muller, Brooke-Lynn Navarro, Ariel Olswanger, Lauren Olswanger, Aaron Parker, Ami Pekaj, Stacey Podovik, Kiran Pookote, Jonathan Prohov, John Reid Sidebotham, David Reiss, Nils Robbins, Ben Rose, Ari Ruffer, Maya Samuel, Matt Schuelke, Ayal Sharvit, Samara Silverman, Matt Skalski, Matthew Sloan, Sarah Smith, Karolina Strack, Ilana Strauss, Kathryn Swanson, Gideon Sylvan, Steve Tapas, Lindsey Taylor, Anne Tomsky, Sam Travers, Roxanne Tully, Maddi Vering, Robert Wald, Rachel Weiss, Lauren Whalley, John Yang, Gale Young, Dominique Young, Jonathan Youshaei, John Zender, and Michael Zucker.

Members of the United States Congress should take cues from all these students on how to work in a more bipartisan manner to accomplish the most pressing issues that face Americans. I urge my colleagues to support this legislation and invest in tomorrow's leaders.

RAYMOND G. MURPHY DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

SPEECH OF

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. BUYER. Mr. Speaker, I rise today to express my support for four bills that are before the House. H.R. 366, H.R. 2546, H.R. 2602, and S. 229 honor four Medal of Honor recipients who through their diligence and self-sacrifice protected the freedoms we hold dear today. As we move toward the Fourth of July recess, it is fitting that we pay tribute to these four men, two of whom were Native Americans.

H.R. 366 would pay honor to Ernest Childers by naming the VA Outpatient Clinic in Tulsa, OK, the ''Ernest Childers Department of Veterans Affairs Outpatient Clinic.'' A Creek Indian from Oklahoma, Ernest Childers enlisted in the Oklahoma National Guard in 1937 to earn extra money while attending the Chilocco Indian School in north-central Oklahoma. He was deployed to Africa to fight in World War II, and retired from the Army in 1965 as a Lieutenant Colonel. During action in 1943 in Oliveto, Italy, Childers ordered covering fire and advanced up a hill, singlehandedly killing two snipers, silencing two machine gun nests and capturing an enemy mortar observer. His courageous action helped American troops win the battle and save the lives of American soldiers. Ernest Childers was also awarded the Purple Heart and the Bronze Star for his actions.

H.R. 2546 would honor the sacrifice of a Cherokee Indian from North Carolina, Private First Class Charles George, who made the ultimate sacrifice while serving his country in Korea. This legislation would name the VA Medical Center in Asheville, NC, as the ''Charles George Department of Veterans Affairs Medical Center.'' Private First Class George displayed gallantry and outstanding courage above and beyond the call of duty in action against the enemy, when enemy forces launched a grenade into his company and after calling out a warning to his comrades, he pushed one soldier out of danger, and with full knowledge of the consequences, unhesitatingly threw himself upon the grenade, absorbing the full blast of the explosion. It is more than fitting that we name this VA facility in his honor.

H.R. 2602 would pay tribute to Oscar G. Johnson by naming the VA Medical Facility in Iron Mountain, MI, the ''Oscar G. Johnson Department of Veterans Affairs Medical Facility.'' Another of our World War II heroes, U.S. Army Sergeant Oscar Johnson led his company to protect the left flank of an offensive to break the German's Gothic Line. Under heavy fire, most of his company were either killed or wounded. Yet Sergeant Johnson held the line, and continued to single-handedly hold the line from September 16–18, 1944. On September 17, 1944, 25 German soldiers surrendered to him. He was sent two additional men to reinforce his position, but they were both injured and were removed to their rear. He remained on watch through the night, and when finally relieved of his post on September 18, 1944, 20 dead Germans were found in front of his position. By his heroic stand and utter disregard for personal safety, Sergeant Johnson was in a large measure responsible for defeating the enemy's attempts to turn the exposed left flank.

The final bill under consideration is S. 229, which would honor Raymond G. ''Jerry'' Murphy by naming the VA Medical Center in Albuquerque, NM, the ''Raymond G. Murphy Department of Veterans Affairs Medical Center.'' Serving in the U.S. Marine Corps Reserve in Korea, Second Lieutenant Murphy had positioned his unit above the Imjin River facing the Chinese Communist troops. On February 3, 1953, American forces attacked the Chinese Communists who were dug into high ground. As the battle went on, sensing the operation was not being executed as planned, Lieutenant Murphy led his reserve platoon up the hill to find all the officers and noncoms of the two assault platoons dead or wounded and confusion among the troops. In the midst of machine gunfire, he ordered his men to find their comrades and evacuate the area. Jerry Murphy made several trips in the midst of heavy gunfire to rescue casualties. At one point, Jerry Murphy was helping lift a stretcher when he was hit in the back by fragments of an enemy grenade. He refused medical attention and continued to lead his men to rescue their wounded comrades, holding off the Chinese Communist troops with an automatic rifle until all the Marines were safe. Wounded a second time, Second Lieutenant Murphy continued to refuse treatment and provided cover for his troops, until all Marines were safe and accounted for. The House companion bill for S. 229 is H.R. 474, introduced by Congresswoman HEATHER WILSON.

The four men we pay tribute today served their country with honor, valor, and courage. The three Medal of Honor recipients who survived to return to the United States continued to serve their country in the military and in public service. After his retirement from the military in 1965, Ernest Childers continued his public service as a leader among the Creek Nation, and spoke out against racism. Oscar Johnson continued to serve his country as the foreman of a National Guard vehicle maintenance shop in Lansing, MI, and served for 30 years with the National Guard. Raymond Murphy dedicated 20 years of his life helping veterans in New Mexico, serving as the Director of the Veterans Services Division of the Albuquerque, NM, VA Regional Office from 1974–1997. After his retirement from the VA, he continued to volunteer at the VA hospital in Albuquerque. As a final tribute to the veterans he cared for, upon his death this past April, Raymond Murphy requested to be buried in his VA Volunteer smock.

It is right and fitting that we pay tribute to these Medal of Honor recipients, who through their service to a grateful Nation, continue to provide inspiration, pride and encouragement for generations to come.

DECEPTIVE PRACTICES AND VOTER INTIMIDATION PREVENTION ACT OF 2007

SPEECH OF

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, I rise in support of H.R. 1281, the Deceptive Practices and Voter Intimidation Prevention Act of 2007. As Chairman of the Committee on House Administration, the committee that has original jurisdiction on matters that relate to Federal elections, I encourage this measure to prevent voter suppression.

Over the past 100 years, this body has passed legislation regarding the very sacred franchise, the right to vote, that has significantly increased participation of all Americans across the Nation. No longer is the right to vote only made available for white, male land owners. Women, African-Americans, young people and others have been guaranteed their right to vote through the Constitution and various landmark legislation.

Therefore, any attempt to prevent an eligible American from exercising this fundamental right should be met with swift protective action. During the last election cycle, just north of this House in Maryland, fliers were distributed in African-American communities which falsely stated that candidates had been endorsed by their opponent's party and by prominent African-American leaders. Distributing this type of misleading information and intimidating voters through nefarious tactics are direct threats to our democracy that must not be tolerated.

Attempts to knowingly communicate false election-related information, with the intent to prevent Americans from exercising their right to vote, will be met with fines and/or imprisonment. The House and the nation should remain committed to ensuring that all eligible Americans have a guarantee that they will be able to exercise their right to vote free from intimidation and false pretenses.

I stand in full support of H.R. 1281, the Deceptive Practices and Voter Intimidation Prevention Act of 2007

PERSONAL EXPLANATION

HON. JOHN P. SARBANES

OF MARYLND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. SARBANES. Madam Speaker, on vote No. 563, an amendment offered by Mr. ANDREWS, I was recorded as ''nay.'' I intended to be recorded as ''aye.'' I thank the Speaker for providing me with the opportunity to correct the record.

TRIBUTE TO VASIL AND FLORENCE RUCHO

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. McGOVERN. Madam Speaker, I rise today to congratulate Vasil and Florence Rucho of West Boylston, MA, on the occasion of their 50th wedding anniversary. Mr. and Mrs. Rucho's life together exemplifies the finest qualities of the institution of marriage, and their commitment to their family, their faith and each other should serve as an example to us all.

Vasil married the former Florence George at St. Nicholas Romanian Orthodox Church on June 30, 1957. The young couple met while working at the Table Talk Pie Company in Worcester, MA, and romance soon blossomed. Shortly thereafter, they married and were blessed with two wonderful children, Melanie and Christopher.

Despite the demands of raising a young family, Vas and Flo always found time to help others and gave freely to their church, their family and their friends. They never failed to lend a helping hand to a neighbor in need, and were there to celebrate the joyous moments as well as to lessen the burden in times of pain and sorrow.

Together Vas and Flo share an extraordinary work ethic and devotion to their family that is altogether too rare in these more modern times. After they were married, Vas continued to work at the Table Talk Pie Company while taking on a second job at the family business, Dian's Flower Shop. Mrs. Rucho was widely known in the close-knit Main South neighborhood as one of the first women to work at the local McDonalds. Her friendly face and warm smile graciously welcomed countless families that came to dine at the restaurant. Despite their rigorous work schedules, Vas and Flo made certain that every summer their family vacationed together with friends on Cape Cod for 2 weeks. Those vacations are fondly remembered by all.

In later years as their children married, Vas and Flo became ''Maya'' and ''Papu'' to their five beautiful grandchildren. Their daughter Melanie and her husband Fr. Peter have two children, Nicholas and Alexandra. Their son Christopher and his wife Julie have three sons, Matthew, Brian and William. Family dinners at Vas and Flo's home are a feast to savor. Neighbors and family members alike eagerly look forward to the magnificent array of Christmas decorations adorning their yard each holiday season. For Vasil and Florence, there is no greater joy in life than to be surrounded by their children and grandchildren, especially during the holidays.

Madam Speaker, too often in this Chamber we take notice of world leaders and historic events without recognizing the families that are truly the bedrock of America. Vasil and Florence Rucho have together over half a century demonstrated they are one such family. It gives me great pleasure to humbly ask that the United States House of Representatives join me in congratulating Vasil and Florence Rucho on the occasion of their 50th wedding anniversary. I look forward to joining them and the entire Rucho family this Saturday evening, June 30, at a celebration in honor of this tremendous milestone in their remarkable life together.

THE MILLENNIUM CHALLENGE CORPORATION IN AFRICA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. SMITH of New Jersey. Madam Speaker, this afternoon the Subcommittee on Africa and Global Health held a hearing on the Millennium Challenge Corporation in Africa. The MCC program, which was announced by President Bush on March 14, 2002 and established in January 2004, marked an incredible new approach to U.S. foreign assistance. It is based on the principle that assistance is most effective when it promotes good governance, investments in people, and economic freedom. Its goal is to reduce global poverty through the promotion of sustainable economic growth.

Grants from the Millennium Challenge Account are limited to countries with a per capita income less than $3,465. In addition, eligible countries must have an established record that satisfies 16 performance indicators in the three areas I just noted. One of the most important is a pass/fail test for fighting corruption. Seven grants—called compacts—have been signed so far for countries in Africa, with a total value of about $2.4 billion. Additional compacts are pending for the Continent.

The establishment of the Millennium Challenge Account is innovative in several respects. For one, it mandates that program proposals be developed solely by qualified countries themselves with the involvement of a broad base of their civil society. It also provides assistance to countries without regard to U.S. strategic foreign policy objectives, providing an opportunity to countries that may normally be overlooked by the United States as well as other bilateral donors. However, it cannot be said that the MCC for that reason does not serve U.S. interests. In fact, authentic development as envisioned by the MCC principle leads to a more prosperous, peaceful, and just world for all of us.

Finally, I would assert that MCC is most laudable because it recognizes the potential of the poor to lift themselves and their country out of the clutches of poverty if they are provided with the necessary infrastructure and tools. An important correlative to this is the incentive provided by MCC to the recipient country's government to focus on and respond to the needs of the poor segment of their population. The MCC provides an important means of empowerment for those who have the greatest difficulty attaining it.

A glance at the various compacts and threshold programs in Africa highlights the extraordinary needs and the necessity of expanding those programs. The subcommittee held a hearing on Africa's water crisis just a few weeks ago on May 16th, where we lamented the fact that over 1.1 billion people in developing countries do not have adequate access to safe water and approximately 2.6 billion people live without basic sanitation. We heard testimony that the reasons for these deficiencies are rooted in inequalities. The poor not only have significantly less access to water, but even when they do have access, they pay significantly more for it. The MCC with its focus on programming for the poor is one mechanism that the United States is utilizing to address this issue at its root cause.

On the political level, it is worth noting that our parliamentary colleagues in developing countries do not always have the resources they need to fulfill their role in a democracy. The MCC threshold program in Malawi will provide the National Assembly of that country with the capacity for all 13 committees to meet and perform their oversight function—a first in Malawi's history.

As with all new programs, the MCC has encountered challenges in Africa that we examined in the course of the hearing. One of the greatest has been providing disbursements in a timely manner while ensuring accountability and sustainability. Another that we are encountering time and again in numerous development efforts for Africa, including programs for HIV/AIDS, is partner country capacity. It is extremely difficult to implement country-driven initiatives when the country itself is lacking educated, experienced personnel to do the work. However, neither of these or other challenges warrant scaling back on MCC programming, but instead provide the opportunity to search for solutions to these issues together with the recipient country government as well as other bilateral and multilateral assistance donors. The MCC is not the total solution to African development, but it is an important and significant contribution, both in terms of resources and philosophy, to a more global strategy.

VETERANS EDUCATION TUITION SUPPORT ACT OF 2007

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the Veterans Education Tuition Support Act of 2007 or the VETS Act to address some of the difficulties our military personnel when they are activated while attending college.

Thousands of military reservists have been activated to fight in Iraq and Afghanistan directly from their college campuses. Unfortunately, students who serve in the military face unique hardships when called upon to defend the United States.

Most colleges and universities refund tuition and fees to students when the activation occurs during the academic calendar. However, instances have occurred when a servicemember has not been reimbursed.

Servicemembers have also been known to face difficulties reregistering for classes after

returning home after activation. In addition, activated military personnel have received collection notices for student loans while serving in combat zones.

The goal of the VETS Act is to provide our servicemembers with certain rights when they must delay their educational pursuits to defend our country.

The legislation requires colleges and universities to refund tuition and fees for unearned credit, and in addition, guarantee our servicemembers a place when they return home.

The bill would also amend the Servicemembers Civil Relief Act to treat student loan debt the same way it treats other forms of debt by capping interest at 6 percent during deployments.

Finally, the legislation would give servicemembers 13 months to begin paying their student loans after an activation should they decide not to return to school immediately.

The deferment will give them time to readjust back to civilian life should they decide they need extra time to go back to school.

Senator SHERROD BROWN has introduced the VETS Act in the U.S. Senate and I am proud to introduce companion legislation in the House of Representatives.

The VETS Act is centered on the recommendations made by the Iraq and Afghanistan Veterans of America (IAVA) based on the experiences of the group's members.

Madam Speaker, I urge passage of this legislation to give rights and protections to the servicemembers activated while attending a college or university.

INTRODUCTION OF THE POLLINATOR HABITAT PROTECTION ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. BLUMENAUER. Madam Speaker. today I am introducing, along with my colleagues, ALCEE HASTINGS and RANDY KUHL, the Pollinator Habitat Protection Act. This legislation amends the Department of Agriculture's conservation programs to put a greater emphasis on increasing habitat and establishing cropping and integrated pest management practices to protect native and managed pollinators.

The bill also states that the Secretary of Agriculture should designate pollinator protection as a ''national priority resource concern'' for the conservation programs administered by the Department.

As Congress prepares to reauthorize our national agricultural policies, raising awareness and placing a greater emphasis on pollinators and their habitat could not come at a more important time—particularly as research and newspaper headlines continue to highlight the collapse of bee colonies and general population declines and threats to pollinators.

The risks to our food supply and ecosystems from which pollinators are declining cannot be underestimated. Pollinators are integral to the very survival of an astounding number and variety of plant life that sustains us. The numbers tell the story—nearly 75 percent of the world's flowering plants, more than two-thirds of the world's crop species, and one out of every three mouthfuls of food have a direct connection to pollinators. Disruptions of localized pollinating systems and declines of certain species of pollinators have been reported on every continent except Antarctica.

Populations of a variety of pollinator species have been declining in recent years, due to a loss of habitat, improper use of pesticides and herbicides, and replacement of native plant species with non-native or engineered plants. The introduction of non-native, invasive species—either by accident or through farming practices—has significantly contributed to this problem.

I introduce this bill as one important step to address these problems by recognizing the contributions that pollinators make to our agricultural production and our food supply. Another step is the legislation of my colleague ALCEE HASTINGS, H.R. 1709, which I support and which authorizes research funding to strengthen native bee, as well as honey bee, populations. I look forward to working with the Agriculture Committee and the House to ensure pollinators and their habitats receive further attention and protection as we reauthorize the Farm Bill in the coming weeks.

IMMIGRATION REFORM

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Ms. GIFFORDS. Madam Speaker, I rise today deeply disappointed that proposed legislation to deal with our failed immigration laws fell short today on a procedural vote in the other body.

An impressive bipartisan coalition of Senators—including Arizona Senators KYL and MCCAIN—worked tirelessly for the past several months to craft immigration reform legislation. Unfortunately, their efforts were not fruitful.

Doing nothing to address our nation's immigration crisis is irresponsible. The Federal Government cannot continue to shirk its responsibility to protect our borders. Today's failure leaves the burden of dealing with illegal immigration on State and local governments.

My district in Southern Arizona deals with the negative impact of illegal immigration every day. I will not relent in my efforts to find ways to remove the unfair burden placed on local law enforcement, health and social service agencies and our public schools.

I urge my colleagues and the leadership of the House to come together in a bi-partisan fashion to craft smart immigration reform that is tough, practical, and effective. We must roll up our sleeves and exhibit the leadership that is needed on this critical issue.

The House has already made some progress. I applaud our efforts to address the problems we face along our border in our Homeland Security Appropriations bill. This includes adding more border patrol agents and increasing the use of technology to secure our border. I also urge fully fund federal programs, such as SCAAP, that reimburse local law enforcement agencies for the apprehension and detention of illegal immigrants.

The cost and burden of illegal immigration remains primarily on the shoulders of local and state governments, especially those on the border. The fight for Comprehensive Immigration reform goes on and it must remain a top priority in Congress. We must pass comprehensive immigration reform.

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

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

The House in Committee of the Whole House on the State of the Union 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, with Mr. WATT (Acting Chairman) in the chair.

Ms. JACKSON-LEE of Texas. Mr. Chairman, thank you for this opportunity to speak in support of 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. Madam Chairwoman, I support this bill because it focuses our efforts on global climate change and ensures that America's water and air will be cleaner.

It is said the Arctic region is warming fastest, threatening the livelihoods of indigenous hunters by thawing the polar ice-cap and driving species like polar bears toward extinction by the end of the century. Today, more than one third of the world's population lives. within 60 miles of a shoreline. Thirteen of the world's twenty largest cities are located on a coast. Because of their precarious location and unique meteorology, these cities are particularly vulnerable to the effects of global warming. As industrial and commercial centers, many are also net contributors of greenhouse gas emissions, extending the effects of global warming.

Given the earth is ''committed'' to rises in temperature over the next 30–40 years, it was only rational these futures be built into business models. But reducing emissions did not need to be at the expense of competitiveness: in fact, carbon trading, clean technologies, and sustainable energy generation all promised new opportunities for skilled jobs and economic growth.

Houston is also experiencing more frequent and more powerful storms and rain fall, in terms of flooding, some of the old structural solutions—the concreted bayous of Houston need additional measures to ensure the safety of the population. Unfortunately, Houston's development pattern had made such weaknesses more acute. The city represented ''classic urban sprawl over coastal ecology.'' With its large, low density population and high density roads and impervious surfaces the city was highly vulnerable to flooding. Before the development arrived, the natural ecology of the Houston delta would have managed increases in rainfall and flooding. But the constructed environment had pushed back forest and wetland ecologies and undermined natural flood alleviation mechanisms.

The major causes of flooding in the Houston basin are due to Houston's highly developed area; the intensity and duration of Texas rainfall; and flat topography with little storage. These conditions led to Houston suffering heavily at the hands of flooding—most recently, the $5 billion price tag after the inundations accompanying Tropical Storm Allison. The flooding heavily damaged the urban infrastructure and, because of the release of human waste from sewers and medical waste from hospitals, posed a severe public health risk.

Improving the security of our nation's drinking water and wastewater infrastructures has become a top priority since the events of 9/11. This legislation takes significant actions in assessing and reducing vulnerabilities relating to the toxic contamination of our water system. The quality of water should be of the utmost importance when it comes to the health and well-being of the people in this country but the effects of storm water compromises this quality. Individuals who swim in front of flowing storm drains are susceptible to earaches, sinus problems, diarrhea, fever, and rashes; these individuals are 50 percent more likely to develop a variety of symptoms than those who swim 400 yards away from the same drains.

In a ranking of environmental risks posed to the metropolitan Houston area, an Environmental Foresight Committee has identified water pollution as having a relatively high risk. Houston needs to address the trash and odor problems in our waterways which. significantly affect quality of life, and economic tourism, development.

Maintaining the biological soundness of the state's rivers, lakes, bays, and estuaries is of great importance to the public's economic health and general well-being. The fact that greater pressures and demands are being placed on the federal government pertaining to security of our water resources makes H.R. 2643 paramount to reexamine the process for ensuring that these important priorities effectively address the maintenance of a proper ecological environment of the bays and estuaries of the nation and the health of related living marine resources.

It is time that we as Americans start becoming more aware and better activists in keeping the air we breathe clean. Air pollution can damage trees, crops, other plants, lakes, and animals. Breathing polluted air can make your eyes and nose burn. It can irritate your throat and make breathing difficult. Each day, air pollution causes thousands of illnesses leading to lost days at work and school. Air pollution also reduces agricultural crop and commercial forest yields by billions of dollars each year.

There are 900,000 children in Harris County alone who are at risk of the health effects from the pollutants in the air. Children are more vulnerable to air pollution than adults because they spend more time outdoors than adults, are usually outdoors most in the summer when air pollution levels are highest, and have immature immune systems.

It is time to put a stop to global pollution, it is time to build a better and healthier earth and we can do so by supporting H.R. 2643.

For these reasons I strongly urge my colleagues to support this resolution.

IN TRIBUTE TO BILLY E. SHIELDS ON THE OCCASION OF HIS RETIREMENT

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. MITCHELL. Madam Speaker, this past week the nation commemorated the bravery and heroism of firefighters who risk their lives every day to protect the lives and safety of others. I would like to turn my colleagues' attention to the accomplishments of Phoenix firefighter Captain Billy Shields, who is leaving the ranks of his brother and sister firefighters this Friday, June 30, to start a new phase of his life.

When Captain Shields retires from the Phoenix Fire Department and the United Phoenix Firefighters Association Local 493, where he served as president, he will do so with a long record of accomplishments. He has been a stalwart advocate for his fellow firefighters, and as president of United Phoenix Firefighters Association, advanced improvements in fire health and safety standards for firefighters, ambulance and emergency response personnel in Arizona.

Since 1997, Captain Shields has led the way in negotiating contracts for the United Phoenix Firefighters Association that protected the job rights of firefighters and the security of their families. He worked with management; city officials and other community stakeholders and reached a consensus to enhance fire and emergency response capabilities. Because of his work, Central Arizona's fire services are state of the art.

It is important to recognize that Captain Shields is unique among union leaders in his commitment to working closely with the business community to improve the local economy. He was appointed to the Greater Phoenix Economic Council where he serves on its Executive Committee. He has labored to advance an economy for a new generation. He was one of the visionaries who helped advance the biotechnology industry in Arizona with the establishment of the Translational Genomics Research Institute, which is known to Arizonans simply as T-Gen. He partnered with others to improve education at all levels—preschool, primary, secondary and higher education. To help accommodate the explosive growth we are facing in Central Arizona, he has played an instrumental role in the development of our transportation infrastructure and the expansion of transportation options.

All Arizonans who have had a chance to work with Captain Shields are indebted to him for his commitment to make our communities a better place to live, work and raise a family. I've seen this commitment first hand. I worked closely with him as Mayor of Tempe and as an Arizona State Senator, and came to rely on him as a friend and counselor. It has been a pleasure to work with him and I look forward to the chance to collaborate with him as he undertakes new challenges.

Captain Shields, I am proud of your service. Arizona is proud of your service, and forever indebted to you for making our communities stronger, safer and more secure. Marianne joins me in wishing you and your family the very best in this new chapter of your life.

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

SPEECH OF

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

The House in Committee of the Whole House on the State of the Union 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, with Mr. WATT (Acting Chairman) in the chair:

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I rise today to thank the Chairman, Ranking Member, and staff of the Interior and Environment Appropriations Subcommittee for their continued support of the Florida Everglades in the FY08 Interior and Environment Appropriations bill.

This legislation includes funding for implementation of the Modified Waters Deliveries Project. This project is critical to Everglades Restoration, and will ensure natural water flows continue through Everglades National Park.

The Florida Everglades is a unique and precious ecosystem that must be preserved for future generations. Everglades Restoration is a long-term investment that will ensure the Everglades is restored and protected.

I am pleased that the Chairman included $72 million for Everglades Restoration, which is so critical to ensuring continuation of this vital project. The Interior share of funding combined with the appropriations made to the Army Corps of Engineers in the Energy and Water Appropriations bill will help to ensure restoration moves forward. This funding is a step in the right direction, showing the continued support of the Committee for Restoration. As the FY08 Appropriations cycle moves forward, I will work to ensure that Everglades Restoration remains a top priority.

I thank my colleagues from Florida for their continued support of the Florida Everglades and Restoration funding. Additionally, I would like to thank the President for his steadfast support as well as the Governor of Florida. Floridians understand the great benefit the Everglades provide not just to our ecological diversity, but also to our economy, which is so dependent upon tourism and ecotourism.

On behalf of the residents of Southern Florida I am so proud to represent, I thank the Chairman, Ranking Member, and their hard-working staff for their support of this funding.

HONORING THE 50TH ANNIVERSARY OF THE BOYS AND GIRLS CLUBS OF SOUTH ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. BONNER. Madam Speaker, today I rise to pay tribute to the Boys and Girls Clubs of South Alabama on the occasion of their 50th anniversary.

For five decades, the Boys and Girls Clubs of South Alabama have provided safe, positive places for children and adolescents. B.R. ''Babe'' Wilson Jr., Arthur Tonsmeire, and Jack Harris formed the area's first Boys Club of Mobile on McDuffie Island with 20 boys as members. Today, the Boys and Girls Clubs of South Alabama have 11 clubs and a 150-acre day camp.

The clubs are open year-round and offer members help with homework, classes on computers, organized athletics, arts and crafts, and life-skill programs such as the Job Ready Program. In 2006, there were over 17,000 registered members, and youth served in Mobile and Baldwin counties through the Boys and Girls Clubs' community outreach.

The Boys and Girls Clubs of America began in Hartford, Connecticut, in 1860. At a time when parents labored 12 hours a day, six days a week, many of their children were left unsupervised. Elizabeth Hamersley, along with sisters Mary and Alice Godwin, encouraged others to invite these boys into their homes for refreshments—an effort which eventually grew into the Dashaway Club. In 1906, 53 of the organizations united in Boston to form the Federated Boys' Clubs, now known as the Boys & Girls Clubs of America.

It is my sincere hope that the Boys and Girls Clubs of South Alabama will continue its vital service to the children of south Alabama for another 50 years. I ask my colleagues to join me today in recognizing the Boys and Girls Clubs of South Alabama, along with executive director Mary Zoghby, the staff and many volunteers for their dedication and hard work as well as for being a positive influence on the lives of so many young men and women throughout south Alabama.

IN HONOR OF SERGEANT BRUCE HORNER, UNITED STATES ARMY

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Ms. GRANGER. Madam Speaker, I rise today to honor the courage of one of the bravest and most dedicated heroes of our Nation.

Sergeant Bruce Horner was part of the search and recovery operations for American soldiers captured by Al Quaida terrorists in southern Baghdad when he was killed by an enemy sniper on June 1, 2007.

An 18-year veteran of the Army, Bruce Horner was a proud non-commissioned officer, mentor and leader to younger soldiers.

He came from a family with a long tradition of military service and did not take his responsibilities to lead younger soldiers lightly.

Sergeant Horner is survived by his wife, parents and the soldiers he left behind, who are continuing the hard work of protecting our Nation's freedoms in Iraq.

SGT. Bruce Horner is gone, but he will never be forgotten.

His memory lives on through the family he left behind and in the soldiers that he so ably led.

Our community and Nation honor Sergeant Horner's memory and we are grateful for his 18 years of faithful and distinguished service to America.

COURTNEY AMAYA CROWDER MAKES HER MARK ON THE WORLD

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. ETHERIDGE. Madam Speaker, I rise today to congratulate Courtney Crowder, formerly of my staff, and his wife Byinna on the birth of their first child, Courtney Amaya Crowder. Courtney was born on June 17, 2007 and weighed 8 pounds. Faye joins me in wishing Courtney and Byinna great happiness during this very special time in their lives. A Raleigh native, Courtney served on my district staff in several capacities with distinction and will always remain a member of team Etheridge.

As a father and grandfather myself, I know the joy, pride, and excitement that parents experience upon the entrance of their child into the world. Representing hope, goodness, and innocence, a newborn allows those around her to see the world through her eyes as a new, fresh place with unending possibilities for the future. Through a child, one is able to recognize and appreciate the full potential of the human race. I know Courtney and Byinna look forward to the changes and challenges that their new daughter will bring to their lives while taking pleasure in the many rewards they are sure to receive as they watch her grow.

I welcome young Courtney into the world and wish Courtney and Byinna all the best as they raise her.

HONORING BRODIE CLARK

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. LEWIS of Kentucky. Madam speaker, I rise today to pay tribute to Brodie Clark, a student at Greenwood High School in Kentucky's Warren County School District. Brodie is the recipient of the spring 2007 Outstanding Student Award from Carnegie Learning, a publisher of research-based math curricula for middle school and high school students. Brodie received this award for his success in math, and also for his ability to appreciate the practical applications of math concepts—not just memorized formulas—in his everyday life.

Brodie is a 10th grade Algebra II student, and enjoys using the Carnegie Learning curricula in Ms. Lee's Algebra II class. Brodie has excelled beyond Ms. Lee's expectations and has challenged himself to complete every Algebra II unit before the end of the school year; a task which is nearly complete. He has emerged as a leader in his Algebra II class, helping other students understand the material and stay on task.

In his spare time, Brodie enjoys playing disc golf, a sport in which he constantly uses math. ''Whether I am trying to figure out the distance to the basket, or my score, addition and subtraction are constantly being performed. I have to think about the angle I am going to throw the disc, and what speed I want to throw it,'' said Brodie. ''Thanks to math, I am able to do all of this in my head with ease. Playing disc golf and doing math allows me to combine my two favorite things.''

Brodie received the Outstanding Student Award from Carnegie Learning, a developer of math programs for middle school, high school, and postsecondary students. Carnegie Learning is helping students across the Commonwealth of Kentucky increase their achievement in math, and in a recent evaluation by the Kentucky Committee for Mathematics Achievement, was the only one of nine curricula to receive the top ranking in every category in the committee's assessment of intermediate and middle grades math intervention programs.

Madam Speaker, I urge my colleagues to join me in recognizing Brodie's achievement in math education, and in encouraging more students to appreciate the importance of math and science education. In the global economy of the 21st century, knowledge of math is absolutely critical. While our Nation is concerned by reports that our students are falling behind in basic math skills, Brodie Clark is proving that our students can succeed if they have access to quality resources, and the support of dedicated family and teachers. I would also like to thank Carnegie Learning for recognizing his exceptional efforts.

HONORING LINCOLN FALLS AND MILLVIEW WESLEYAN CHURCH

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. CARNEY. Madam Speaker, I rise today to recognize the Lincoln Falls and Millview Wesleyan Church and their commitment to serving the Sullivan County area for well over 100 years.

The Millview Church was established in 1843 and Lincoln Falls was established in 1877. They celebrated their first annual Camp Meeting in 1907. On July 15, they will celebrate that 100th anniversary.

Dr. Harry F. Wood, the district superintendent, will speak at the celebration service. An old-fashioned picnic will follow.

In closing, Madam Speaker, I ask my colleagues to join me in recognizing the Lincoln Falls and Millview Wesleyan Churches for their 100 years of joint camp meetings and for over 100 years of distinguished service to Sullivan County, PA, and the United States of America.

NATIONAL HERITAGE FELLOW HAZEL DICKENS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. RAHALL. Madam Speaker, I rise today in recognition of the 25th anniversary of the National Heritage Fellowships.

The National Heritage Fellowships are a proud tradition that honors our Nation's diverse cultural heritage and West Virginia has been truly blessed by the music of Heritage Fellow Hazel Dickens, who was awarded this lifetime achievement recognition in 2001.

As we celebrated West Virginia's birthday last week, the words of Hazel Dickens were

close to all of our hearts, ''Oh the green rolling hills of West Virginia, Are the nearest thing to heaven that I know.''

Hazel is a living legend, a spirited, talented daughter of West Virginia, and an important part of our musical heritage. Her legacy will be preserved for future generations when our efforts to create a Mountain Music Center are completed.

There is something about her plain and sometimes painful poetry that makes us all think, if just for a moment, what a treasure home is, especially West Virginia.

To Hazel, and all of the Heritage fellows, I extend my greatest thanks for their continued contributions to our Nation's arts heritage. They have given us a great gift.

IN RECOGNITION OF HERBERT WOODARD, SR.

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. BUTTERFIELD. Madam Speaker, on July 8, 2007 there will be a grand celebration honoring the 100th birthday celebration of Mr. Herbert Woodard, Sr., a resident of my Congressional District—Wilson, North Carolina. On this special occasion, Mr. Woodard's family, friends and members of the community will join together to pay special tribute to this extraordinary man.

Mr. Woodard is a remarkable person with an entrepreneurial spirit. Although he only received a fourth grade education, his work ethic demonstrates that diligence and determination produce lifetime rewards. As a self-employed businessman, Mr. Woodard's businesses have ranged from that of a gas station to baseball parks and hotels. He sold and delivered coal to local businesses, and has even cleaned septic tanks. As an accomplished and humble businessman, he has gained the respect and admiration of his community.

Madam Speaker, although a skilled and savvy businessman, Mr. Woodard always makes a practice of giving back to the community. Each holiday season, Mr. Woodard gives turkeys to senior citizens at his church. He also donates to charitable organizations that provide services to children and veterans.

It is with great pride that I acknowledge the achievements of Mr. Woodard. His many accomplishments have made him a well recognized figure in Wilson, North Carolina. It is with sincere pride that I ask my colleagues to rise and join me in marking this monumental occasion in the life of Mr. Herbert Woodard, Sr.

HONORING FORMER CONGRESSMAN GUY ADRIAN VANDER JAGT

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. HOEKSTRA. Madam Speaker, I rise today to honor former Congressman Guy Adrian Vander Jagt, who passed on June 22 at 75 years old.

Although I prevailed in a contested primary election with Congressman Vander Jagt in 1992, I hold him in the highest regard for his gifted oratorical skills and his ability to advance the cause of the Republican Party.

Congressman Vander Jagt was born in Cadillac on Aug. 26, 1931 to Dutch immigrant Harry Vander Jagt, a livestock dealer and rancher, and his wife Marie.

He began preaching at Tustin Presbyterian Church while still a student at Cadillac High School.

By the time he graduated from our mutual alma mater, Hope College in Holland, Michigan, in 1953, he had won the National Oratorical Championship, was undefeated in four years of unscripted speaking competitions at the state and national level and won the Michigan Debate Championships a record three years in a row.

Congressman Vander Jagt's first job after graduating from Hope was as news director and anchor for WWTV in Cadillac. In 1958 he left for Washington, D.C. to accept a position as a public relations assistant to Michigan Congressman Robert McIntosh and commenced the study of law at Georgetown University Law School.

He left Washington shortly thereafter to study law full time at another mutual alma mater of ours, the University of Michigan, where he received his juris doctorate degree in 1960.

After passing the Michigan bar, he entered private practice in Grand Rapids, and in 1964 married Carol Dorn. That same year he began his career in public service by winning election to the Michigan Senate.

In 1966 he went on to win a special election to the U.S. House of Representatives. He worked hard to win the confidence of his Congressional colleagues. In 1974, they reposed such confidence in him that he was elected to lead the National Republican Congressional Committee, working throughout the United States to elect Republican candidates to Congress.

He would tirelessly lead the NRCC, becoming the longest-serving national political party committee chairman in American history.

In what was surely one of the greatest moments in his career, in 1980 he was chosen personally by Governor Ronald Reagan to deliver the keynote address at the Republican National Convention in Detroit. Reagan would later write: ''My desire was simple. I wanted the best—Guy Vander Jagt.'' He was even considered a potential candidate for vice president at the time.

Congressman Vander Jagt would serve 27 years in the House, and when he retired in 1993, he returned to private law practice and became a premier attorney with his firm.

Madam Speaker, the thoughts and prayers of my wife, Diane, and I are with the friends and family of Congressman Vander Jagt at this difficult time.

I respectfully request that my remarks be accepted into the RECORD.

ANDEAN TRADE PREFERENCE ACT EXTENSION

SPEECH OF

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I rise today in support of H.R. 1830, which seeks to renew the Andean Trade Preferences for 8 months. This legislation is vital to expanding trade between the United States and Latin American countries. We must break down trade barriers with our allies in Latin America. Trade has strengthened the economies of our strongest allies in the region, including Colombia and Peru, and is vital to democracy. Andean countries rely on trade with the United States to bolster their economies and produce jobs; Andean Trade Preferences have provided over 1.5 million jobs in the region. I ask my colleagues to support our allies in Latin America by voting ''yes'' on H.R. 1830.

HOUSE FELLOWS PROGRAM

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. SAXTON. Madam Speaker, I rise today to congratulate the participants of the House Fellows Program on the completion of their weeklong program. As an initiative of the Office of the Historian, this has been a unique opportunity for a select group of secondary education teachers of American history and government.

This weeklong workshop is designed to help educators improve the knowledge and understanding of the ''People's House.'' One of the goals of the program is to develop curricular materials on the history and practice of the House for use in schools. Each Fellow prepares his or her brief lesson plan on a congressional topic of their choosing, and these plans become part of a teaching resource database on the House.

During the school year following their participation in the House Fellows Program, each Fellow will have the responsibility to present their experiences and lesson plans to at least one in-service institute for teachers of history and government. Over the next 5 years, in selecting a teacher from every congressional district, the House Fellows Program will be able to impact over 10,000 high school teachers, providing an inside account of how the House of Representatives functions, and energizing thousands of students to become informed and active citizens.

I know that all Members will join me in congratulating the following teachers who have successfully participated in this week's program: Ms. Lee Adelizzi, Toms River High School South, Toms River, New Jersey (NJ03, SAXTON). Mr. Anthony Escalera, Montclair High School, Montclair, California (CA26, DREIER). Mr. Matthew Carter, Rialto High School, Rialto, California (CA41, LEWIS). Mr. Herbert Fischer, Wadleigh High School of Performing Arts, New York, New York (NY 15, RANGEL). Mr. Scott Kaplan, Largo High School, Largo, Florida (FL10, YOUNG). Mr. Kent Padgett, Jefferson City Public School District, Jefferson City, Missouri (MO04, SKELTON). Ms. Elaine Tubb, Charles County Public Schools, LaPlata, Maryland (MD05, HOYER). Mr. David Williams, Prince William County Public Schools, Manassas, Virginia (VA10, WOLF). Ms. Valerie Ziegler, Abraham Lincoln High School, San Francisco, California (CA12, LANTOS).

I thank the Office of the Historian for sponsoring this program. Under the leadership of

Dr. Robert Remini and Dr. Fred Beuttler, along with their staff, the Office of the Historian is dedicated to preserving, presenting, and fostering the history of the House of Representatives, the ''People's House.''

COMMEMORATING THE FIFTIETH ANNIVERSARY OF THE HARRY S TRUMAN PRESIDENTIAL MUSEUM AND LIBRARY

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. CLEAVER. Madam Speaker, I rise today in recognition of the 50th Anniversary of the Harry S Truman Presidential Museum and Library. Fifty years ago, on July 6, 1957, former President Harry S Truman, the ''Man from Independence, Missouri,'' proudly dedicated his library. The 33rd President of the United States was not a wealthy man, but through his efforts and determination, he helped raise over a million dollars to build a place to store and exhibit his presidential papers, letters, artifacts, photos, interviews, historical records, and scholarly collections.

After leaving office, people could still visit with President Truman at the library where he greeted library patrons and easily conversed with visitors. Often, he would arrive earlier than the staff and was even known to pick up the phones and supply directions to the library. He was a beloved figure who was always seen walking with a cane in his hand and a smile on his face. It is no surprise that C–SPAN recently did a survey and Harry S Truman ranked fifth on the list of most popular Presidents.

When you enter the library, you are met with an amazing mural painted and designed by the famed Missouri artist, Thomas Hart Benton. The mural captures the history of our area with images of American Indians, settlers, scouts, and the common man forging and founding Independence and the Opening of the West. At one point, Benton wanted to include President Truman in the mural but Truman would have none of this. He stayed true to his character, only offering his distinct brand of criticism to the working artist rather than his likeness. That is until Benton challenged Truman to climb the scaffolding and paint alongside him. Truman responded heartily by picking up a paintbrush.

The Harry S Truman Library was the first Presidential Library to be created under the provisions of the 1955 Presidential Libraries Act. It was established to preserve administrative correspondence and historical materials relating to former Presidents. Truman's vision was to raise funds for the building and then transfer the land, the building and all its contents to the government. Due in large part to Truman's efforts, the public now has access to numerous Presidential documents that give insight into the personal lives and roles of our country's past and present leaders. Many Presidents have followed suit, and the Truman Presidential Library is one of twelve presidential libraries in our Nation operated by the Federal Government.

Mr. Truman, or ''Mr. Citizen'' as many came to call him, cared deeply for the American public. As a former farmer, soldier, and businessman, he drew on these experiences to become a well respected United States Senator and President. If you visit the library in person or delve into Truman's life on the library's website, you come to learn fascinating things about his life.

You discover that he was a modest man who endured great disappointments and recovered from each with greater vigor and success. In his lifetime, Truman was denied entry into West Point because of his poor vision, yet he demonstrated unforeseen courage and leadership on the battlefield during World War I. He had the daunting task of becoming President after Franklin D. Roosevelt's unexpected death during World War II, yet he rose to the difficult challenges and saw the Marshall Plan put in effect and the allies of NATO join forces. Many of his Fair Deal initiatives, while positive and groundbreaking, stalled, but his Civil Rights victories forced our Armed Forces and Federal Government to halt and make illegal any further discriminatory practices.

As a proponent for self education, President Truman's vision for the library was to make these materials available to the people in a place suitable for exhibit and research where anyone could come and learn about the government and the presidency. His reason was that, ''the papers of the Presidents are among the most valuable sources of material. They ought to be preserved and they ought to be used.'' His common sense attitude and foresight are gifts that have proven to be invaluable.

It is with great appreciation and high regard that I congratulate and thank the Truman Presidential Museum and Library for an amazing 50 years. Under the Truman Library Institute Board and the leadership of Directors Philip C. Brooks, Benedict Zobrist, Larry Hackman and now Michael Devine, the Truman Presidential Museum and Library has hosted Presidents, heads of state, and many dignitaries. All visitors are assisted by a professional staff that provides expertise and a wealth of experiences for amateur historians, young people, and industrious scholars seeking information about President Harry S Truman, his life and times. They amazingly seem to know where to retrieve documents and photographs; they meticulously recreate rich and detailed displays, and are the stewards of priceless artifacts and information.

Madam Speaker, please join with me as we commemorate the 50th Anniversary of the Harry S Truman Presidential Museum and Library that has fulfilled the 33rd President's wish to make available America's history to America's people.

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

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

The House in Committee of the Whole House on the State of the Union 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:

Mr. GENE GREEN of Texas. Mr. Chairman, the report accompanying H.R. 2643 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. In the United States, the Green River Basin of Wyoming is home to the world's largest deposit of this incredibly useful mineral, and the Wyoming trona industry alone produces close to 20 million tons of trona and employs more than 2,000 people every year.

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 works in air pollution control systems, and it works well. The EPA, which has repeatedly approved the use of trona in air pollution control systems since 1989, 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.

THE DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes:

Mr. TIAHRT. Mr. Chairman, it is unfortunate that the State, Foreign Operations, and Related Programs Appropriations bill, H.R. 2764, contains language that undermines the Mexico City Policy. While the State-Foreign Operations Appropriations Subcommittee Chairwoman NINA LOWEY (D–NY) drafted a bill that included excellent funding levels for foreign nations in need of assistance, her amendment would essentially gut the Mexico City Policy. This will have a devastating effect on women and families overseas.

The Reagan administration, in 1984, restricted U.S. population aid by terminating USAID support for any foreign NGO that was involved in promoting or performing abortions as a method of family planning in other nations. This was called the ''Mexico City Policy,'' named after the location of the United Nations population conference where the policy was first announced. In 1993, President Clinton rescinded the policy imposed by the

Reagan and Bush administrations. As his first act in office, President George W. Bush restored the Mexico City Policy on January 20, 2001 and released a letter stating, ''I will veto any legislation that weakens current Federal policies and laws on abortion, or that encourages the destruction of human life at any stage.''

The Mexico City Policy should not have been weakened. Taxpayer dollars should not, in any way, be used to promote abortion as a method of family planning. The United States should never be active in promoting abortions overseas. Instead, the U.S. should offer family planning programs that support the health of the mother, child and family unit.

There are several known organizations that use U.S. foreign aid funding to promote and provide abortions, as well as sterilizations, overseas. In 1998, newspapers were filled with stories of women participating in U.S. funded family planning programs who were forced to undergo sterilization procedures, especially in Peru. There were also stories of women coerced to participate in family planning programs by threatening to withhold food, clothing and shelter from their family.

In response to these atrocities, I introduced an amendment to the State, Foreign Operations Appropriations bill in 1998 that defined the meaning of ''voluntary participation'' in family planning programs. It was to ensure the NGOs receiving USAID funding for family planning programs understood what voluntary participation meant and required informed consent for women on the benefits and risks associated with different family planning methods. Since it was enacted for fiscal year 1999, there have been several violations and vulnerabilities in countries receiving funding. These violations and vulnerabilities were identified and corrected by USAID.

Without strong direction from the United States on how taxpayer dollars are spent, we will continue to find violations that are destructive to women and families.

It is due to the Lowey amendment, which undermines the Mexico City Policy, that I will be voting against final passage of a bill that contained important foreign aid for countries in need, such as Israel. It is unfortunate this amendment was adopted, and organizations that promote and perform abortions to the women overseas will be able to receive U.S. taxpayer funding. It is my hope the Senate will take up this bill and strike this harmful language.

Tonight, I will vote against H.R. 2476 on the basis that it clearly undermines good policy and subjects what could have been a good piece of legislation to a veto by the President. I urge my colleagues to vote against final passage of this bill.

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

SPEECH OF

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

The House in Committee of the Whole House on the State of the Union 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:

Mr. COSTA. Mr. Chairman, two days ago the House voted to defeat an amendment to H.R. 2643 offered by Mr. PETERSON that would have lifted the moratoria on the Outer Continental Shelf for natural-gas only leasing. While I voted against the amendment, I wanted to elaborate on my views on this matter.

I certainly support the gentleman's goal of increasing our access to domestic supplies of natural gas, and we have demonstrated that it is possible to explore and produce oil and gas in our oceans and remain environmentally responsible at the same time. There are dozens of platforms operating off the coast of California today, producing nearly 30 million barrels of oil and 60 billion cubic feet of natural gas each year while releasing a negligible amount of that into the environment. There hasn't been a spill of larger than 50 barrels since 1996, and there has not been a truly significant spill in nearly 40 years.

This demonstrates that when oil and gas development is done correctly, it can be a tremendous resource with little detrimental environmental impact. I support taking a close look at areas that are currently under a moratorium, so that we understand both the opportunities and the risks of opening up these regions.

Unfortunately, we are sorely lacking up-to-date information on the oil and natural resources of our Outer Continental Shelf. Earlier today I chaired a hearing in the Energy and Mineral Resources Subcommittee, in which the Acting Director of the Minerals Management Service, Walter Cruickshank, testified that the most recent data on the Atlantic and Pacific coasts was collected in the late 1970s. When opponents of Outer Continental Shelf development argue that 80 percent of the oil and gas is already accessible to leasing, they are using badly outdated data.

If we are going to have this discussion, we need to have a much better knowledge of the extent and value of the oil and gas resources of the Outer Continental Shelf. Only then will we be able to really look at the big picture and determine the proper balance between energy development and other important resource values, including tourism, fisheries and national security, to name a few.

My primary concern with Mr. PETERSON'S amendment is that it proposed to allow for gas-only leases.

Unfortunately, this idea is, quite simply, not feasible.

There are various reasons I come to this conclusion. Most fundamentally, however, is the simple fact that oil and gas are often co-located and it is unrealistic to assume or assert that the industry would be interested in buying a lease that would preclude development of any oil found in the leased tract. As the former director of the Minerals Management Service, Johnnie Burton, said in a Senate hearing just last year, the vast majority of comments they received from the oil and gas industry on this idea were negative, because it was, ''not terribly practical.'' The fact is, as Ms. Burton put it, ''you never know what you are going to find until you drill.''

I maintain that we should certainly be taking a hard look at those areas that are currently off limits, many of which may be appropriate places to explore. As Chairman of the Energy and Mineral Resources subcommittee, I look forward to working with my colleagues to help craft a forward-thinking energy bill that looks at the big picture, and admit that there is no silver bullet for solving our nation's energy challenges. We must increase domestic production of fossil fuels while at the same time focusing on renewables, conservation, and ensuring that we strike the proper balance of development of our nation's abundant resources and good environmental stewardship.

HONOR OF CITY OF HASTINGS, NEBRASKA

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. SMITH of Nebraska. Madam Speaker, it is with great pleasure that I rise today to honor a community in Nebraska's Third Congressional District, the City of Hastings, for being named the Greenest City in America by Yahoo! Incorporated. The contest to be the Greenest City in America began on May 14 and ended earlier this month.

Residents of Hastings made an online pledge on Yahoo's website to live their everyday lives in a more environmentally-friendly way and then followed through on their pledges. I am proud Hastings earned this title, and I look forward to its ongoing efforts to make the City as eco-friendly as possible.

This contest and the improvements Hastings made on its way to the top are perfect examples of an effective and fun way to protect our environment and learn about activities which can improve our lives. This is also a perfect example of how a private company—not a government mandate—can encourage cities throughout America to improve their local communities. This was not a government program compelling improvement, it was a private company helping towns and cities do what is right, and I commend both Hastings and Yahoo for their stewardship.

I hope other companies follow Yahoo's lead, as I hope other communities in our country follow Hastings' example.

RECOGNIZING ''NATIONAL HOMELESS YOUTH AWARENESS MONTH''

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. WELLER of Illinois. Madam Speaker, today Representative MCDERMOTT and I introduced a resolution to designate November as national homeless youth awareness month.

Earlier this month the Ways and Means Income Security and Family Support Subcommittee on which I serve as Ranking Member held a hearing on ''disconnected youth.'' That's a group that includes young people who often drop out of school, don't work, and wind up on the streets. These young people may have family conflict issues, may experience abuse and neglect, or may be or have been in the past involved in the foster care

system. Research completed by the University of Chicago suggests there were nearly 25,000 homeless youth in Illinois in 2004, including 6,353 in the northern Illinois region where the Congressional district I represent is located.

Despite an infusion of millions of dollars in Federal assistance and the dedicated efforts of many interested adults, too many children are troubled, homeless, and disconnected from their families and others who would like to help. Federal initiatives such as the Runaway and Homeless Youth program, the Education for Homeless Children and Youth program, the Family Violence Prevention and Services Discretionary Grants program, and the Chafee Foster Care Independence program have been directed at these problems in recent years.

Yet better serving these children and preventing more youth from winding up on the streets will require better use and coordination of current program funds. We also need to recognize, as one witness at out recent hearing put it, that ''strengthening families is the best way to prevent the suffering and social disconnection among our young people.'' Even as we applaud those young people, including foster youth, who overcome tremendous challenges to succeed in school and beyond, it is hard to overstate the importance of strong families to the raising of young people who grow up to be productive adults. Last year in the Deficit Reduction Act we included specific funds to support private groups that work to strengthen families and promote healthy marriage, which is the foundation for raising healthy children. I am eager to see how those efforts pay off, including to reduce the turmoil in homes that results in too many children ending up on the streets.

We also must acknowledge that kids are connected, and especially as they get older, through their schools. That really means through the circle of friends, teachers, coaches, and other mentors they rely on as they become more independent and develop the habits and skills needed for life on their own.

Kids in foster care already have suffered the trauma of being removed from their own parents. In addition to being bounced from home to home, many foster children suffer the additional turmoil of being bounced from school to school. Studies show high school students who change schools even once are less than half as likely to graduate as those who don't change schools. So it is no wonder there is ''a 20 percentage point difference between the high school graduation rates of foster youth and their peers,'' according to the Kids Count organization.

At this hearing, we heard from Rep. MICHELE BACHMANN of Minnesota. She and her husband have helped raise 23 foster children, and she discussed the importance of achieving stability in their lives, and especially stability in home and school. I have attached her testimony as further evidence of the importance of such stability, and the need for programs to promote it.

In addressing the issue of youth homelessness, we should start by doing whatever we can to ensure that young people in the foster care system complete at least high school, vastly improving their chances of getting a decent job and supporting themselves. One way to do that would be to provide more foster youth especially the opportunity to stay better connected to their schools, including by remaining in a single school whenever possible. That might mean offering scholarships so those in private schools can stay there, or so those who might benefit from private school could do so. Or it could involve something as mundane as bus vouchers so kids can continue going to their current public or private school even if they are sent to live in a foster home across town.

Such efforts will increase the chances foster youth graduate and can create the foundation for a productive and happy life that is the American dream. That will also mean far fewer wind up on the streets, as is the goal of the resolution introduced today. We should all support that.

[Statement of the Honorable Michele Bachmann, a Representative in Congress from the State of Minnesota, June 19, 2007]

TESTIMONY BEFORE THE SUBCOMMITTEE ON INCOME SECURITY AND FAMILY SUPPORT OF THE HOUSE COMMITTEE ON WAYS AND MEANS

Mr. Chairman, Congressman Weller, and members of the Subcommittee, thank you for inviting me to discuss the educational challenges faced by disconnected and disadvantaged youth, specifically foster children.

I am Michele Bachmann, a first-term Member of Congress serving Minnesota's Sixth District. I have a special interest in the quality of education received by foster children because over the course of six years, my family cared for 23 high-need teenagers through the Lutheran Social Services' Treatment Foster Care program.

I believe every child deserves the chance to gain a high-quality education. Growing up, I attended public schools where I was taught using a rigorous curriculum despite the fact that my community was not particularly affluent. While I was in school, my parents divorced and almost overnight my stable, middle-class family was changed forever. Although times were extremely tough, whenever my three brothers and I would become frustrated my mother would tell us to concentrate on our schoolwork, because no matter what happened, no one could ever take our educations away from us. She was right—I left my public high school with a quality education and went on to graduate from college, then law school, and finally to earn an L.L.M. in tax law.

Years later, when my family began to take in foster children, I felt that although our circumstances were very different, I could identify with their pain and frustration. All of them had challenges considered serious enough that they were unable to be placed through the traditional county foster care systems, and our family's role was to provide them with a safe home and see them through to their high school graduations.

We quickly learned that our foster children had very different needs than most children. Almost all of them had been given Individualized Education Plans—individual plans designed for students with special educational needs. Many of the kids had been under the care of counselors, many suffered from eating disorders, and others had difficult behavioral or learning issues. All of them had switched schools at least once, and as a result of their tumultuous home lives, none of them had very strong educational backgrounds.

While through the years some of our foster children performed better in school than others, my husband and I noticed some common problems. Many times, we got the impression that the kids were seen by both their peers and their teachers as if they were only going to be there short term. Although their teachers were welcoming, little special attention was provided to ensure that they caught up to their classmates, and their other needs were often not considered because there were so many other students to attend to. They became small fish swimming in a very large pond.

We also began to notice that not all of our foster children were presented with the quality of coursework we had thought they would receive. Many of them were placed in lower-level classes, as if they were not expected to succeed. One of the kids remarked to me once that she was in ''stupid people math.'' Another brought home an 11th grade math assignment that involved coloring a poster. Yet another told me she had spent an entire week of classes watching movies, and others were being selected for the ''School to Work'' program, in which high school students attended classes for half of the day and were then sent to work minimum-wage jobs at local businesses. Although it had been evident to us from the beginning that because of their backgrounds, our foster children were going to struggle in school, it was frustrating to see that rather than being given the leg up they needed, so many of them felt that they were being left behind. Unfortunately, national studies indicate that this is an extremely common experience for foster children.

What made this experience so heartbreaking is we could clearly see that despite our wishes, our foster children did not get the same opportunities or attention that our biological children received in their school. Our biological children's classes were smaller and more rigorous, the teachers knew all of the students, the students knew each other, and parents were able to be much more involved in their children's educations—all goals which are not always attainable in a large school, but which could have done wonders for our foster children.

As a result of these experiences, I believe it is imperative that Congress examine creating a federal school choice program for foster children, through which foster parents are given the option to place children in their care in either a public or private school long-term, depending on their specific needs. Such a plan would allow foster children requiring more individual attention to attend a school better equipped to help them. Just as important, for the first time in their lives, these children who have become so used to being uprooted would have the chance to be placed in an environment where they could have their special educational needs met and feel as if they belong, where they could remain enrolled even if their homes changed.

Currently, the federal government operates a program for older foster children—the Chafee Foster Care Independence Program—which assists them in transitioning from foster care to life on their own. Among other things, the Chafee Program provides vouchers of up to $5,000 to foster children ages 16 through 18 for education and training. Congress should consider extending this voucher program to foster children of all ages, so foster parents are able to best meet the educational needs of the children in their care by either allowing them to choose a private school or providing them with the funds necessary to transport their children to their original school even if it is outside of their immediate area.

Additionally, Congress should consider extending the extremely successful D.C. school choice program aimed at low-income students, which has drawn more than three times the number of applications as there are available spots. Creating a similar program to serve D.C. foster children as well as those who come from low-income families would be an important step in the direction of giving the option of school choice to all foster children.

In closing, even if placed in the best families, foster children often face the possibility that they will have to change homes, and as a result they must find a safe place of their own where they can become accepted and gain a sense of stability. Although for many foster children school can be such a place, the cases of many others show that under the current system, this is not always possible. I hope my family's experiences highlight the special challenges facing foster children as well as the need for an examination of whether limiting their educational options is truly in their best interests. I thank the Subcommittee for holding this hearing, and I thank you, Mr. Chairman, Congressman Weller, and Subcommittee members for the opportunity to share our story today.

PERSONAL EXPLANATION

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. BRALEY of Iowa. Madam Speaker, on rollcall 564, the Brown-Waite of Florida Amendment, I was not present. If I had been there, I would have voted "no."

On rollcall 565, the Campbell of California Amendment No. 51, I was not present. If I had been there, I would have voted "no."

UNITED STATES–KOREA FREE TRADE AGREEMENT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. BURTON of Indiana. Madam Speaker, this House recently approved H. Res. 295, sponsored by my good friend and colleague from New York, Rep. PETER KING, as well as 35 other Members from both sides of the aisle, to recognize the strong alliance between the Republic of Korea and the United States and to express the House of Representatives' appreciation to the Republic of Korea for its contributions to international efforts to combat terrorism. This resolution properly acknowledged the longstanding and heartfelt friendship between our two great countries.

This coming Saturday, June 30, 2007, marks the 125th anniversary of the Korean-American Treaty of Amity and Commerce, which was signed in 1882, and the 50th anniversary of the Treaty of Friendship, Commerce, and Navigation between the Republic of Korea and the United States, which was ratified in 1957.

Saturday June 30th will also mark another historic milestone in the ever growing relationship between the people of the United States and the people of the Republic of Korea when, in a ceremony to be held right here on Capitol Hill, representatives of both governments are expected to sign the United States-Korea Free Trade Agreement.

The proposed Free Trade Agreement—which still requires Congressional approval before coming into force—is a natural extension of the strong affinity between our two countries, marked by extraordinary diplomatic, political, military, and economic cooperation. Although the devil is always in the details, I understand that this agreement could potentially be the most commercially significant free trade agreement signed by the United States in more than a decade. As many of my colleagues already know, South Korea is already the United States' seventh largest export market and sixth largest market for U.S. agricultural products. In fact, according to the latest statistics, our annual bilateral trade totals nearly $80 billion. Any agreement that can open up more Korean markets to U.S. goods and services can only have a positive effect on the American economy by creating more and better jobs, enriching consumer choice, and boosting U.S. industry and manufacturing.

But there's more at stake here than just economic growth; this FTA recognizes our special relationship with South Korea and reinforces the message that the United States stands squarely behind our friends and allies. I would ask my colleagues to consider just a couple of points:

South Korea is the fifth largest tourism generating country to the United States (with over 800,000 Koreans visiting the U.S. annually);

South Korea has the largest foreign student population in the U.S.;

Nearly 2 million Americans of Korean descent live in communities all across our nation—which is why I support giving serious consideration to South Korea's entry into the Visa Waiver Program;

South Korea is a strong, unwavering ally in the U.S.-led Global War on Terror, having dispatched troops to Iraq (the third largest contingent after the United States and Great Britain), and Afghanistan (where a South Korean soldier was killed during hostile action), and to Lebanon in support of peacekeeping operations; and,

South Korea is a key partner in the Six-Party Talks to resolve North Korea's nuclear issue.

Madam Speaker, I believe that South Korea may be the premier success story of U.S. foreign policy in the post-World War II period. Having assisted South Korea in transforming itself from a war-torn, impoverished economy into a successful democracy with a free enterprise economy (the world's 11th largest), South Korea is now an indispensable partner with the United States in promoting democracy and free market economic principles.

The anticipated ceremony marking the conclusion of negotiations toward a U.S.-Korea Free Trade Agreement will be another opportunity to celebrate and honor the 125 years of friendship and cooperation between the Republic of Korea and the United States. Whether you're for free trade agreements or against them, I ask all my colleagues to join me in recognizing the historic significance of the U.S.-Korea alliance and its growing importance in the years to come.

STATEMENT AGAINST CONGRESSIONAL PAY INCREASE

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. MORAN of Kansas. Madam Speaker, I rise to oppose the current system of administering pay increases for Members of Congress. Since I was first elected by Kansans to represent them in our Nation's capital, I have opposed the hidden process by which Members of Congress receive an annual pay raise.

Right now, the House Agriculture Committee is reauthorizing the farm bill. For Kansans and rural citizens across the country, this is perhaps the most significant piece of legislation Congress will consider this year. Unfortunately, the Democrat-crafted budget does not include enough funding to meet the needs of our Nation's agricultural producers, fulfill the environmental and conservation needs of our country and carry out food stamp and nutrition programs. Congress has been irresponsible with taxpayer dollars for too long and the limitless spending is catching up with us. Vital legislation, like the farm bill, that supports millions of Americans does not have the money available to it to meet the needs of our country.

Members of Congress should not receive a pay increase when the federal budget is this tight. Congress needs to follow the lead of American families and cut out spending that is unnecessary. We should begin today by cutting out the automatic pay raise for Members of Congress.

TO COMMEMORATE CHANGE OF COMMAND, COAST GUARD STATION, HOUSTON, TEXAS

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. LAMPSON. Madam Speaker, I would like to take the opportunity today to commemorate the Change of Command at the Coast Guard Air Station located at Houston's Ellington Field. Captain Norman S. Schweizer was relieved of his command by Commander Sean M. Mahoney on Monday, June 25, 2007.

Captain Schweizer was born and raised in Miami, FL, and graduated from Florida State University in 1984, earning a bachelor of science degree in accounting. Following Officer Candidate School in 1984, his first assignment was as the Assistant Operations Officer at Group Key West, FL. After 20 years of service, Captain Schweizer assumed the duties of Commanding Officer of the Coast Guard Air Station in Houston, TX. His accomplishments include two Meritorious Service Medals, four Coast Guard Commendation Medals, two Coast Guard Achievement Medals, and the Commandant's Letter of Commendation.

The Air Station's new commander, Sean M. Mahoney, is a native of Fishkill, NY, and a graduate of the U.S. Coast Guard Academy where he received a bachelor of science degree in government. His first assignment was as a Deck Watch Officer aboard the *USCGC Morgenthau* in Alameda, CA. Due to honorable service, his decorations include the Air Medal, Coast Guard Commendation Medal, Commandant's Letter of Commendation, and two National Defense Service Medals. He is also a recipient of the Air Force Association of Canada's Air Search and Rescue Award.

Captain Schweizer has played an integral role in leading Air Station Houston in its service to a wide range of Coast Guard missions including search and rescue, homeland security missions, environmental protection, and

maritime law enforcement cases. Over the past 2 years alone, Air Station personnel flew over 4,445 flight hours. ''Always Ready'' flight crews supported nearly 1,000 hours in support of President Bush, homeland security patrols, and military escorts. Houston's personnel responded to over 300 search and rescue cases, saving or assisting nearly 1,100 lives, including an outstanding effort to rescue 890 individuals following Hurricanes Katrina and Rita.

Again, I am privileged to recognize Captain Norman S. Schweizer, Commander Sean M. Mahoney, and Air Station Houston for outstanding service to our country.

TRIBUTE TO THE BLUE NOTES DRUM AND BUGLE CORPS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. STUPAK. Madam Speaker, I rise today to honor a musical group from my district that, for the past 50 years, has traveled Michigan's Upper Peninsula, U.P., entertaining crowds with traditional drum and bugle corps music. The Blue Notes Drum and Bugle Corps began in Ishpeming, MI, on Halloween night in 1957 as an all-boy junior corps. Founded by two dedicated young men, Joe Mayrand and Jim Medlyn, the Blue Notes and Drum Bugle Corps performed in local parades for the first time in the summer of 1958.

In 1959, the Blue Notes Drum and Bugle Corps was expanded and an all-girl color guard was added, under the direction of Mary Blight. In 1960, women were accepted into the Blue Notes horn line for the first time.

Over the next few years, with strong support of hard working parents and the entire Ishpeming community, along with sponsorship by the American Legion Post 58, money was raised to purchase new uniforms and instruments. With a proud community behind them, the Blue Notes soon grew into a competitive drum and bugle corps, well known throughout the Midwest.

During their 20-year existence as a competitive junior drum and bugle corps, the Blue Notes won numerous titles, including 9 State championships. The Corps participated in contests across the Midwest and Canada. Sadly, despite their successes, interest in the Corps dwindled and, in 1977, the junior corps disbanded. Drum and bugle corps music was absent from the Ishpeming area for the next 7 years.

However, in 1984, a group of junior corps alumni, then in their twenties and thirties, came together to consider reviving the corps. After discussions and practice, the group gathered and marched through the July 4th parade in Ishpeming, to honor the high school's 100-year reunion celebration.

The alumni corps' performance electrified the crowd. Having received such a tremendous reception, the alumni group decided to officially reunite and, since then, the revived Blue Notes Drum and Bugle Corps have been performing every year since.

The revived Corps expanded its membership to include not only Blue Notes alumni, but other drum corps alumni and, any musicians interested in sharing their talents. Today, the Blue Notes Drum and Bugle Corps has members from across Michigan's western U.P., including the communities of Ishpeming, Negaunee, Marquette, Gladstone, Gwinn, Ontonagon, Kingsford, Iron Mountain, and even Hurley, WI.

The Blue Notes Drum and Bugle Corps' membership level has fluctuated throughout the years. While having only 8 members in 1984, the Corps boasted 54 members in 1999. Due to these changes in membership, members of the Corps came to realize that the group's continued existence would require a strong recruiting drive. A committee was formed to concentrate on recruiting new members. They targeted younger musicians, those aged 18 to 21, in order to ensure the Corps would remain vibrant even after its older members leave the group.

The recruiting committee's efforts successfully brought several younger members into the group. After seeing the enthusiasm these young people brought to the drum and bugle corps activity, the Blue Notes Drum and Bugle Corps extended membership to high school students.

Today, the 2007 Blue Notes ''50th Anniversary Corps'' has members ranging in age from 14 to 60. They come from all walks of life, but are united by a passion for drum and bugle corps music. Marquette County's only drum and bugle corps, and one of two active drum and bugle corps in the Upper Peninsula, the Blue Notes Drum and Bugle Corps are the pride of Ishpeming. Every summer, they conduct 20 performances across Michigan's Upper Peninsula, participating in parades, playing at community celebrations and keeping the drum and bugle tradition alive throughout the U.P.

Madam Speaker, the Blue Notes Drum and Bugle Corps' stalwart members, who revived the group after the junior corps disbanded in 1977 and their current members, should be commended for their dedication. This month, the Blue Notes Drum and Bugle Corps celebrates its 50 year anniversary. As the Ishpeming community and Michigan's U.P. honor the Blue Notes Drum and Bugle Corps I would ask that you, Madam Speaker, and the entire U.S. House of Representatives join me in saluting them, congratulating them on 50 musical years and wishing them many more years of spreading drum and bugle music throughout our Upper Peninsula.

SALUTING FRED RASCHKE: GALVESTON CHAMBER OF COMMERCE'S BUSINESS LEADER OF THE YEAR

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. PAUL. Madam Speaker, the Galveston Chamber of Commerce has chosen Mr. Fred Raschke as its Business Leader of the Year because, as Galveston Chamber of Commerce President Gina Spagnola said, ''Fred is an extraordinary man who is committed to his family, his faith, his friends as well as service to our community.''

Mr. Raschke is an honors graduate of the University of Texas and a graduate of Texas Tech University School of Law. He is a partner of the Mills Shirley law firm and a member of numerous legal organizations including the Fifth Federal Circuit and American Bar Association, the State Bar of Texas, and the Texas Association of Defense Counsels. His legal practice areas include defense litigation, negligence defense, personal injury defense, toxic tort defense, premises liability, gas, and electric utilities.

In addition to his professional accomplishments, Mr. Raschke's commitment to community service has made him a partner with all the people of Galveston. Mr. Raschke is very involved with several different community organizations including the Salvation Army, Boy Scouts of America, the Galveston Chamber of Commerce and the Galveston Historical Society. He has also served on boards of various Galveston area organizations, including the UTMB School of Nursing Alumni, Development and Community Relations Advisory Council, the Galveston County Economic Alliance, and the Galveston Rotary Club.

Madam Speaker, I am pleased to take this opportunity to join my friends at the Galveston County Chamber of Commerce in saluting Fred Raschke for both his professional accomplishments and his dedication to the Galveston community.

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2008

SPEECH OF

HON. JOHN J. HALL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

The House in Committee of the Whole House on the State of the Union 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:

Mr. HALL of New York. Mr. Chairman, I am a committed advocate for small businesses, which are a driving force in the economy of the Hudson Valley. To help support these businesses, I cosponsored the Small Business Tax Relief Act, which provided a number of tax breaks to local small businesses including enhancement of the work opportunity tax credit and the ability to claim the work opportunity tax credit against AMT liability. I was proud to see the President sign that small business tax relief package into law earlier this year. The bill we considered today, the Financial Services and General Government Appropriations Bill, included over $580 million for the Small Business Administration. Small businesses are a vital part of the 19th district of New York and the country as a whole, and I am committed to helping small business owners succeed in the 21st century and beyond.

During consideration of the Financial Services and General Government Appropriations Bill I voted against an amendment proposed by Congressman GARRETT that would have extended a moratorium on enforcement of

section 404 of the Sarbanes-Oxley Act. I am concerned that the amendment would have weakened the Sarbanes Oxley system, which is designed to ensure transparency in America's corporations and protect innocent shareholders and employees from corporate malfeasance. I have not forgotten what led to the demise of companies like Enron and Worldcom, and I am committed to ensuring that such tragedies are not repeated. I look forward to continuing to work with colleagues to pursue ways to support small business growth and corporate accountability.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8731–S8756

Measures Introduced: Five bills and one resolution were introduced, as follows: S. 1745–1749, and S. Res. 262. **Pages S8741–42**

Measures Passed:

National Security Foreign Investment Reform and Strengthened Transparency Act: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of H.R. 556, to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and the bill was then passed, after striking all after the enacting clause, and inserting in lieu thereof, the text of S. 1610, Senate companion measure, as amended, after agreeing to the following amendment proposed thereto: **Pages S8753–55**

Reid (for Dodd/Shelby) Amendment No. 2002, in the nature of a substitute. **Page S8755**

Subsequently, S. 1610 was returned to the Senate calendar. **Page S8755**

Department of State Crisis Response Act: Senate passed S. 966, to enable the Department of State to respond to a critical shortage of passport processing personnel, after agreeing to the committee amendment in the nature of a substitute. **Pages S8755–56**

National Defense Authorization Act—Agreement: A unanimous-consent agreement was reached providing that at 3:00 p.m., on Monday, July 9, 2007, Senate resume 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. **Page S8756**

Authorizing Leadership to Make Appointments—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, the President of the Senate, the President of the Senate Pro Tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. **Page S8756**

Authority for Committees—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, Senate committees were authorized to file legislative and executive calendar business on Tuesday, July 3, 2007, from 10 a.m. until 12 noon. **Page S8756**

Nominations Confirmed: On Thursday, June 28, 2007, Senate confirmed the following nominations:

By unanimous vote of 99 yeas (Vote No. EX. 237), Benjamin Hale Settle, of Washington, to be United States District Judge for the Western District of Washington.

By unanimous vote of 99 yeas (Vote No. EX. 238), Richard Sullivan, of New York, to be United States District Judge for the Southern District of New York.

Joseph S. Van Bokkelen, of Indiana, to be United States District Judge for the Northern District of Indiana.

Michael W. Tankersley, of Texas, to be Inspector General, Export-Import Bank.

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.

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.

Howard Charles Weizmann, of Maryland, to be Deputy Director of the Office of Personnel Management.

Patrick Dennis Duddy, of Maine, to be Ambassador to the Bolivarian Republic of Venezuela.

William R. Brownfield, of Texas, to be Ambassador to the Republic of Colombia.

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.

Robert B. Nolan, of Virginia, to be Ambassador to the Kingdom of Lesotho.

Cameron Munter, of California, to be Ambassador to the Republic of Serbia.

Peter Michael McKinley, of Virginia, to be Ambassador to the Republic of Peru.

Frederick B. Cook, of Florida, to be Ambassador to the Central African Republic.

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.

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 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.

Stephen A. Seche, of Virginia, to be Ambassador to the Republic of Yemen.

Nancy J. Powell, of Iowa, to be Ambassador to Nepal.

Maurice S. Parker, of California, to be Ambassador to the Kingdom of Swaziland.

June Carter Perry, of the District of Columbia, to be Ambassador to the Republic of Sierra Leone.

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.

Anne Woods Patterson, of Virginia, to be Ambassador to the Islamic Republic of Pakistan.

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.

Roderick W. Moore, of Rhode Island, to be Ambassador to the Republic of Montenegro.

William John Garvelink, of Michigan, to be Ambassador to the Democratic Republic of the Congo.

Wanda L. Nesbitt, of Pennsylvania, to be Ambassador to the Republic of Cote D'Ivoire.

66 Air Force nominations in the rank of general.

By 94 yeas 4 nays (Vote No. EX. 236), Lt. Gen. Douglas E. Lute U.S. Army.

49 Army nominations in the rank of general.

3 Marine Corps nominations in the rank of general.

35 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Foreign Service, Marine Corps, Navy.

Nominations Received: On Thursday, June 28, 2007, Senate received the following nominations:

Donald B. Marron, of Maryland, to be a Member of the Council of Economic Advisers.

Brent T. Wahlquist, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement.

Christopher Egan, of Massachusetts, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador.

Reed Verne Hillman, of Massachusetts, to be United States Marshal for the District of Massachusetts for the term of four years.

Thomas M. Beck, of Virginia, to be a Member of the Federal Labor Relations Authority for a term expiring July 29, 2012.

Paul J. Hutter, of Virginia, to be General Counsel, Department of Veterans Affairs.

1 Air Force nomination in the rank of general.

1 Marine Corps nomination in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Navy.

Nominations Withdrawn: On Thursday, June 28, 2007, Senate received notification of withdrawal of the following nominations:

John Ray Correll, of Indiana, to be Director of the Office of Surface Mining Reclamation and Enforcement, which was sent to the Senate on January 9, 2007.

Dale Cabaniss, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 29, 2012, which was sent to the Senate on March 12, 2007.

Adjournment: Senate convened at 9:45 a.m. and adjourned, pursuant to the provisions of H. Con. Res. 179, at 12:51 p.m., until 2 p.m on Monday, July 9, 2007. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8756.)

Committee Meetings

(Committees not listed did not meet)

No committee meeetings were held.

House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet at 2 p.m. on Tuesday, July 10, 2007, pursuant to the provisions of H. Con. Res. 179.

Committee Meetings

INTERNATIONAL STUDENTS AND VISITING SCHOLARS

Committee on Foreign Affairs: Subcommittee on International Organizations, Human Rights and Oversight and the Subcommittee on Higher Education, Lifelong Learning and Competitiveness of the Committee on Education and Labor held a joint hearing on International Students and Visiting Scholars: Trends, Barriers, and Implications for American Universities and U.S. Foreign Policy. Testimony was heard from Thomas A. Farrell, Deputy Assistant Secretary, Academic Programs, Bureau of Educational and Cultural Affairs, Department of State; James Manning, Acting Assistant Secretary, Postsecondary Education, Department of Education; George Scott, Director, Education, Workforce and Income Security Team, GAO; and public witnesses.

VETERANS MEASURES

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity approved for full Committee action the following bills: H.R. 1315, To amend title 38, United States Code, to provide specially adaptive housing assistance to certain disabled members of the Armed Forces residing temporarily in housing owned by a family member; H.R. 1750, amended, To amend the Servicemembers Civil Relief Act to extend from 90 days to 1 year the period after release of a member of the Armed Forces from active duty during which the member is protected from mortgage foreclosure under that Act; H.R. 1240, amended, To direct the Secretary of Veterans Affairs to establish a scholarship program for students seeking a degree or certificate in the areas of visual impairment and orientation and mobility; and H.R. 1632, amended, Improving Veterans' Reemployment Act of 2007.

Next Meeting of the SENATE

2 p.m., Monday, July 9

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 3 p.m.), Senate will resume consideration of H.R. 1585, National Defense Authorization Act; following which, Senate expects to vote on certain judicial nominations at 5:30 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, July 10

House Chamber

Program for Tuesday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

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